
POLICY TITLE:	COMPLAINTS HANDLING	
FOLDER NUMBER:	F2007/00307	
POLICY OWNER / DIVISION:	Office of the General Manager	
POLICY OWNER / BRANCH:	Risk and Audit Branch	
FUNCTION:	Customer Service	
RELEVANT LEGISLATION:	Local Government Act 1993	
POLICY ADOPTION/AMENDMENT DATE:	11 May 2022	REPORT NUMBER: CS4/22
REVIEW YEAR:	2025	
AMENDMENT HISTORY:	8 March 2000 (Report GM2/00) 9 June 2004 (Report ST5/04) – Continuing 11 October 2006 (Report ST8/06) 14 November 2007 (Report ST18/07) 16 February 2011 (Report GM 1/11) 15 June 2011 (Report GM15/11) 17 April 2013 (Report GM2/13) 8 April 2015 (Report CS6/15) 8 August 2018 (Report CS33/18)	
RELATED POLICIES:	Customer Service	

POLICY PURPOSE / OBJECTIVES:

1. To determine guidelines and procedures and set customer expectations for the management of complaints made to Council.
2. To ensure all customers are treated fairly and reasonably and that Council resources are used efficiently and effectively in responding to customers.
3. To provide guidance to staff, Councillors and the community regarding service standards for complaint handling.
4. To affirm to Council's customers that complaints are welcomed as an opportunity to improve our standard of service and will be dealt with in the most efficient and professional manner.

POLICY STATEMENT:

1. Hornsby Shire Council is committed to continual improvement in customer service. An effective complaints handling system is an essential part of the provision of quality customer service because it provides an organised way of recording and responding to customer complaints as well as identifying opportunities for improvement.
2. Hornsby Shire Council acknowledges that:
 - a) Every complainant deserves to be treated with fairness and respect.
 - b) In the absence of very good reasons to the contrary, members of the public have a right to access Council.
 - c) No complainant, regardless of how much time and effort is taken up in responding to their complaint, should be unconditionally deprived of having their complaint properly and appropriately considered
 - d) A complainant whose conduct is unreasonable, may have a legitimate complaint
 - e) The substance of the complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.
3. The complainant has the responsibility to ensure that the complaint clearly identifies the issues being complained about; refers to relevant dates, places and time; gives a concise description of the incident or problem; gives details of any relevant phone conversations and meetings; and gives relevant explanations and includes copies of all relevant documents (and only relevant documents).
4. Customer complaints are actioned in two ways:
 - a) by resolving the complaint where possible
 - b) by using the information disclosed by the complaint and its investigation to provide feedback on Council's systems and processes.

DEFINITIONS:

1. A complaint, for the purposes of this Policy, is any allegation of impropriety or misconduct by a staff member, or any clearly articulated grievance of a significant nature about the handling of a matter, our policies, procedures, or service. (Based on the Division of Local Government Procedures for Managing Complaints and Feedback about the Division - dated November 2012.)
2. A complaint is not:
 - (a) a disagreement about an assessment of facts
 - b) a disagreement about an evaluation of evidence
 - c) a request for information or explanation of policies or procedures.

POLICY PROTOCOLS:

1. Lodgement of Complaints

- 1.1 Complaints may be lodged either verbally - by telephone or in person, or in writing - by letter or email.
- 1.2 When a complaint is received it will be forwarded to the relevant Manager/Team Leader (or, in the case of a competitive neutrality complaint raised under National Competition Policy, the Public Officer) who will assess the details and determine the most appropriate method of managing the complaint. This may include escalation to the Divisional Manager or General Manager.
- 1.3 The Manager/Team Leader (or Public Officer in the case of competitive neutrality complaints) will acknowledge receipt of the complaint and provide the customer with an estimated time frame for dealing with the matter.
- 1.4 Where the customer remains dissatisfied with the handling or outcome of the complaint they may make representation to the General Manager in writing. The General Manager may consider options such as mediation or direct negotiation to resolve the complaint.
- 1.5 If the complaint cannot be resolved by Council, details will be forwarded to the customer regarding his/her ability to take complaints about Council to external authorities such as the Division of Local Government, the NSW Ombudsman and/or the Independent Commission Against Corruption (ICAC).

2. Customers Who Cannot Be Satisfied

- 2.1 Despite the best efforts of Council some customers may not be satisfied with the action taken or service provided and will not accept that Council is unable to provide any further assistance or greater level of service than has been provided already. Some may disagree with the action Council has taken in relation to their complaint or concern.
- 2.2 If, in the opinion of the General Manager, a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council, the following actions may be taken:
 - a) General Manager may write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer;
 - ii) not grant any further interviews;
 - iii) require all further communication to be put in writing;
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it:

- 1) if the customer provides significant new information relating to their complaint or concern; or
 - 2) the customer raises new issues which in the General Manager's opinion, warrant fresh action.
- b) The General Manager shall advise Councillors and relevant staff of any correspondence issued in accordance with clause 2 (a).
 - c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.
 - d) If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points a) i) – iv) above will now apply.

