

POLICY NO AND TITLE	1.1.2	Behaviour of Councillors and staff policy
PROCEDURE	1.1.2 (e)	Complaints handling
VERSION AND DATE ADOPTED	1	Day Month Year
RESPONSIBLE OFFICER		General Manager

Introduction

1. To Customers

There may be occasions when problems do arise and you may not get the service you expect. If you are be unhappy, we want to know so that, if justified, we can put things right.

The Council welcomes your response as one means of improving services to the community. Your response may be presented in person, in writing, by email or by telephone.

In dealing with your issue or enquiry we will:

- respond promptly
- investigate thoroughly and objectively
- keep you informed of what is happening
- respect as far as possible your desire for confidentiality.

Our customer response procedure is straightforward and provides for a number of levels for investigating complaints.

Firstly complaints can often be resolved very quickly and informally by the member of staff with whom you have been dealing. Please contact the member of staff, explain what has gone wrong and give them the opportunity to respond.

Should you wish to make a formal complaint you should provide written details to the General Manager.

2. What is a Customer Response System ?

A customer response system is an organised way of responding to complaints. It is also a way of recording, reporting and managing complaints to improve service in the future.

It includes procedures for customers to make inquiries and complaints. It also includes guidelines for staff to resolve inquiries and complaints, and provides information to staff that can assist in the provision of better services.

2.1 Why Have a Customer Response System?

Council is very aware that customers often judge organisations by the way they handle complaints.

Council has put an effective system in place as an essential part of providing quality customer service, and to ensure all inquiries (including complaints) are dealt with in a timely and effective manner.

The benefits of the Customer Response System include:

- identification of areas that need improvement
- creating a second chance to provide service and satisfaction to a dissatisfied customer
- provides an effective mechanism for managing complaints about Council service delivery
- provides an effective mechanism for managing the following types of complaints:
 - Competitive Neutrality
 - Criminal activity
 - Pecuniary/conflict of interest
 - Corrupt activity
 - By staff – protected disclosure

The Customer Response System provides the following steps for formal complaints:

Stage 1 First Contact

Customer service staff will receive, register and acknowledge inquiries or complaints.

Stage 2 Formal written complaint

If a customer remains unsatisfied with the initial response the matter will be reviewed by the Customer Services Manager and/or the relevant Director or the General Manager. The results will be conveyed to the customer;

Stage 3 Unresolved Complaint

When the customer's complaint has not been resolved to the customer's satisfaction the customer is to be advised of their rights, to:

