

## **PROCEDURAL INFORMATION FOR PROCESSING COMPLAINTS RELATING TO COUNCIL ACTIVITIES**

Kempsey Shire Council will ensure that every complaint is:-

- received courteously,
- investigated fully and
- acted upon quickly and appropriately.

Complaints should be documented and the complainants are to be kept informed of the progress and the outcome of the complaint.

*“Complaints are an opportunity to improve customer service in all areas of Council’s control.”*

The Complaints Management Policy, and this procedural information, ensure that Council staff has access to a consistent and transparent process for receiving, investigating and resolving complaints.

- All written and verbal complaints will be recorded and investigated by staff as soon as practicable but in not more than ten working days.
- Anonymous complaints will not be acted on unless it is a serious threat to life or the environment
- Residents to be encouraged to provide their name and advised name will be confidential.

Kempsey Shire Council is committed to improving or correcting its processes, operations or service levels as a result of valid complaints. Staff are authorised, in consultation with their manager, to institute immediate remedial action within budgetary allocations and current policy. Corrective actions outside these parameters must be referred to the General Manager.

Council will not respond to letters or emails that are personally abusive or threatening and will terminate such phone calls immediately. These complaints will be registered in the CivicView *“Customer Services Management”* system but will not be responded to or investigated by Council.

Policy C24:15 outlines fully the steps which are to be taken if an individual’s behaviour strays beyond acceptable limits.

Likewise, complainants who have had their concerns fully investigated by Council but who still continue to complain about these same issues will be recorded but may not be responded to or investigated.

A complaints and compliments procedure has been developed to assist customers to understand the process that is involved when making a complaint or submitting a compliment to Council – *Appendix A*. This procedure will be advertised twice each year and copies of a document, containing the procedure, will be available from each reception area of Council.

### **Responsibilities**

Staff are to be made familiar with this Policy so that they are prepared to receive complaints whether presented in person, in writing or by telephone. They will listen courteously, record the complaint accurately, investigate thoroughly and initiate appropriate action promptly. At all times, staff should act within Council's Code of Conduct. Training in the "*Customer Services Management*" system is essential to the success of this Policy.

<b>Staged Responsibility for Investigating and Resolving Complaints</b>	
Stage 1	Where possible, customer service staff or team leaders for outdoor staff will be in a position to resolve many complaints of a minor nature at the counter or in the field.
Stage 2	If they are unable to resolve the complaint, the complaint is to be referred to the relevant Supervisor or Manager of the section
Stage 3	If still unresolved, the complaint is to be referred to the Director of the relevant Department
Stage 4	If the Director is unable reach a resolution, the complaint is to be referred to the General Manager
	<b>N.B. Stage 5 and 6 are options for complainants to explore if the complaint cannot be satisfactorily resolved by management and staff.</b>
Stage 5	If the complaint is still unresolved, the matter can be referred to the Mayor <b>if the complaint does not relate directly to staff.</b>
Stage 6	Five courses of action are available to the complainant if he/she is still unhappy with the result. Contact can be made with:- <ul style="list-style-type: none"> <li>• The Office of the Ombudsman</li> <li>• The Department of Local Government</li> <li>• The Anti Discrimination Board</li> <li>• The Independent Commission Against Corruption</li> <li>• The Privacy Commissioner</li> </ul>

### **Recording Complaints**

All complaints must be recorded and tracked using the Customer Service (CARE) module of CivicView ("*Customer Services Management*"). N.B. It is the responsibility of the staff member handling the complaint to record the information in the "*Customer Services Management*" system of CivicView. **The work order number is to be recorded on any documentation which is to be filed so there is a link for future reference.**

- **Written Complaints** are to be registered in the Records section of Council and forwarded to the designated officer for investigation. An acknowledgement will be forwarded to the complainant. Upon receipt of the complaint by the designated officer, they are to register the complaint in the "*Customer Services Management*" system.
- **Verbal Complaints**, as a general rule, are to be registered in the "*Customer Services Management*" system by the person receiving the complaint. For outdoor staff, the complaint is to be referred to the team leader who will make note of the complaint and then either personally enter it in the "*Customer Services Management*" system at the end of the day or request that support staff enter the

complaint into the system. Staff may use their discretion as to the need to formally record feedback or complaints of a minor nature that can be resolved immediately and to the satisfaction of the complainant. If the complainant requests that the complaint be documented or if the matter has the potential to become an issue (legal, safety or risk related), the complaint **must** be registered.

