

# Complaints Management Policy

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## 1. Purpose.

The purpose of this policy is to provide a coherent and integrated system for the handling of complaints about Council administration and conduct.

This policy should be read in conjunction with the Internal Ombudsman's guidelines October 2003.

## 2. Policy Statement

Warringah Council provides democratic government through its services and facilities for the benefit of our customers who include residents of Warringah, local businesses and the many visitors to the area. Customers have the right to expect satisfactory standards of work and good conduct in service delivery.

At times, the performance of the Council might not be to the satisfaction of customers. In those circumstances we are committed to ensuring the opportunity is available to express dissatisfaction through an effective complaints system and that any complaint received through the system is dealt with courteously, investigated fully and acted on within an appropriate time period.

We will use the opportunity through the investigation, reporting and corrective action stages to increase our knowledge of customer expectations, enable a review of systems, policies, practices and procedures and effect improvements to service delivery where appropriate.

All complaints (as defined in this policy) will be dealt with according to this policy. All complaints received by any Council officer will be referred to a designated complaints registration officer (CRO). All complaints will be passed to the Internal Ombudsman for assessment and recommendations for further action, in accordance with this policy. The Internal Ombudsman does not review decisions of Council. The Internal Ombudsman is impartial and independent from the executive and administrative functions of Council and reports directly to the General Manager.

Complaints by Council staff that come within the ambit of the Protected Disclosures Act can be made directly to the Internal Ombudsman.

Complaints in relation to competitive neutrality will be forwarded to the General Manager for consideration and/or referral to an appropriate external authority for investigation. The General Manager is responsible for the adoption, implementation and review of the Complaints Management Policy and for the management of complaints concerning Councillors.

### **3. Principles**

#### **3.1. Definition of a complaint:**

A complaint is an allegation by a resident, visitor, Council officer, Councillor or any other person that relates to maladministration, misconduct, or any form of corrupt or unlawful behaviour by Council administration (except for decisions made in lawfully convened Council meetings), Council officers, Councillors or Council delegates.

Maladministration includes actions by Council or Council officers that may be one or more of the following:

- Contrary to law
- Unreasonable
- Unjust
- Oppressive
- Improperly discriminatory
- Involve the application of law or practice such that it will result in an unreasonable, unjust, oppressive or improperly discriminatory outcome
- Result from improper motives
- Result from irrelevant grounds/considerations
- Be based on a mistake of law
- Based on a mistake of fact
- Failure to give reasons
- Otherwise wrong

Misconduct includes but is not limited to any actions by Councillors, Council delegates or Council officers that breach their obligations in accordance with Council's Code of Conduct.

For the purposes of this policy a complaint is not an expression of dissatisfaction with the level, quality or timeliness of Council services or levels of communication of Council officers unless such expressions of dissatisfaction cannot be resolved through normal Council procedures, the matter has reached an impasse, and the customer expresses a clear desire and intention to lodge a formal complaint in relation to the matter. Council staff will

continue to use all existing mechanisms to resolve the issues raised by customers.

Any person who contacts Council and expresses a desire to make a formal complaint via the council's formal complaints system will have their matter recorded as a complaint. They will, however, be encouraged to use all existing Council procedures to resolve their issue. Nothing in this policy prevents such a complaint being referred back to the appropriate service department for resolution.

### **3.2. Service requests and service queries**

At first point of contact, service requests do not usually constitute a complaint. General action/requests for service and information/follow up will be provided to the customer by frontline staff in operational areas. When first received, requests are treated as normal business in service delivery

Staff are encouraged and expected to actively listen to the customer and advise/provide the service requested. Service requests will be logged on Dataworks as appropriate.

Complaints are different from requests for service or queries in relation to levels, quality or timeliness of Council services. A request for service only becomes a complaint when: the matter has reached an impasse and cannot be resolved to the customer's satisfaction; and, the customer formally asks to make a complaint in relation to actions (or inaction) of Council officers in relation to the original request for service.

### **3.3. Receipt of complaints**

A complaint may be made in the form of a written statement received by letter, electronic mail or facsimile, or a verbal statement received by telephone or in person by a staff member or a Councillor. It is preferable, but not necessary, that complaints are received in writing and that complainants identify themselves.

Anonymous complaints will not be pursued unless they can be independently corroborated.

## **4. Rationale**

We respond to complaints from the community, visitors, business organisations and Council staff because:

- Complaints represent one measure of dissatisfaction with the way council does its business. They provide an opportunity to gather

information about community expectations and customer perceptions and levels of satisfaction;

- Complaints can identify decisions, policies, procedures, services and facilities needing improvement or review;
- Complaints provide an opportunity to investigate and respond effectively to individual cases of dissatisfaction;
- Effective complaint resolution provides an opportunity to strengthen public support for Council's endeavours.

All complaints will be treated with equity according to the principles in this Policy and the procedures attached to this policy. If any Council officer is unsure as to whether any communication from a person represents a complaint they should clarify the issue with their Service Unit Manager, or Director as appropriate. If this is not possible or inappropriate then they should clarify the matter with the Internal Ombudsman.

## **5. Objectives**

The objectives of Warringah Council's Complaints Management Policy are:

- To enable customers to lodge a complaint with the Council,
- To enable the Council to investigate that complaint,
- To facilitate the resolution of that complaint in accordance with the Council's statutory powers and responsibilities,
- To allow audit, monitoring and analysis to take place on complaints related data. The use of such data will assist in formulating governance and administrative procedures that improve Council delivery of services, and
- In the resolution of complaints, develop community confidence and community trust that the Council is a responsive and caring local government.

The outcomes we expect from applying these objectives are:

- Staff and customer awareness of the Complaints Management Policy and commitment to our procedures
- Effective and timely response to individual complaints
- Probity, equity and open access to Council's information except confidential information
- Improved decisions, policies, procedures, services and facilities as a result of principal areas of dissatisfaction being regularly documented and reviewed by Senior Management, and appropriate corrective action taken
- Improved customer satisfaction in all areas of our business

This policy will be reviewed on 14 April 2003. This review will include an examination of the functioning of the role of the Complaints Registration Officer.

## **6. Amendments**

6.1. Nil

## **7. Authorisation**

The Complaints Management policy was authorised by the General Manager on the November 2003.

## **8. Who is responsible for implementing this policy?**

The responsibility for the implementation of the Complaints Management policy is with the Internal Ombudsman.

## **9. Document owner**

The owner of the Complaints Management Policy is the General Manager.

## **10. File number**

## **11. Legislation and references**

### **11.1. Legislation**

The legislation that relates to Warringah Council's Complaints Management policy is:

The Protected Disclosures Act 1994

### **11.2. Definitions**

In these Guidelines, except in so far as the context or subject matter otherwise indicates or requires:

“Affected person” means any Council officer who could be sanctioned as an outcome of a complaint made under this policy.

“Council” means the Council of Warringah and includes an administrator;

“Councillor/s” means the Councillor/s of the Warringah Council;

“General Manager” means the General Manager of the Warringah Council;

“Internal Ombudsman” means the Office of the Internal Ombudsman and includes any personnel conducting activities associated with, or on behalf of, the Internal Ombudsman.

“Mayor” means the elected Mayor of Warringah Council. Whilst Council has an Administrator they shall assume the role of Mayor for the purposes of these guidelines.