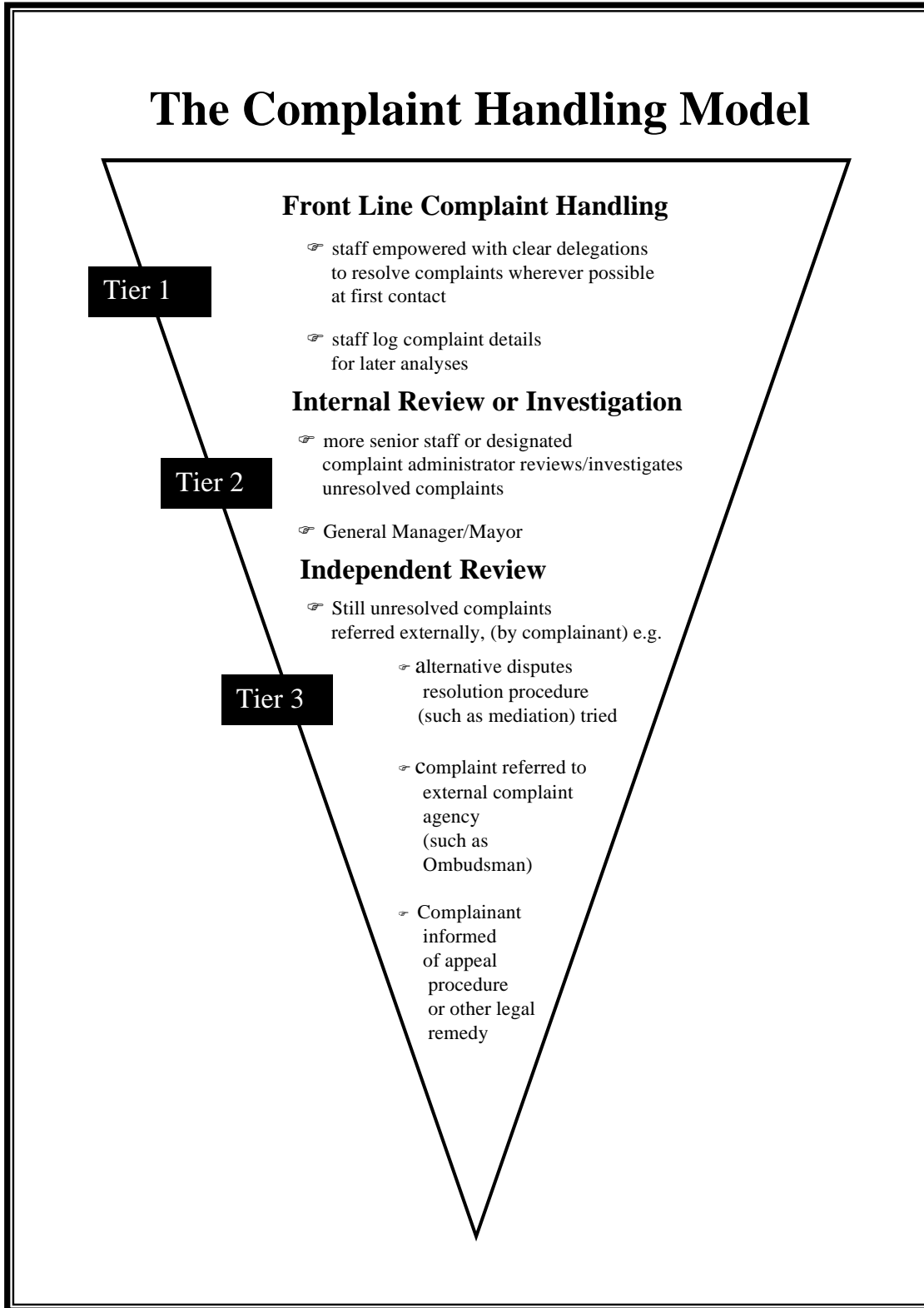
- approach an outside agency to seek resolution, such as the Ombudsman, the ICAC or the Department of Local Government
- alternative dispute resolution
- appeal procedures or other legal remedies

3. Complaints handling timeline

All complaints will be dealt with expeditiously generally in accordance with the following time-lines.

Source of Complaint	Deadlines
<i>Acknowledgment</i>	
Mayor, Councillors and correspondence	Within ten (10) working days if unable to meet Policy deadlines for finalisation
Customer Service Centre	at time of visit or call
Direct calls to staff	at time of call
Interviews by staff	at time of interview
<i>Finalisation</i>	
Mayor, Councillors and correspondence	Maximum time - 21 days.
<i>Note</i>	
Public safety complaints inspection	Within '5-hour inspection' rule.
Site Inspections	Generally where a site inspection is required an initial inspection will be undertaken after considering the nature of the complaint and urgency of the specific circumstances.

Complaint Handling Model



4. How to Make an Enquiry or Complaint to Council

4.1 By Members of the Public

By Telephone Customer Services Section - *phone 6499 2222*

By Letter address all correspondence, to:

General Manager

PO Box 492

BEGA 2550

Please note - the General Manager does not personally handle each inquiry or complaint. On receipt letters are quickly referred directly to the responsible officer for attention and resolution.

In Person visit the Customer Services Section Zingel Place, Bega or Council's branch offices at Bermagui, Merimbula and Eden.

These inquiries are to be handled in accordance with this policy and following Acts or Codes:

- Freedom of Information Act – (if applications made under that Act).
- Council's Code of Conduct
- ICAC
- Local government Act – Pecuniary Interest
- Criminal Acts (Police matters)
- Trade practices Act

When staff take customer complaints there are a number of privacy issues to be considered:

- Council Privacy Policy

The policy was adopted following consultation with the New South Wales Privacy Committee. It requires that staff must not, unless authorised by the complainant, disclose the name or source of a complaint.

4.2 By Councillors and/or Staff

- Councillors – the complaint is to be reported, to the General Manager or appropriate Director.
- Staff – the complaint is to be reported to their Director and/or the General Manager.
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The General Manager has a statutory obligation to report specific matters to either the Independent Commission Against Corruption (ICAC), The Local Government Department, the police or the NSW's Ombudsman. Examples are as follows:

- Council not meeting its obligations under the Code of Conduct:
- Staff only – the complaint is to be made in writing to the General Manager.