3. Customers Who Make Unreasonable Demands

- 3.1 Customers who make unreasonable demands include members of the public whose demands on Council significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources from other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
- 3.2 If, in the opinion of the General Manager, a customer is making unreasonable demands on Council and the customer continues to contact Council, the following actions may be taken:
 - a) The General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
 - i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period.
 - b) The General Manager shall advise Councillors and relevant staff of any correspondence issued in accordance with clause 2(a).
 - c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.
 - d) If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of the points in 2(a) will now apply.

4. Customers Who Constantly Raise the Same Issues with Different Staff

- 4.1 If, in the opinion of the General Manager, a customer constantly raises the same issues with different staff the following actions may be taken:
 - a) The General Manager may notify the customer that:
 - i) only a nominated staff member will deal with them in future;

- ii) they must make an appointment with that person if they wish to discuss their matter;
or
- iii) all future contact with Council must be in writing.
- b) The General Manager shall advise Councillors and relevant staff of any notification issued in accordance with clause 2(a).
- c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.

5. Customers Who Are Rude, Abusive or Aggressive

- 5.1 Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
- 5.2 If, in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
 - a) Warn the caller that if the behaviour continues the conversation or interview will be terminated; and
 - b) Terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
- 5.3 Where a conversation or interview is terminated, the staff member must notify either the General Manager, relevant Divisional Manager or Supervisor of the details as soon as possible.
- 5.4 If, in the opinion of the General Manager, any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, the sender will be advised that the correspondence will not be acted upon until re-submitted in a reasonable manner.
- 5.5 Correspondence of abusive or inflammatory nature that does not relate to any functions of Council may be registered in Council's document management system but not acted upon.

6. Limiting a Customer's Access to Council

- 6.1 Where the General Manager is required to assess limiting a customer's access to Council in any of the ways specified in this policy, the General Manager must give consideration to the checklist provided within the Ombudsman's Manual detailing the warning signs of unreasonable conduct by complainants before finalising the action to be taken.
- 6.2 Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Independent Commission Against Corruption (ICAC), Division of Local Government and the NSW Ombudsman for information.

7. Complaints regarding Staff (excluding the General Manager)

(For information regarding employment related complaints please refer to Determination HR3.2 – Grievance Handling)

- 7.1 Verbal complaints relating to staff behaviour or conduct are to be forwarded to the appropriate Supervisor who will then determine whether or not to forward to the General Manager's office. Written complaints relating to staff behaviour or conduct are to be addressed to the General Manager's office and then forwarded to the immediate supervisor and Divisional Manager for fair and efficient investigation as appropriate. A complaint is considered an allegation until investigated and proven. If proven the complaint will be copied to the HR personnel file.
- 7.2 The staff subject to the complaint will be informed of the nature of the complaint and may seek advice regarding his/her response. In all instances the complainant will be informed of the procedures being undertaken within 14 days of lodging the complaint, and will be notified in writing of the final findings of the investigation, excluding information regarding any disciplinary action.
- 7.3 If the complainant is dissatisfied with the investigation findings he/she can request the complaint be escalated for investigation by the General Manager. If after the General Manager's investigation the complainant is still dissatisfied he/she is to be advised of the opportunity to complain to other relevant authorities, for example the NSW Ombudsman.

8. Complaints regarding Councillors or the General Manager

(For more information please refer to Hornsby Shire Council's Code of Conduct.)

- 8.1 Complaints against Councillors (including the Mayor) are to be referred to the General Manager. If the General Manager believes that the complaint may constitute a 'code of conduct complaint', it is required to be dealt with in accordance with Council's Procedures for the Administration of the Code of Conduct. If the complaint does not satisfy the definition of a 'code of conduct complaint', it is to be dealt with by the General Manager in accordance with this Policy.
- 8.2 Complaints made against the General Manager are to be referred to the Mayor. If the Mayor believes that the complaint may constitute a 'code of conduct complaint', it is required to be dealt with in accordance with Council's Procedures for the Administration of the Code of Conduct. If the complaint does not satisfy the definition of a 'code of conduct complaint', it is to be dealt with by the Mayor in accordance with this Policy.

9. Documentation and Record Keeping

- 9.1 In all of the situations referred to in this Policy, adequate documentary records, including actions taken in respect of the complaint, will be made and maintained on the appropriate Council file within Council's electronic document records management system.

10. Anonymous Complaints

- 10.1 The General Manager and Divisional Managers, after considering the substance of an anonymous complaint have the discretion to act or decline to investigate the complaint.