



CUMBERLAND  
CITY COUNCIL

# Compliments and Complaints Management Policy

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	<i>POL-020</i>
<b>Policy Owner</b>	<i>Director Finance &amp; Governance</i>
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## 1. Introduction

Cumberland City Council is committed to providing excellent customer service to the community. Council encourages and values all customer feedback as it assists with the ongoing review and improvement of service delivery. Council recognises that a proactive feedback management approach and effective complaints management system are vital in enabling the capturing and actioning of community feedback.

## 2. Policy Statement

This policy establishes Council's framework of compliments and complaints handling, to ensure that all feedback received by Council is addressed promptly and fairly through a transparent and consistent process.

## 3. Objectives

The objectives of this policy are to:

- Provide a clear and transparent process for the lodgement of compliments and complaints.
- Ensure that compliments and complaints are handled in a fair and consistent process, thereby enhancing the reputation of the Council and community confidence in its administrative processes.
- Outline Council's management of unreasonable complainant conduct.
- Outline the reporting mechanisms where complaint handling statistics will be made publicly available.

## 4. Principles

Council's compliments and complaints management system is underpinned by the following principles:

- **Accessibility:** The process for the community to lodge a complaint and the investigative process are easy to access and understand.
- **Accountability:** Provide transparency for public scrutiny into the Council complaint management system to allow reporting to management and annual reporting. Accountabilities for complaint handling are clearly defined and documented within this policy.
- **Confidentiality:** The confidentiality to be accorded to complainants and complaints should be considered. In particular, personally identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws and ethical obligations.
- **Continuous improvement:** Complaint feedback is reviewed and utilised for improvements to service delivery to enhance public confidence that complaints will be addressed and that the relevant legislation, regulations and policies, including the Code of Conduct, will be applied.
- **Objectivity and fairness:** Complaint processes are open, transparent, and objective with fair and reasonable outcomes.
- **Responsiveness:** Complaints are acknowledged, assessed and resolved within the specified service standard.
- **Review:** There are internal and external complaint decision review avenues, which are notified to complainants.
- **Solutions focused:** Staff will consider complaints, make enquires where necessary, talking with the complainants in seeking resolutions at the first opportunity.

## 5. Definitions

**Child:** A person who is under the age of 16 years.

**Complaint:** A complaint is an expression of dissatisfaction with the level or quality of service provided by Cumberland City Council. This includes dissatisfaction with: the outcome of a decision; any delay in a Council's decision/action; the level or quality of service; the failure to adhere to a policy or procedure, or behaviour of an employee or agent of Council, which can be investigated and acted upon. A complaint is not a routine service request for action or an enquiry about the progress of a matter.

**Compliment:** A compliment is an expression of praise or regard for service received or performance delivered by Council or its staff.

**Frivolous complaints:** Frivolous complaints are complaints deemed to be trivial or unreasonable in nature, typically made with the intent of causing a nuisance.

**Internal Ombudsman Shared Service:** provides residents, community members, ratepayers, local businesses, staff, Councillors and other Council stakeholders with an "independent complaint avenue" regarding: administrative conduct; unethical behaviour by Council; corrupt conduct; misconduct; or maladministration.

**Service request:** A service request is not considered a complaint under this policy and includes:

- Initial requests for approval and/or action
- Requests within the timeframes specified in Council's *Customer Service Standards*
- A matter where the issue is the responsibility of another authority or service provider
- Requests for the explanation of policies, procedures and decisions.

**Unreasonable complainant:** Unreasonable complainant conduct can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

**Vexatious complaints:** Vexatious complaints are complaints received without sufficient grounds, aiming to cause annoyance or harm to the subject of the complaint.

