



COMPLAINT HANDLING POLICY

POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2019	153/19	D594722
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate Services	5.4.3 – Manage customer requests and complaints with a view to continual improvement of service delivery	July 2021
PURPOSE	To ensure a standardised method of registering, responding and reporting on complaints, made to Council, for the purpose of driving service delivery improvements to the community.		
SCOPE	<p>This Policy recognises that effective complaint handling is essential to ensuring the consistent delivery of quality services.</p> <p>Complaints give Council the opportunity to review service delivery procedures and implement improvements where necessary. A complaint also allows Council employees, where possible, to resolve issues arising from the recent delivery of services.</p>		
POLICY	<p>1. Why Do People Complain?</p> <p>Complaints are often made because someone is dissatisfied with a decision, the level of service or the conduct of a Council Officer. Many complaints can occur due to poor communication or as a result of inadequate publicity about the services provided and the policies of Council. Many complaints can be resolved in the first instance by explaining how a decision came about or by reviewing a relevant policy.</p> <p>2. Complaints Defined</p> <p>A 'Complaint' is defined as an expression of dissatisfaction about the standard of service, an action or the lack of an action by Council, which can be investigated and acted upon where no right of appeal or review is available under any other legislation. In some instances, legislation specifically makes provision for an appeal, or an internal or external review of a decision.</p> <p>Complaints often fall into one of four basic types:</p> <ul style="list-style-type: none"> • Decisions made by Council; <ul style="list-style-type: none"> a. Complaints alleging a decision was beyond the powers of the Council or that it was made without following due process; or b. Complaints alleging that with knowledge of all available information no reasonable person could have reached the decision made regarding the issue. • The inappropriate behaviour of staff, such as rudeness, discrimination or harassment; • Allegations that the stated standard of service of Council has not been met or was of inferior quality; and • Decisions of officers. 		

Most initial contacts with Council are not complaints and can be dealt with through the Action Request process. In such instances, the issue **will not be registered as a complaint**:

- Requests for services (initial contact with the Council, unless the request is assessed by the relevant Manager that the issue is significantly important or sensitive to warrant immediate registration as a complaint and unless Council officers failed to complete actions to which they had indicated they would complete);
- Requests for information or explanations of policies or procedures;
- The lodging of an appeal in accordance with standard procedure or policy;
- An appeal or request for internal or external review of a decision for which a structured process applies;
- An expression concerning the general direction and performance of Council;
- Disagreement with a policy of the Council;
- Reports of damaged or faulty infrastructure; and
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of Council's responsibilities.

3. Lodging a Complaint

A formal complaint may be lodged:

- In person - at the counter or at a prearranged meeting with a relevant Manager;
- By phone; or
- In writing via email, letter or Council's website.

To assist Council in dealing with a complaint, a customer should include the following:

- Name and address (including contact details);
- Date, times and location of events;
- Description of the issue;
- The name of the Council officer to whom the customer has spoken;
- Copies or references to letter or documents relevant to the complaint; and
- State what the customer hopes to achieve as an outcome to the complaint.

4. Complaints Management

4.1. Complaints Management Process

In most instances, the Manager of each Department of Council is to handle complaints relevant to their specific area of responsibility.

While it is possible to achieve a quick resolution to most problems, there are times when a complaint may require a more detailed investigation. Appropriate escalations procedures will be followed by Council officers depending on the seriousness of the complaint.

For complaints made about a decision of Council, an explanation of the facts, policy and reasons for the decision is to be given to the complainant. If the decision is found to have been made without following due process or without all the available

information, it will be referred back to the appropriate Manager for review.

If a Councillor has submitted a complaint on a customer's behalf, a status report will also be provided to the Councillor.

Complaints against staff will be handled with discretion and will be notified to the General Manager. Council's Disciplinary Procedure will be applied to any complaint that requires disciplinary action.

5. Response Times

Every effort is to be made when dealing with complaints to:

- Acknowledge the complaint within five (5) working days; and
- Resolve the complaint and provide a response within ten (10) working days.

