



## COMPLAINT HANDLING POLICY

| POLICY TYPE        | DOCUMENT CONTROLLER  | RESPONSIBLE MANAGER | POLICY ADOPTED    | REVIEW DUE     |
|--------------------|--|---------------------|-------------------|----------------|
| Council            | Executive Coordinator  | Executive Manager   | 25 September 2023 | September 2025 |
| <b>PURPOSE</b>     | To ensure a standardised method of registering, responding and reporting on complaints made to Council, for the purpose of improving service delivery to the community and complaint management.   |                     |                   |                |
| <b>SCOPE</b>       | <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 delivery of services.</p>   |                     |                   |                |
| <b>DEFINITIONS</b> | <p>For the purposes of this Policy, the following definitions apply:</p> <p><b>Complaint</b> – an expression of dissatisfaction about the standard of service, an action or the lack of action by Council which can be investigated and acted upon where no right of appeal or review is available under any legislation. In some instances, legislation specifically makes provision for an appeal, or an internal or external review of a decision.</p>  |                     |                   |                |
| <b>POLICY</b>      | <p><b>1. Why do people complain?</b><br/>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 be resolved in the first instance by explaining how a decision came about or by reviewing a relevant policy.</p> <p><b>2. Types of complaints</b><br/>Complaints often fall into one of four basic types:</p> <ul style="list-style-type: none"> <li>• Decisions made by Council: <ul style="list-style-type: none"> <li>a. Complaints alleging a decision was beyond the powers of the Council or that it was made without following due process; or</li> <li>b. Complaints alleging that, with knowledge of all available information, no reasonable person could have reached the decision made regarding the issue.</li> </ul> </li> <li>• Behaviour of staff that may be seen as rude, discriminatory or harassing.</li> <li>• Allegations that the stated standard of service of Council has not been met or was of inferior quality; and</li> <li>• Decisions of officers.</li> </ul> |                     |                   |                |

Most initial contacts with Council are not complaints and can be dealt with through the Make a Request process on Council's website [www.devonport.tas.gov.au/contact-us/make-a-request](http://www.devonport.tas.gov.au/contact-us/make-a-request). In such instances, the issue will not be registered as a complaint, some examples are:

- Requests for service;
- 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 writing via:

- Council's website
- Email
- Phone
- In person - at the counter or at a prearranged meeting with a relevant Manager;
- Mail

To assist Council in dealing with a complaint, it is helpful if a customer can provide 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.

When Council receives a formal complaint, it will be entered in the 'Customer Complaints Register' and forwarded to the responsible Manager to respond.

### **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. Complaints regarding a Department Manager should be escalated to the relevant Executive Manager and if necessary to the General Manager. All complaints are to be registered in the complaints register.

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 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 as soon as possible 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 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 complaints**

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 be protected and only made available to other staff as needed for the purposes of addressing the complaint. Complainants' details will not be made known to members of the public unless the General Manager determines its appropriate and the complainant is notified prior.

**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 include in the Annual Report the number and nature of complaints received in accordance with section 339F(5) of the *Local Government Act 1993*.

The Executive Leadership 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 Customer Complaints Register;
- 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 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**

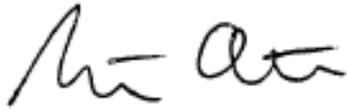
If a complaint remains unresolved or a customer is dissatisfied with the process used to manage the complaint, a customer may elect to have their complaint actioned through external agencies. The following agencies can review actions and decisions taken by the Council:

- 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 Level 6/86 Collins Street, Hobart, 7000, phone free call 1800 001 170, email [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)
- Local Government Division, Department of Premier and Cabinet, Level 5, 15 Murray Street, Hobart (GPO Box 123 HOBART 7001), phone (03) 6232 7022 email [localgovernment@dpac.tas.gov.au](mailto:localgovernment@dpac.tas.gov.au)
- Integrity Commission, Surrey House, Level 2, 199 Macquarie Street Hobart (GPO Box 822 Hobart 700), phone 1300 720 289 email [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au)

While a customer is entitled to refer a complaint directly to these agencies, customers are encouraged to allow the Council to investigate the complaint first.

#### **LEGISLATION AND RELATED DOCUMENTS**

*Personal Information Protection Act 2004*  
*Right to information Act 2009*  
*Local Government Act 1993*  
 Customer Service Charter

|  |  |   |                        |   |
|--|--|---|------------------------|---|
|  | Dealing With Difficult Customers Policy<br>Devonport City Council Strategic Plan 2009-2030   |   |                        |   |
| <b>ATTACHMENTS<br/>(IF APPLICABLE)</b> | N/A  |   |                        |   |
| <b>STRATEGIC<br/>REFERENCE</b>         | 5.4 Council is recognised for its customer service delivery  |   |                        |   |
| <b>MINUTE<br/>REFERENCE</b>            | 23/189   |   |                        |   |
| <b>OFFICE USE<br/>ONLY</b>             | Update Register  | Y | Training/Communication | Y |
|  | Advise Document Controller   | Y | Advise HR / MCO        | Y |
|  | Management Sign Off:<br><br>Date: 25 September 2023 |   |                        |   |