- **Email Complaints**, whether received at the main Kempsey Shire Council email address or at an individual staff member's email address, are to be forwarded to the Records section for registration and distribution for processing. Upon receipt of the complaint by the designated officer, they are to register the complaint in the "*Customer Services Management*" system.
- **Comments Form on Website** – *Appendix C* - Council's website, [www.kempsey.nsw.gov.au](http://www.kempsey.nsw.gov.au), features a request for feedback from customers. The complainant emails the form automatically to the Website Administrator. Registration and processing is the same as for email complaints.
- **Competitive Neutrality Complaints** shall be registered and referred to the General Manager for resolution. A substantial response for all such complaints shall be provided within one month of receipt of the complaint. An acknowledgement letter will be forwarded to the complainant upon receipt of the competitive neutrality complaint.
- **Customer Feedback Form** – *Appendix B* – a form has been designed to assist people submitting complaints, suggestions or compliments. The form is easy to complete and has space for a diagrammatic representation of the issue if required. The form should be forwarded to the Records section for registration and distribution for processing. Upon receipt of the complaint by the designated officer, they are to register the complaint in the "*Customer Services Management*" system.

## Timeframes

Ideally, complaints are to be investigated and resolved in no more than ten working days. Some complaints however, may be involved and require lengthy research. If this is the case, the complainant should be contacted and informed of the progress of the investigation.

## The Investigation

The depth of investigation is determined by the nature and complexity of the complaint but should include:-

- Check if there have been any previous complaints from the complainant or with reference to this particular issue
- Contact the complainant to clarify the complaint, seek information on the outcome sought and explain the investigation process. Ensure that the complainant is aware of what will happen next, how long it will take to respond, who will be dealing with the complaint and provide them with a contact number.
- Examine any relevant legal and administrative issues which may relate to the complaint
- Gather all relevant documentation relating to the complaint
- Talk to staff members who may have been directly or indirectly involved in the complaint
- Once the information has been gathered, resolve the complaint.

- If the complaint cannot be resolved, refer the complaint to the person who represents the next stage in the process:-
  1. Customer service staff
  2. Supervisor or Manager
  3. Director
  4. General Manager
- Advise the complainant of the outcome/s. Explain any action that is to be taken to remedy the problem, ask if the customer is satisfied and explain the methods for recourse if the customer is dissatisfied.
- Document the decision and action in the “*Customer Services Management*” system
- Importantly, ensure that any follow up action is initiated and completed.

N.B. In the case of competitive neutrality complaints, a substantial response is to be made to the complainant stating that the complaint has been resolved by:

1. providing more information to enable the complainant to have a more accurate understanding of competition policy
2. Council investigating or reviewing its business activity or
3. making a change to Council’s business practice

### **Dealing with Difficult Complaints**

The NSW Ombudsman recommends the following course of action when dealing with difficult complaints.

- Separate the merits of the issue being raised from the merits of the person raising the issue and make judgements only about the issue raised.
- Ensure that you are scrupulously professional in your dealing with the complainant
- Ensure a review of the way the complaint was handled is undertaken
- Communicate the results of the review to the complainant
- Carefully assess each new communication for any new information.

### **Dealing With Aggressive Customers**

The NSW Ombudsman provides the following advice for staff when dealing with aggressive or threatening customers.

Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.

In all dealings, every effort should be made to put aggressive people at ease and encourage them to calm down.

However, if the behaviour continues, the person should be advised that such behaviour is totally unacceptable and the following procedure should be implemented:-

### **Telephone**

If rude abusive or aggressive comments or statements continue, the staff member may:

- a) warn the caller that if the behaviour continues, the conversation will be terminated
- b) explain to the caller that staff are obliged to note any threats and report them to their supervisor
- c) terminate the conversation if the rude, abusive or aggressive behaviour continues after a warning has been given

Where a conversation is terminated, the staff member is to report the incident to their manager as soon as possible.

### **Interviews/Face to Face**

If rude abusive or aggressive behaviour continues, the staff member may:

- a) warn the person that if the behaviour continues, the interview will be terminated
- b) involve their manager/supervisor in the incident
- c) terminate the interview if the rude, abusive or aggressive behaviour continues after a warning has been given
- d) request that the person leaves the building

Where an interview is terminated, the staff member is to report the incident to their manager as soon as possible.

### **Correspondence**

If, in the opinion of the General Manager, any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and no further action will be undertaken. Alternatively, a letter shall be sent from the General Manager suggesting that future letters in this manner will be referred to Council's solicitor.

### **Violent Behaviour**

Staff members are to remove themselves from any situation and notify their Manager where there is any sign of extreme violence or aggression. In this situation, the Manager is advised to call the Police immediately.

