Policy

FILE NO: **PSC2010-00008**

TITLE: **COMPLAINT HANDLING POLICY**

POLICY OWNER: **GOVERNANCE SECTION MANAGER**

1. PURPOSE:

1.1 The Complaint Handling Policy (the Policy) is intended to ensure that we handle complaints fairly, efficiently and effectively. Port Stephens Council's complaint management system is intended to:

a) enable us to respond to issues raised by people making complaints in a timely and cost-effective way.
b) boost public confidence in our administrative process.
c) provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

1.2 The Policy provides guidance to our staff and people who wish to make a complaint about Council's performance or operations.

2. CONTEXT/BACKGROUND:

2.1 Council has had a Complaint Handling Policy for many years which has been in alignment with the NSW Ombudsman's model Complaint Handling Policy.

2.2 The model policy has been updated following a review of the Australia/New Zealand Standard: Guidelines for complaint management in organisations (AS/NZ 10002:2014).

2.3 The Policy provides an open and transparent process for the management of complaints at Council.

2.4 Council views a complaint as an opportunity to improve on service delivery when all circumstances have been considered.

3. SCOPE:

3.1 Port Stephens Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution.	• Report publicly on Port Stephens Council's complaint handling. • Provide adequate support and direction to key staff responsible for handling complaints. • Regularly review reports about complaint trends and issues arising from complaints. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Encourage staff to make recommendations for system improvements. • Recognise and reward good complaint handling by staff. • Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data. • Views a complaint as an opportunity for improved service delivery.
Manager responsible for complaint handling	Establish and manage our complaint management system.	• Provide regular reports to the General Manager on issues arising from complaint handling work. • Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate. • Recruit, train and empower staff to resolve complaints promptly and in accordance with Port Stephens Council's policies and procedures. • Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly. • Recognise and reward good complaint handling by staff.

Who	Commitment	How
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	• Treat all people with respect, including people who make complaints. • Assist people make a complaint, if needed. • Comply with this policy and its associated procedures. • Keep informed about best practice in complaint handling. • Provide feedback to management on issues arising from complaints. • Provide suggestions to management on ways to improve the organisation's complaints management system. • Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.
All staff	Understand and comply with Port Stephens Council's complaint handling practices.	• Treat all people with respect, including people who make complaints. • Be aware of Port Stephens Council's complaint handling policies and procedures. • Assist people who wish to make complaints access the Port Stephens Council's complaints process. • Be alert to complaints and assist staff handling complaints to resolve matters promptly. • Provide feedback to management on issues arising from complaints. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

3.2 Guiding principles.



3.3 Facilitate complaints

People focus

3.3.1. Port Stephens Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling. Such complaints provide Council with an opportunity for improved service delivery.

3.3.2. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame, in accordance with Council's Customer Service Framework.

3.3.3 People making complaints will be:

a) provided with information about our complaint handling process.
b) provided with multiple and accessible ways to make complaints; such as in person, by letter, email or through assistance by other parties including staff.
c) listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
d) provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

3.3.4 Port Stephens Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous complaints

3.3.5 Port Stephens Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. It should be acknowledged that by making an anonymous complaint it may not be obvious to you what action Council has taken.

Accessibility

3.3.6 Port Stephens Council will ensure that information about how and where complaints may be made to or about us is well publicised. Council will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

3.3.7 If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (eg advocate, family member, legal or community representative, member of Parliament, another organisation).

No charge

3.3.8 Complaining to Port Stephens Council is free.

3.4 Respond to complaints

Early resolution

3.4.1 Where possible, complaints will be resolved at first contact with Port Stephens Council.

Responsiveness

3.4.2 Council will promptly acknowledge receipt of complaints.

3.4.3 Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

3.4.4 Port Stephens Council is committed to managing people's expectations, and will inform them as soon as possible of the following:

a) The complaints process.
b) The expected time frames for our actions.
c) The progress of the complaint and reasons for any delay.
d) Their likely involvement in the process.
e) The possible or likely outcome of their complaint.

3.4.5 Council will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

3.4.6 Council will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

Objectivity and fairness

3.4.7 Council will address each complaint with integrity and in an equitable, objective and unbiased manner.

3.4.8 Council will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

3.4.9 Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

Responding flexibly

3.4.10 Council staff are empowered to resolve complaints promptly and with as little formality as possible, where appropriate. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

3.4.11 Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

Confidentiality

3.4.12 Council will protect the identity of people making complaints where this is practical and appropriate.

3.4.13 Personal information that identifies individuals will only be disclosed or used by the Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.5 Manage the parties to a complaint

Complaints involving multiple agencies

3.5.1 Where a complaint involves multiple organisations, we will work with the other organisation/s where possible; to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

3.5.2 Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

3.5.3 Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

3.5.4 Where our services are contracted out, Council expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of Council staff but also the actions of service providers.