**Young person:** A person who is aged 16 years or above but who is under the age of 18 years.

## 6. Compliments and Complaints Management Framework

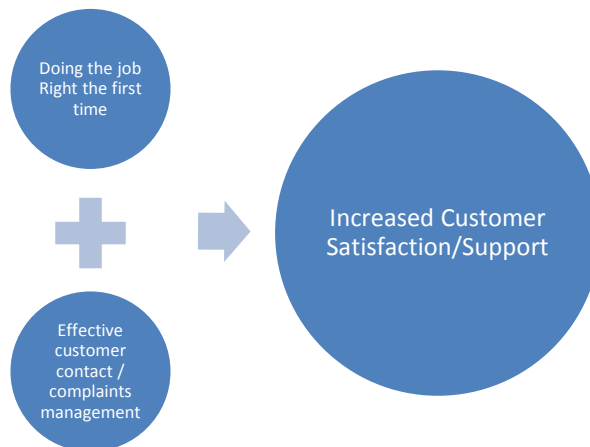
### 6.1 Compliments Management

All compliments will be referred to the Complaints and Feedback Coordinator for recording in Council's Compliments and Complaints Register. All compliments will then be referred to the relevant supervisor or manager for appropriate action.

Council has a reward and recognition program for staff whereby managers can nominate a high performing staff member or team for an award or small incentive from time to time.

### 6.2 Complaints Management Framework

This policy is based on the customer satisfaction formula as suggested by the NSW Ombudsman's *Effective Complaint Handling Guidelines (2<sup>nd</sup> Edition - December 2010)* and the Australian Standard AS ISO 10002:2006, *MOD Customer Satisfaction – Guidelines for complaints handling in organisations*.



For the purposes of this policy, a service request is not considered a complaint. Service requests are typically handled directly by the responsible department within Council.

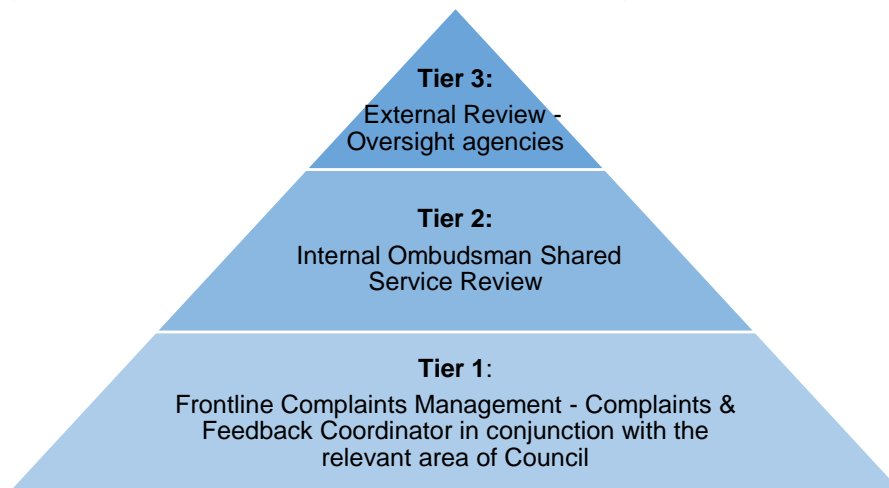
All complaints will be handled in accordance to the relevant policy or legislation, in particular in accordance with Council’s *Code of Conduct*, and the Internal Ombudsman Shared Service’s *Internal Ombudsman Governance Charter*. Council will also be guided by the following NSW Ombudsman publications:

- *Managing Unreasonable Complainant Conduct (2nd Ed – 2012)*
- *Effective Complaint Handling Guidelines (3rd Ed – Feb 2017)*

### 6.3 Complaint Handling Three Tier Model

A three tiered approach to complaints handling aims to have complaints responded to and resolved fairly and efficiently, subject to their seriousness and stage in the process.

The following outlines the three tier model for the management of complaints:



Due to legislative or policy requirements, certain complaint types may need to be handled in a specific fashion. This may include but are not limited to the following complaint types, which typically will be referred to tier 2 or 3:

- Criminal matters
- Alleged corrupt conduct
- Public interest disclosures

- Code of Conduct complaints
- Complaints regarding the General Manager
- Complaints and allegations against staff involving a child or young person
- Competitive neutrality matters.