Adequate documentary records, including entering the incident as a complaint in the CivicView Customer Services System, must be kept on these incidents.

The General Manager also may decide to advise the person that:

1. all future contact with Council must be in writing
2. future dealings will be only be dealt with by a nominated staff member after an appointment has been made or
3. access to Council will be limited in future

A Solicitor's letter may be used to formalise point 3 and to clarify reasons for the actions which have been taken and provide alternatives for future contact if absolutely necessary. In extreme cases, an AVO may be taken out.

If any of these three steps are taken, Council is to be notified as soon as possible and information relating to the situation be forwarded to the ICAC, Department of Local Government and the NSW Ombudsman for information.

*Reference: NSW Ombudsman – Dealing with Difficult Customers, May 2001. A link to this document has been provided for staff on the Intranet. A number of NSW Council's have also provided some guidance on this issue.*

## **Exceptions**

If a complaint involves **allegations of corruption**, it is to be referred immediately to the General Manager for investigation and, where appropriate\*, for action under the Independent Commission Against Corruption Act, 1988.

*\* The Independent Commission Against Corruption Act defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:*

- a) a criminal offence under NSW law or any other law which could apply in the particular circumstances or*
- b) a disciplinary offence which could lead to a disciplinary action under any law including regulations or*
- c) reasonable grounds to dismiss or terminate the services of a public official.*

*The Act requires Council's General Manager to report suspected cases of corrupt conduct to ICAC.*

If a complaint concerns **alleged breaches of pecuniary interest** under the Local Government Act 1993, the complaint is to be referred to the General Manager unless the complaint relates to the General Manager. In this case, the complaint will be referred to the Mayor. The General Manager or the Mayor will investigate the complaint and, if necessary, refer the complaint to the Department of Local Government. The complainant would need to be identified and, if possible, the complaint verified by statutory declaration.

If a complaint **alleges criminal actions**, then the matter is to be referred immediately to the General Manager unless the complaint relates to the General Manager. In this case, the complaint will be referred to the Mayor. The General Manager or Mayor shall investigate and refer the matter to the NSW Police Service where appropriate. Legal advice from Council's solicitor may be sought prior to these actions being taken.

If a complaint is received relating to:

- **A Councillor** - the complaint is to be referred as soon as possible to the Mayor
- **The Mayor** - the complaint is to be referred as soon as possible to the General Manager
- **The General Manager** - then it is to be referred as soon as possible to the Mayor\*\*\*
- **A Director** - the complaint is to be referred as soon as possible to the General Manager \*\*\*
- **A Manager** - in the first instance, the complaint is to be referred as soon as possible to their Director. If it cannot be resolved, the complaint can be referred to the General Manager\*\*\*
- **A member of staff** - in the first instance, the complaint is to be referred to their Manager. If it cannot be resolved, the complaint can be referred to their Director who in turn may refer it to the General Manager\*\*\*

\*\*\* If applicable, the complaint is to be handled in accordance with that person's contractual arrangements with Council and the provisions of specific legislation as described previously.

No complaint about the conduct or performance of a member of staff shall be either investigated or responded to by that member of staff.

### **Failure to Reach a Satisfactory Resolution**

When a complainant is not satisfied with the investigation of their complaint, they are to be advised of the review mechanisms available to them. These include referral to:-

- The Office of the Ombudsman
- The Department of Local Government
- The Anti Discrimination Board
- The Independent Commission against corruption
- The Privacy Commission

### **Reporting Outcomes**

When the complaint has been resolved, it is vital that the officer responsible completes the entry in the *Customer Service Management System*.

Performance indicators relating to complaints are to be included in the Management Plan and reported on in the Annual Report.

### **Confidentiality**

In relation to a complaint against an individual staff member, there is a need to ensure confidentiality at all times.



### **DEFINITIONS**

A **complaint** is defined in the Department of Local Government's Complaints Management in Councils as:

*"An expression of dissatisfaction with Council's policies, procedures, charges, staff, agents or quality of service presenting the opportunity to improve in these areas."*

A request for service or information is not seen as a complaint unless a significant measure of dissatisfaction and/or anger is involved.

A **complainant** is a person who makes a complaint to Council

A **competitive neutrality complaint**, according to the Department of Local Government, is defined as:

- a) A complaint that Council has not met its requirements under the Policy Statement on "Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality". This includes a concern that Council has not established and effective complaints handling mechanism in relation to such complaints, or*
- b) A complaint that Council has not abided by the spirit of competitive neutrality in the conduct of business activity.*

**Corrupt Conduct** means dishonest or partial exercise of an official function by a public official

An **external complaint** refers to a complaint received by staff from outside the Council

An **internal complaint** refers to a complaint by one staff member about another staff member.