Complaints involving multiple parties

3.5.5 When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

Empowerment of staff

3.5.6 All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

3.5.7 Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

Managing unreasonable conduct by people making complaints

3.5.8 Council is committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

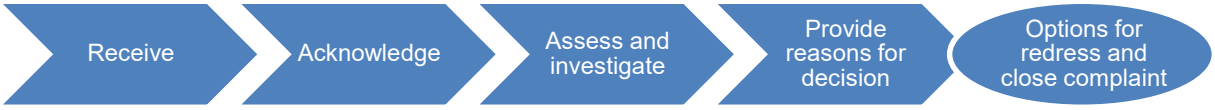
a) Council's ability to do our work and perform our functions in the most effective

and efficient way possible the health, safety and security of our staff, and Council's ability to allocate our resources fairly across all the complaints we receive.

b) When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support Council staff to do the same in accordance with this policy.

3.5.9 For further information on managing unreasonable conduct by people making complaints, please refer to Council's Managing Unreasonable Complainant Conduct policy.

3.6 Complaint management system



Introduction

3.6.1 When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

3.6.2 Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

3.6.3 The five key stages in our complaint management system are set out below.

Receipt of complaints

3.6.4 Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information. Council will also assign a unique identifier to the complaint file, where appropriate.

3.6.5 The record of the complaint will document:

a) the contact information of the person making a complaint;
b) issues raised by the person making a complaint and the outcome/s they want;
c) any other relevant;
d) any additional support the person making a complaint requires.

Acknowledgement of complaints

3.6.6 Council will acknowledge receipt of each complaint promptly, and preferably within seven (7) working days.

3.6.7 Consideration will be given to the most appropriate medium (eg email, letter) for communicating with the person making a complaint.

3.7 Initial assessment and addressing of complaints

Initial assessment

3.7.1 After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's control. Council will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

3.7.2 When determining how a complaint will be managed, Council will consider:

a) how serious, complicated or urgent the complaint is.
b) whether the complaint raises concerns about people's health and safety.
c) how the person making the complaint is being affected.
d) the risks involved if resolution of the complaint is delayed.
e) whether a resolution requires the involvement of other organisations.

Addressing complaints

3.7.3 After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

a) Give the person making a complaint information or an explanation.
b) Gather information from the product, person or area that the complaint is about, or investigate the claims made in the complaint.

3.7.4 Council will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

Providing reasons for decisions

3.7.5 Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them:

a) the outcome of the complaint and any action we took.
b) the reason/s for our decision.
c) the remedy or resolution/s that we have proposed or put in place.
d) any options for review that may be available to the complainant, such as an internal review, external review or appeal.

3.7.6 If in the course of investigation, Council make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the Privacy and Personal Information Protection Act 1998 and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Closing the complaint, record keeping, redress and review

3.7.7 Council will keep comprehensive records about:

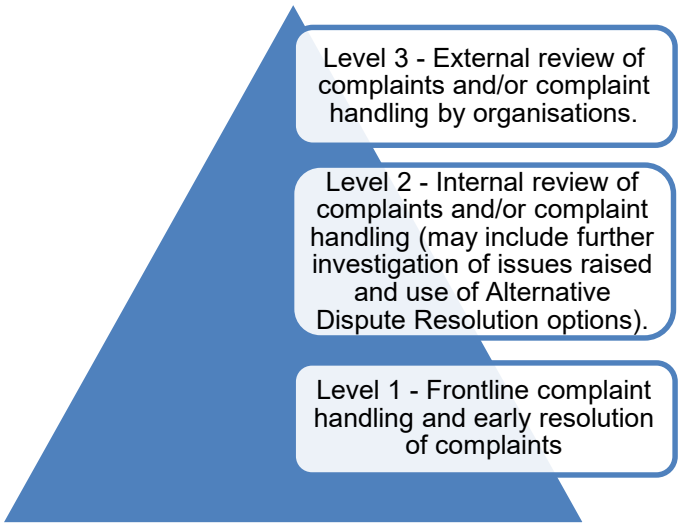
a) how we managed the complaint.
b) the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations.
c) any outstanding actions that need to be followed up.

3.7.8 Council will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

Alternative avenues for dealing with complaints

3.7.9 Council will inform people who make complaints to or about us about any internal or external review options available to them (including, but not limited, to the NSW Ombudsman and/or the NSW Office of Local Government).

3.8 The three levels of complaint handling



3.8.1 Council aims to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

3.8.2 Where this is not possible, Council may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

a) Assessment and possible investigation of the complaint and decision/s already made; and/or
b) facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

3.8.3 Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision by the NSW Ombudsman.

3.8.4 All permanent residents who reside in a Port Stephens Beachside Holiday Park have the right to contact the Energy & Water Ombudsman NSW (EWON), including to lodge a complaint or for free independent information and advice. EWON is the government approved dispute resolution scheme for New South Wales energy customers. EWON receives, investigates and resolves customer complaints and disputes.