For more information on the handling of the above complaint types, including a list of oversight agencies and their contact details, please refer to the *Compliments and Complaints Management Guidelines*.

#### **6.4 Child Protection Complaints**

Child protection is everybody's business. Cumberland City Council is committed to the care and protection of children and young people. This is in adherence to child protection legislation in the following areas:

- Allegations against staff – *Ombudsman Act 1974* (NSW)
- Mandatory reporting of risk of significant harm – *Children and Young Persons (Care and Protection) Act 1998*
- Selection and recruitment – *Child Protection (Working with Children) Act 2012*
- Child-safe organisation – principles for child-safe organisations and the Royal Commission recommendations report (2017)

If concerns are raised in relation to safety and welfare of children or young people, the relevant complaints procedures should be followed. All allegations in relation to staff abusing or harming children or young people (an allegation of reportable conduct) must be immediately reported to the Internal Ombudsman Shared Service, who will in turn investigate or engage an external investigator and report the matter to the relevant oversight agency in accordance with Council's reporting obligations. Any children or young people that Council suspect are at risk of significant harm will be reported to the Child Protection Helpline.

For more information on the handling and reporting of child protection complaints, please refer to the *Compliments and Complaints Management Guidelines*.

#### **6.5 Complaints that may not be Investigated**

Council may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter.
- Is already lodged and is under review with Council as a complaint by the same complainant.
- Relates to the employment of Council staff.
- Relates to the actions or conduct between individuals in a private matter.
- Involves threats made against Council. Any threats made against Council will be reported to the relevant authorities at the first instance.

#### **6.6 Anonymous Complaints**

Council will record anonymous complaints and act when there is sufficient information provided at the time the complaint is lodged. Council may be unable to validate a complaint or seek further information to progress a complaint when the source of the complaint is unknown. Anonymous complaints therefore may not be investigated.

## 7. Managing Unreasonable Complainant Conduct

Council will take proactive and decisive action to manage any conduct that negatively or unreasonably affects Council officials.

Council will use the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual* as a guide for both identifying unreasonable conduct and establishing strategies to address that conduct.

Council recognises the categories of unreasonable customer conduct listed in the NSW Ombudsman's *Unreasonable Complainant Conduct Model Policy* to include:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

The General Manager (or their delegate) will consider instances of unreasonable complainant conduct and may authorise limitations or adaptations for the complainant's future interactions with Council. This may include:

- Who the customer can contact within Council
- What issues they can raise with Council
- When the customer can contact Council
- Where the customer is able to make contact with Council and/or
- How they make contact with Council

Further information on unreasonable complainant conduct is outlined in Council's *Compliments and Complaints Management Guidelines*.

## 8. How to Make a Compliment or Complaint

Compliments and complaints made to Council in accordance with this policy and its three tier approach are to be made in writing as follows:

At the first instance to Council's Complaints and Feedback Coordinator:

<b>Email:</b> council@cumberland.nsw.gov.au	
<b>Online Complaints and Feedback Form:</b> <a href="http://www.cumberland.nsw.gov.au">www.cumberland.nsw.gov.au</a>	
<b>Phone:</b> Council Customer Contact Centre on (02) 8757 9000	
<b>Complaints and Feedback Form by Post:</b> Attn: Complaints and Feedback Coordinator PO BOX 42 Merrylands NSW 2160	
<b>In person:</b> At our Customer Service Centres during regular business hours:	
<b>Merrylands Service Centre</b> 16 Memorial Avenue Merrylands NSW 2160 Business Hours: 8.00am to 4.30pm	<b>Auburn Service Centre</b> 1 Susan Street Auburn NSW 2144 Business Hours: 8.00am to 4.30pm

Should a complainant remain dissatisfied, a complaint can then be referred to the Internal Ombudsman Shared Service outlining the concerns with the outcome or handling of a complaint.