The **designated officer** is the staff member who is responsible for the area of Council activity to which the complaint relates or the staff member to whom the complaint is referred for resolution by the General Manager or Director. If the complaint relates to the conduct of a staff member however, then that staff member must not be appointed as the designated officer.

The **Public Officer** is the Director Corporate Services.

A **formal response** to a complaint should outline:-

- a) The action that Council has or will take in relation to a complaint together with a time frame within which that action will occur or
- b) The reasons why Council is unable to take action in relation to the complaint or
- c) That the complaint has been referred to an external body and the reasons for that referral.

A **resolution** to a complaint means solving the complaint to the satisfaction of all parties concerned.

*Information contained in this document has been adapted from the Department of Local Government "Complaints Management in Council's, Practice Note No.9, 1994 and Complaints Management Policies provided by staff from Maclean Council, Tallaganda Shire Council, Parkes Shire Council, Mudgee Shire Council, Sutherland Shire Council and Queanbeyan City Council. Further information on Complaints Management can be obtained in the following documents:-*

- *Local Government Act 1993 chapter 13 Pecuniary Interest*
- *Local Government Pecuniary Interest Tribunal ([www.dlg.nsw.gov.au/pit.htm](http://www.dlg.nsw.gov.au/pit.htm))*
- *Protected Disclosure Act 1994*
- *ICAC "What is Corruption?" and "Reporting Corruption ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au))*

## **KEMPSEY SHIRE COUNCIL'S COMPLAINTS AND COMPLIMENTS PROCEDURE**

### **INTRODUCTION**

Customer service is important to Kempsey Shire Council. Complaints, suggestions and compliments are valuable sources of information to us as they help our organisation to understand the needs of our customers and put plans in place that will help us to offer improved service levels. Our Policy states:-

Kempsey Shire Council recognises that any complaints received provide the organisation with an opportunity to identify and resolve issues of concern raised by members of the community. This helps Council to:

- Improve accountability to the community;
- Demonstrate a commitment to Customer Service;
- Identify areas which need improvement;
- Plan appropriate projects and services; and
- Obtain valuable feedback.

Council will ensure that every complaint is:

- Received courteously
- Investigated fully
- Acted upon quickly and appropriately and
- Processed according to consistent standards for privacy, timeliness, fairness, natural justice, cultural diversity, special circumstances and accessibility.

Council will endeavour to prevent similar complaints from re-occurring in the future and will seek to re-establish positive relationships wherever possible. However, some complaints, despite the best efforts by all parties, may remain unresolved and these cases will be dealt according to the guidelines provided in the NSW Ombudsman's Complaint Handling Tool Kit.

Compliments, relating to staff and/or Council's services and facilities, are valued as they help us to assess service delivery levels and provide valuable feedback to assist with forward planning. Council will acknowledge all compliments.

Complaints and compliments will be accepted in person, in writing, by facsimile, over the telephone or via email.

### **WHAT SHOULD I DO IF I WISH TO COMPLAIN?**

The process is easy and the choice is yours. You may present your concern to Council by:-

- Phoning us on 6566 3200,
- Calling in to the Civic Centre, Elbow Street, West Kempsey
- Emailing us on [ksc@kempsey.nsw.gov.au](mailto:ksc@kempsey.nsw.gov.au)
- Faxing us on 6566 3205
- Completing the comments and suggestions form on our website [www.kempsey.nsw.gov.au](http://www.kempsey.nsw.gov.au)
- Completing the attached Customer Feedback Form
- Writing to us at Kempsey Shire Council, PO Box 78, West Kempsey. NSW. 2440.

## **TO WHOM DO I ADDRESS MY COMPLAINT?**

Council's three departments are responsible for the management of:-

### **CORPORATE SERVICES**

- FINANCE – Rates, Debtors, Accounts, Purchasing, Contractors, Stores and Financial Reports.
- ADMINISTRATION – Records, Governance, Risk Management and Civic Centre Management.
- INFORMATION TECHNOLOGY
- SAFETY FLEET & DEPOT – Fleet, Depot, Workshop and Safety.
- PROPERTY & MARKETING - Caravan Parks, Saleyards, Airport, Trade Waste, Property Development and Business Marketing.