If complex investigations are required, the response will provide an indication of the timeframes associated with the investigation process and contact information for the complainant to obtain feedback on the status of the complaint.

6. Consideration of a Complaint

In considering a complaint the responsible Manager will:

- Examine and analyse the information available and ask for more information where clarification is required;
- Review relevant Council policies that relate to the complaint;
- Determine Council's ownership of the issue;
- Consider any necessary action to be taken to correct any issues identified. Ensure that any remedy given to resolve a complaint is appropriate and reasonable;
- Where considered appropriate, the relevant Manager may attempt mediation on a complaint with the intention to provide a resolution;
- Consider a review of Council's procedures to avoid recurrence of similar complaints.

7. Treatment of Complainants

Complaints are to be treated, respectfully, professionally and with confidentiality.

8. Malicious Complaints

All complaints received by Council will be treated with seriousness. If a complaint is determined to be malicious, frivolous or generated purely to cause annoyance the matter will be referred to the General Manager for review and response.

9. Anonymous Complaints

Anonymous complaints will generally only be acted upon where the matter is identified as being serious and there is sufficient information in the complaint to enable an investigation to be undertaken.

10. Protection of Customer

Information that identifies the complainant will only be made available as needed for the purposes of addressing the complaint.

11. Registration and Reporting of Complaints

An integral part of the complaint policy is the requirement for all complaints received by Council to be registered into a central database for tracking and resolution.

Council will be provided with a report once a year that details the number and nature of complaints received in accordance with section 339F(5) of the *Local Government Act 1993*.

The Executive team will review the complaints register on a regular basis.

12. Responsibility for Dealing with Complaints

12.1. Council Officers

- Receive complaints whether in writing, email, internet, or in person;
- Record detailed information of the complaint;
- Refer details of the complaint electronically for registration in Council's records system;
- Inform the appropriate Manager of the receipt of a complaint and any initial action taken; and
- Take remedial action as authorised by a Manager.

12.2. Managers

Managers are responsible for the same actions as detailed above, with the addition of:

- Review remedies carried out and recommended;
- Ensuring responses are made within the required times;
- Ensuring complaint and responses are appropriately recorded;
- Report information or recommendations for changes of policy and procedures to the General Manager; and
- If a complaint is directed towards more than one issue, then following registration co-ordinate a combined response so the complainant receives only one reply addressing all of the issues if appropriate.

13. Customer Dissatisfaction with Complaint

13.1. Internal Review

The majority of complaints can usually be resolved by the relevant Manager. However, a person who is not satisfied with the outcome may request escalation for review. A request for a review of the complaint by the General Manager is to be in writing.

13.2. Further Investigation

If a complaint remains unresolved or a customer is dissatisfied with the process followed in managing the complaint, a customer may elect to have their complaint actioned through external agencies. The following agencies can review actions and decisions taken by the Council:

- The Ombudsman who is an officer responsible to Parliament for investigating complaints made about administrative actions (or inactions) of Tasmanian Government Departments, most Statutory Authorities and Local Government. The Ombudsman is located at Ground Floor, 99 Bathurst Street, Hobart, 7000, phone free call 1800 001 170, email ombudsman@ombudsman.tas.gov.au

	<ul style="list-style-type: none"> Local Government Division, Department of Premier and Cabinet, Level 5, 15 Murray Street, Hobart (GPO Box 123 HOBART 7001), phone (03) 6232 7022, email lgsem@dpac.tas.gov.au Integrity Commission, Surrey House, Level 2, 199 Macquarie Street Hobart (GPO Box 822 Hobart 700), phone 1300 720 289, email integritycommission@integrity.tas.gov.au <p>While a customer is entitled to refer a complaint directly to these bodies at any time, customers are encouraged to allow the Council to investigate the complaint first.</p>		
LEGISLATION AND RELATED DOCUMENTS	<i>Personal Information Protection Act 2004</i> <i>Right to information Act 2009</i> <i>Local Government Act 1993</i> Customer Service Charter Dealing With Difficult Customers Policy		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff Department