

COMPLAINTS ABOUT COUNCIL POLICY

Responsible Department:	Corporate and Commercial Services
Responsible Section:	Customer and Information Services
Responsible Officer:	Customer and Information Services

Objective

This policy aims to effectively deal with and manage complaints from the Community, by:

- Demonstrating and promoting Council's commitment to customer satisfaction.
- Establishing a framework for management of complaints that fall outside Council's Code of Conduct Policy.
- Monitoring feedback in an endeavour to improve existing services and facilities and Council's public image.

Introduction

Narrabri Shire Council is committed to delivering quality customer services and to communicating effectively with its customers and the local community. Council values customer feedback because it helps with the continuous evaluation and improvement of its services.

This policy establishes Council's system for managing complaints and using the results to improve service to the community.

Council commits to:

- Accept any criticism in good faith.
- Deal with complaints in accordance with this policy.
- Widely publicise the existence of this policy.
- Encourage members of the public dissatisfied with Council's conduct to lodge complaints and to facilitate such action by making complaint and feedback forms freely available in the Customer Service Centre and on Council's website.
- Ensure that complainants who are dissatisfied with the outcome of their complaint are offered an avenue of review.
- Advise complainants of their right to make a complaint to an external body if they are dissatisfied with the way that their complaint has been handled internally.
- Report annually to the Public on complaint statistics, using this information to identify and rectify deficiencies in Council services.

Policy

1. Definitions

Term	Meaning
Appropriate External Body	<ul style="list-style-type: none"> • For corruption/serious maladministration: ICAC • For serious/substantial waste of money, pecuniary interest breaches, and competitive neutrality breaches: Office of Local Government • For maladministration: NSW Ombudsman. • For privacy and access to government information- the Information Privacy Commissioner • For crimes occurring under NSW law: NSW Police. • For crimes occurring under Commonwealth law: Australian Federal Police. • Any other external body with the function to investigate and determine complaints about Council.
Complainant	The person or entity making a complaint
Related Party	People or entities with the following relationships to the complainant: <ul style="list-style-type: none"> • Parents; • Siblings; • Cousins; • Uncles/aunts; • Grandparents; • Spouses/partners; • Children; • Children of spouses/partners; • Dependants; • Business partners; • Companies or other entities under the complainant's influence.
Serious conduct complaints	Complaints regarding corruption, serious or substantial waste, pecuniary interests breaches, competitive neutrality breaches, or criminal activity.

2. General Council Complaints

2.1. For the purposes of this policy, a complaint is any expression of dissatisfaction with Council's:

- (a) Policies, Operational Protocols, and Procedures;
- (b) Employees (except where that complaint is of a breach of Council's Code of Conduct Policy); or
- (c) Quality of Service.

2.2. The following are not considered complaints under this policy:

- (a) A complaint which, if established, involves conduct that constitutes a breach of Council's Code of Conduct Policy;
- (b) A request for works or services;
- (c) A complaint about something outside Council's functions;

- (d) A request for information or a request for explanation of Council's Policies, Operational Protocols, or Procedures;
- (e) An appeal or objection on subject matter where appeals and/or objections are covered by another Council Policy, Operational Protocol, or Procedure;
- (f) Reports about faulty or damaged infrastructure;
- (g) Reports about neighbours, noise, dogs, unauthorised building work or other issues that fall under the provisions of another, more specific, Council Policy, Operational Protocol, or Procedure.

2.3. Complaints that satisfy 2.2(a) should be made and managed under Council's Code of Conduct Policy.

3. Complaints about Corruption, Serious or Substantial Waste, Competitive Neutrality, or Criminal Activity

3.1. Serious Conduct Complaints by all persons other than Council officers should be made directly to:

- (a) The General Manager; and/or
- (b) The appropriate external body.

3.2. Serious Conduct Complaints by Council Officers should be made in accordance with extant Council Policy.

4. Making a Complaint.

4.1. Complaints may be made in writing or verbally. It is, however, preferable but not mandatory that complaints are made in writing.

4.2. Complaints about staff and complaints about Council's assessment and regulatory processes must be made in writing.

4.3. Complaints should:

- (a) be detailed and identify the facts upon which the complaint is made;
- (b) Include sufficient detail
- (c) Include any evidence lawfully available to the complainant to substantiate the complaint; and
- (d) Avoid opinions, hearsay, or unsupported conclusions.

4.4. Complaints may be made anonymously. However, Council will only act on anonymous complaints where they contain sufficient information to enable investigation.

5. Time Limit for Making Complaints

5.1. Complaints are to be made within three months of whichever is later of the following:

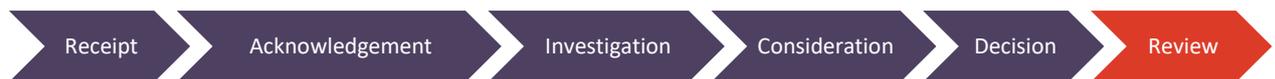
- (a) The date of the policy, event, or provision of service;
- (b) The complainant becoming aware of the policy, event, or provision of service.

5.2. The General Manager may, at their discretion, extend the time for lodging a complaint.

5.3. Where a complaint is made out of time, and the General Manager has not extended the time for making the complaint, the complaint will not be considered by Council.

6. Complaint Management

6.1. Council has a six-stage process for complaint management:



Receipt and acknowledgement

6.2. The General Manager will ensure that complaints are acknowledged in writing within five working days of the complaint being received.

Investigation, consideration, and decision

6.3. The General Manager, or their delegate, will assign an appropriate uninvolved person to investigate, consider, and make a decision regarding the complaint (the decision maker).