### **SHIRE SERVICES**

- WORKS – Roads, Road Signage, Bridges, Waste, Stormwater, Flood Mitigation, Council Property Maintenance and Footpaths/Cycleways.
- COMMUNITY & LEISURE SERVICES - Gardens & Open Spaces, Community Services including Aboriginal, Youth & Aged Care Services, Library, Swimming Pools, Civic Maintenance, Noxious Weeds, Cemeteries and Tourism.
- MACLEAY WATER - Water Services, Sewer Services and Asset Management.
- DESIGN & STRATEGY - Design and Asset Management.

### **SUSTAINABLE DEVELOPMENT SERVICES**

- TOWN PLANNING - Development Control and Strategic Planning.
- HEALTH & BUILDING - Environmental Health, Building Services and Ranger Services.
- ECONOMIC DEVELOPMENT - Fostering Business.
- ENVIRONMENTAL PROJECTS - Rehabilitation Works, Ecologically Sustainable Development (ESD) Policy Implementation and Floodplain Management.

Trained staff are employed to oversee these functions and to assist you with your concerns which relate to that Department. Most complaints can be resolved by talking directly to a staff member in the appropriate Department. If staff are unable to answer your query, they will refer you to the Manager of the section involved. If your concerns are still not allayed, an appointment will be made for you to speak to the Departments Director. If a satisfactory resolution can still not be reached, you may then be referred to the General Manager. If you are unsure which Department to contact, phone Council on 6566 3200 or drop in to the reception area in Administration; our staff will be happy to provide you with guidance. In some circumstances, you may choose to discuss your problem with the Mayor or one of our Councillors.

## **WHAT HAPPENS AFTER I MAKE MY COMPLAINT?**

If your concern cannot be resolved in the Department immediately, your complaint will be fully investigated. This will require our staff to:-

- analyse all the information available and source additional information if necessary
- refer, or seek clarification from Council Policies and/or the Local Government Act
- prepare a report
  - outlining details of the complaint
  - making suggestions to improve or correct problems identified and
  - recommending changes to Council's Policies and/or procedures to avoid a recurrence of the problem in the future.

Once the complaint has been fully investigated, you will be contacted with the result. Ideally, we will strive to resolve all complaints within ten working days however, some issues may require involved and lengthy research. If this is the case, we will keep you informed of our progress on a regular basis.

## WHAT HAPPENS IF I AM UNHAPPY WITH THE RESULT?

If Management or our staff have been unable to help you with your concern, you have the right to appeal to Council's Mayor if the matter does not relate to a staff member. An appointment will be made for you to discuss the issue with the Mayor or, if you feel more comfortable, you can outline your complaint in a letter addressed to the Mayor.

The Mayor will review all aspects of your concern and notify you of the outcome.

If you believe your concerns have still not been adequately addressed, you may refer your complaint to:-

- **The Ombudsman** (investigates and reports on complaints about the conduct of a NSW agency or their employee, including both government and some non-government agencies). Level 24, 580 George Street, Sydney. Phone 02 9286 1000. Free call 1800 451 524. Fax 02 9283 2911. E-mail [nswombos@nswombudsman.nsw.gov.au](mailto:nswombos@nswombudsman.nsw.gov.au)
- **The Department of Local Government (NSW)**, Investigations and Review, Level 2, 5 O'Keefe Avenue, Nowra NSW, 2541. Phone: (02) 4428 4100, Fax: (02) 4428 4199, E-mail: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)
- **The Anti Discrimination Board** Level 17, 201 Elizabeth St, Sydney, NSW, 2000, Phone: (02) 9268 5555, Freecall: 1800 670 812, Fax: (02) 9268 5500
- **The Independent Commission Against Corruption.** The Independent Commission Against Corruption exposes and minimises corruption in the NSW public sector. It does this by conducting investigations and hearings, providing corruption prevention advice and informing and educating both the public and private sectors, and the community. Level 21, 133 Castlereagh Street, Sydney, NSW 2000. Phone: 02 8281 5999, Freecall 1800 463 909. Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)
- **The Privacy Commissioner** handles complaints about the release of personal information. GPO Box 6, Sydney NSW 2001. Phone: (02) 9228 8199.



## Comments & Suggestions

Council is always interested in your comments as they help us to keep in touch with you, our customer. We would appreciate it if you would share your thoughts with us by completing this simple form.

Name	<input type="text"/>
Address	<input type="text"/>
Post Code	<input type="text"/>
Phone	<input type="text"/>
Fax	<input type="text"/>
Mobile	<input type="text"/>
Email	<input type="text"/>

**Do you wish to: (Please Select)**

- Make a Suggestion
- Ask a Question
- Report a Problem
- Compliment our Staff

**Please enter your comments below:**

<input type="button" value="Submit"/>	<input type="button" value="Reset"/>
---------------------------------------	--------------------------------------