The Internal Ombudsman Shared Service contact details are as follows:

<b>By Post:</b> Internal Ombudsman Shared Service 11 Northumberland Road Auburn NSW 2144
<b>Email:</b> <a href="mailto:internalombudsman@cumberland.nsw.gov.au">internalombudsman@cumberland.nsw.gov.au</a>
<b>Phone:</b> (02) 8757 9044

If a complainant is not satisfied with the outcome at the second tier stage, or for other complaint types as outlined in 6.3, then further remedy can be sought via the relevant external agency. A list of these agencies are detailed in the *Compliments and Complaints Management Guidelines*.

### **8.1 Assistance in Making a Compliment or Complaint**

If a complainant prefers or needs another person or organisation to assist or represent in making and/or assisting in the resolution of the complaint, Council will communicate through the main nominated representative.

## **9. Responding to Compliments and Complaints**

Council will acknowledge all compliments and complaints in writing within 3 business days.

Council will aim to ensure that complaints are resolved within 15 business days. Where the nature of the complaint requires investigation or a more complex response, the complainant will be advised within the 15 business day timeframe of the anticipated timeframe for response and the Council officer who will be their direct contact during the process.

All complaints will receive a final response in writing. The final response will include a brief summary of the facts, the findings and reasons for the decision.

## **10. Monitoring and Reporting**

All compliments and complaints received and related correspondence will be recorded in Council's Compliments and Complaints Register. The Manager Customer Experience is responsible for the ongoing monitoring and reporting of tier 1 complaints and compliments. The Internal Ombudsman Shared Service is responsible for the ongoing monitoring and reporting of tier 2 and 3 complaints received and/or referred by the Office.

## **11. Accountability**

All Council officials are required to comply with the provisions of this policy. Council staff should be aware that complaints resulting in performance concerns being raised about an employee's conduct or actions may result in disciplinary action if substantiated.

### General Manager

The investigation of complaints that need to be handled in a specific fashion, due to procedural or confidentiality requirements. Responsible for the referral of serious breaches of specific legislation that have mandatory reporting and investigation requirements.

### Complaints and Feedback Coordinator

Ensuring a consistent complaints management procedure is followed by Council staff and service standards are achieved. Training of Council staff on effective frontline complaints handling. Maintenance of Council's Compliments and Complaints Register and complaints reporting.

### Internal Ombudsman Shared Service

The investigation of tier 2 complaints in accordance with this policy, and the referral and/or reporting of child protection complaints and other complaints as outlined in 6.3 to the relevant oversight agencies.

### Leadership Team

Ensuring that staff are aware of and comply with this policy. Managing the complaints and feedback process for services managed, and providing timely responses and implementation of improvements to service delivery as a result of identified patterns or trends in complaint reporting.

## **12. Related Documents, Legislation and References**

### **12.1 Legislation**

- [Local Government Act 1993](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Ombudsman Act 1974](#)
- [Public Interest Disclosures Act 1994](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Child Protection \(Working with Children\) Act 2012](#)
- [Health Records and Information Privacy Act 2002](#)

### **12.2 Council Policies**

- [Code of Conduct](#)
- [Procedures for the Administration of the Code of Conduct](#)

### **12.3 Other Documents**

- [Cumberland City Council Customer Service Standards](#)
- [Internal Ombudsman Shared Service Governance Charter](#)
- [NSW Ombudsman Managing Unreasonable Complainant Conduct \(2<sup>nd</sup> Ed – 2012\)](#)
- [NSW Ombudsman Effective Complaint Handling Guidelines \(3<sup>rd</sup> Ed – Feb 2017\)](#)
- [Local Government State Award 2017](#)
- *Managing Poor Performance Guidelines*
- *Compliments and Complaints Management Guidelines*
- [Royal Commission into Institutional Responses to Child Sexual Abuse Final Report](#)

## **13. Policy Review**

This policy is subject to regular review at a maximum interval of two years. Any recognised change to relevant legislation, directives or guidelines issued by agencies including the NSW Ombudsman and the Office of Local Government will instigate an immediate review of this policy to reflect any changes.