6.4. The decision maker should have sufficient delegation to resolve the complaint and provide an appropriate remedy.

6.5. Complaints should be managed at the lowest appropriate level in the circumstances.

6.6. The investigation, consideration, and decision-making process should be conducted within a reasonable timeframe in the circumstances of the case.

6.7. Investigations will be conducted in a reasonable and objective manner, adhering to the principles of natural justice.

Decision

6.8. Following consideration of the matter, the decision maker will decide to:

- (a) Uphold the complaint entirely;
- (b) Uphold the complaint partially; or
- (c) Refuse the complaint.

6.9. Where a complaint is upheld entirely or partially, the decision maker is to determine an appropriate remedy.

6.10. If the appropriate remedy is within the decision maker's delegation, they may implement it.

6.11. If the appropriate remedy is not within the decision maker's delegation, they are to make a recommendation to the decision maker or governing body that has that delegation.

6.12. The complainant and any other affected person will be advised of the outcome of a complaint by the decision maker. The decision maker must include reasons for the decision.

Review

6.13. Where a complainant or affected person is dissatisfied with the outcome of a complaint, they may seek a review of the complaint.

6.14. A request for review must be made within seven working days of the date of the original decision.

- 6.15. The General Manager, or their delegate, will assign a member of staff more senior than the original decision maker to consider the review.
- 6.16. A review will be conducted by making a new decision, as if the original decision had not been made.
- 6.17. A review will not be an assessment of the conduct of the original investigation or decision-making process by the original decision maker.
- 6.18. A review should be conducted within a reasonable timeframe in the circumstances of the case.
- 6.19. Where a complainant believes on reasonable grounds that the original decision maker did not follow this policy, they should make a separate complaint under this policy to that effect. That separate complaint will have no bearing on any review of the original decision, or vice versa.

Finality of Decisions

- 6.20. Where no review is sought, the original decision will be final, subject to the jurisdiction of external bodies.
- 6.21. Where a review is sought, the decision of the reviewer is final, subject to the jurisdiction of external bodies.
- 6.22. Where a complaint has been finalised, Council will not accept any further complaints regarding the same matter or a matter that is substantially similar from the same complainant or a related party of the same complainant unless there is:
- (a) A substantial change in circumstances;
 - (b) Significant new evidence;
 - (c) Significant new facts; or
 - (d) Other extenuating circumstances warranting reinvestigation.

7. Confidentiality and Protection from Victimisation

- 7.1. Confidentiality of complaints will be maintained so far as reasonably practicable and in accordance with relevant legislation, policies, and/or natural justice.
- 7.2. Complainants will not be subject to victimisation, retribution, or other adverse action as a result of lodging a complaint.

8. Unreasonable, Frivolous, and Vexatious Complaints

- 8.1. Complaints that are unreasonable, frivolous, or vexatious will be refused by the decision maker.
- 8.2. Where a complainant makes two or more unreasonable, frivolous, or vexatious complaints, the General Manager or their delegate may declare that person to be an unreasonable complainant.
- 8.3. The General Manager is to ensure that there is a register of unreasonable complainants.
- 8.4. Where an unreasonable complainant makes a further complaint, Council will not:
- (a) Accept the complaint;
 - (b) Respond to the complaint or communicate with the complainant;
 - (c) Investigate the complaint; or

(d) Make any decision other than to refuse the complaint;

- 8.5. Council may refuse to consider, at the General Manager or their delegate's discretion, a complaint from an unreasonable complainant's related party in circumstances where the General Manager or delegate form the view that the unreasonable complainant substantially or wholly contributed to the making of the complaint.
- 8.6. The General Manager or their delegate may, at their discretion, decide to allow a complaint from an unreasonable complainant or related party in extenuating circumstances.
- 8.7. Where a person has been declared to be an unreasonable complainant, the General Manager or their delegate must bring a report to Council explaining the circumstances of that declaration.
- 8.8. Where a person is declared an unreasonable complainant by the General Manager or their delegate, that person may request that the General Manager submit the matter to Council for review at an Ordinary Council Meeting.
- 8.9. Where the General Manager receives a request under clause 8.8, they or their delegate must bring a confidential report to the next Ordinary Council Meeting, so far as is reasonably practicable. The report must:
- (a) Identify the person;
 - (b) Identify the basis of the declaration; and
 - (c) Provide any response by the person to the declaration (if known).
- 8.10. Council will review the report and either:
- (a) Uphold the declaration;
 - (b) Revoke the declaration; or
 - (c) Revoke the declaration in part and direct the General Manager to impose limits on the person's interactions with Council.
- 8.11. The decision of Council will be final.
- 8.12. Complaints refused under this part must be recorded in Council's document management system.

9. Recording, Monitoring, and Reporting

- 9.1. All documents relating to complaints will be recorded and stored in Council's document management system.
- 9.2. Council will maintain a complaints register.
- 9.3. Where it appears that there is a trend in upheld complaints giving rise to a potential systemic or systematic issue, Council will investigate that trend.
- 9.4. Council will report annually on:
- (a) The number of complaints;
 - (b) The type of complaints; and
 - (c) The outcomes of complaints.
- 9.5. Council will report complaint data to any other agency or entity as required by law or policy.

References

- *Local Government Act 1993* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *Local Government (General) Regulation 2021* (NSW).
- *Code of Conduct Policy 2022*

History

Minute Number	Date	Description of Change
811/2011	December 20, 2011	Adopted
58/2013	February 5, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
336/2022	October 18, 2022	Endorsed for Public Exhibition
362/2022	November 22, 2022	Adopted