EWON's contact details are:

Energy & Water Ombudsman NSW
Post Reply Paid 86550,
Sydney South NSW 1234

Freecall	1800 246 545
Online Complaint	www.ewon.com.au/complaints
Email	complaints@ewon.com.au
Website	www.ewon.com.au

3.9 Accountability and learning

Analysis and evaluation of complaints

3.9.1 Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Council currently uses two system; Electronic Document Records Management System and the Customer Request Management system (CRM).

3.9.2 Regular reports will be run on:

a) the number of complaints received.
b) the outcome of complaints, including matters resolved at the frontline.
c) issues arising from complaints.
d) systemic issues identified.
e) the number of requests we receive for internal and/or external review of our complaint handling.

3.9.3 Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

3.9.4 Both reports and their analysis will be provided to the General Manager and senior management for review.

Monitoring of the complaint management system

3.9.5 Council will continually monitor our complaint management system to:

a) ensure its effectiveness in responding to and resolving complaints.
b) identify and correct deficiencies in the operation of the system.
c) monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

Continuous improvement

3.9.6 Council is committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

a) support the making and appropriate resolution of complaints.
b) implement best practices in complaint handling.
c) recognise and reward exemplary complaint handling by staff.
d) regularly review the complaints management system and complaint data.
e) implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Complaint	Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint covered by this Policy can be distinguished from: a) staff grievances [see our grievance procedure]; b) public interest disclosures made by our staff [see our internal reporting policy]; c) code of conduct complaints [see our code of conduct for definition, otherwise the complaint may be covered by this policy]; d) responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]; e) reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback]; f) service requests [see definition of 'service request' below]; g) requests for information [see our access to information policy].
Complaint management system	All policies, procedures, practices, staff, hardware and software used by Council the management of complaints.
Dispute	An unresolved complaint escalated either within or outside of our organisation.

Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Policy	A statement or instruction that sets out how we should fulfil our vision, mission and goals.
Procedure/process	A statement or instruction that sets out how our policies will be implemented and by whom.
Public interest disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.
Service request	Service request includes: a) requests for approval. b) requests for action. c) routine inquiries about the organisation's business. d) requests for the provision of services and assistance. e) reports of failure to comply with laws regulated by the organisation. f) requests for explanation of policies, procedures and decisions.

5. STATEMENT:

5.1 The Policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.

5.2 Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

6. RESPONSIBILITIES:

6.1 General Manager, Group Managers and Section Managers are responsible for implementing and complying with the Policy.

6.2 Governance Section Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

7.1 Local Government Act 1993
7.2 Public Interest Disclosure Act 1994
7.3 Ombudsman Act 1974
7.4 Independent Commission Against Corruption 1988
7.5 Government Information (Public Access) Act 2009
7.6 Code of Conduct
7.7 NSW Ombudsman - Managing Unreasonable Complainant Conduct Practice Manual

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EDRMS container No	PSC2010-00008	**EDRMS record No**	21/150615
Audience	Port Stephens community and Council employees		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	3 years	**Next review date**	30 April 2024
Adoption date	12 July 2016		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	16/02/1999	Assistant General Manager	Adopted by Council	069
2.0	14/12/2010	Executive Officer	Adopted by Council	410
3.0	09/04/2013	Executive Officer	Adopted by Council	088

Version	Date	Author	Details	Minute No.
4.0	12/07/2016	Governance Manager	A major re-drafting in line with the model complaint handling policy of the NSW Ombudsman. Transferred into the new policy template and corporate branding.	209
4.1	14/08/2018	Governance Manager	Reviewed the policy, included numbering to each paragraph and updated version control. 3.9.2 – replaced RM8 with Records Management System	248

Version	Date	Author	Details	Minute No.
4.2	26/03/2019	Governance Section Manager	Reviewed policy and updated version control. Policy owner title updated. 1.1, 3.3.2, 3.4.4, 3.5.8, 3.6.5, 3.7.2, 3.7.3, 3.7.5, 3.7.7, 3.8.2, 3.9.2, 3.9.5, 3.9.6, 4.1 Definition – 'complaint' and 'service request' – all dot points removed and replaced with alpha listing for ease of reference. Included numbering at 3.3.6. 3.5.13 – deleted numbering. 4.1 – Definition 'Complaint' c) updated. 6.2 – Governance Section Manager title updated.	064

Version	Date	Author	Details	Minute No.
4.3	27/4/2021	Governance Section Manager	The policy was transferred into new policy template and updated version control. Minor review to the policy at: 1.1 – change to reflect policy title. 1.2, 5.1, 6.1 – replace “this” with “the”. 1.2 – update to reflect purpose of the policy. 2.1 – replace ‘have’ with ‘has’. 3.3.2 – replace “Charter” with “Framework”. 3.3.3 – replace ‘multiples’ with ‘multiple’. 3.4.12 – insert ‘will’. 3.6.4 – include”, where appropriate”. 3.7.6 – remove italics. 3.8.4 – insert new paragraph 3.9.1 – include “Electronic Document” and “the”.	100