These matters are to be referred to the Council's Ethics Committee.

- Non-disclosure of pecuniary interests of Councillors and staff:
- Councillors and staff – the complaint is to be reported to the General Manager.

The General Manager is required to forward those matters to the Department if a reasonable view is formed that action is justified.

Discrimination and/or harassment under EEO and Enterprise Agreements:

- See relevant agreements for grievance and dispute settlement procedures.

4.3 Complaint against Staff

Council recognises that occasions may arise where complaints are made against employees.

Complaints will be taken in writing or verbally by Council staff. Staff will record the complaint in the Customer Response System. These complaints will be investigated at an appropriate level and employees will be given the opportunity to respond to complaints made against them.

Written complaints are preferable.

Anonymous complaints will not ordinarily be investigated or acted on in any way except where circumstances dictate otherwise.

Where investigations reveal that a complaint is justified and that an employee has acted in a manner contrary to accepted standards, the normal disciplinary process will be initiated.

The Protected Disclosures Act 1994 applies where a Councillor or staff member makes a disclosure relating to corrupt conduct, maladministration or serious and substantial waste in respect of a Councillor or employee.

5. Staff Guidelines

5.1 Verbal Complaints

- listen to the customer courteously
- repeat your understanding of the problem back to the customer to check you have understood;
- if the enquiry is unclear, ask what it is they want to happen or have done;
- decide what action you can take to resolve the complaint on the spot;
- ask the customer whether that action will resolve the complaint;
- take the agreed action;
- record the enquiry or complaint and if it is one of the specific types referred to in section 5.4 refer the matter to the General Manager.

5.2 Written Complaints

- Responding by phone -
 - acknowledge the complaint promptly
 - repeat your understanding of the problem to the customer
 - decide what action you can take to resolve the matter
 - ask the customer whether that action will resolve the matter
 - tell the customer what will happen, who will be dealing with the matter and how they can be contacted
 - take the agreed action
 - record the enquiry or complaint and if it is one of the specific types referred to in section 5.4 refer the matter to the General Manager.
- Responding by letter -
 - decide the action to be taken to resolve the enquiry or complaint:
 - in your letter write :
 - that you have received the complaint
 - your understanding of the problem
 - suggested action to resolve the matter
 - what will happen next
 - your name and phone number as contact
 - take the agreed action and if it is one of the specific types referred to in section 5.4 refer the matter to the General Manager
 - record the enquiry or complaint

5.3 Media comment about Council business or matters before Council

Only the General Manager or staff with delegated authority can make public comment about Council business, Council decisions or matters before the Council.

5.4 Identifying Complaints

A Customer specifying that a matter is a complaint usually categorizes the matter as a complaint eg “I want to complain” and will generally not identify the type of complaint. Staff will obtain sufficient information to allow the type of complaint to be identified.

Where a member of the public reports any matter related to fraud, corruption, criminal or unethical conduct the matter is to be reported immediately to the General Manager. The General Manager has a statutory obligation to report such matters to the Independent Commission against Corruption.

Where a member of the public reports matters related to maladministration or serious and substantial waste the matter is to be reported immediately to the General Manager. The General Manager has a duty to report such matters to the NSW Ombudsman.

A Competitive Neutrality complaint is difficult to identify as the concept is based on the “level playing field” concept or the concept that businesses which are publicly

owned should have no net competitive advantage over a business that is privately owned. Where Council competes in the market place it should do so without utilising their public position to gain an unfair advantage over a private sector competitor.

Competitive Neutrality complaints should be immediately referred to a Manager, Director or Council's Public Officer. Competitive Neutrality is one of the principles of competition policy and dealing with the complaint requires a detailed understanding of the policy and its ramifications.

Complaints involving criminal action are to be immediately referred to the General Manager for further referral to the Police.

APPENDIX

Other Authorities Dealing with Complaints

Commonwealth Ombudsman

- Investigates complaints about actions of Commonwealth Departments and authorities. Complaints may relate to specific actions or lack of actions by these agencies and may be made either in writing, by telephone or personal visit.

Commonwealth Ombudsman

Level 8 Landmark Building

345 George Street

Sydney 2000

Telephone (02) 9248-2000

FAX (02) 9290-1330

NSW Ombudsman

- Investigates complaints about the conduct of State public authorities including State Government departments, local Councils and the Police Service, and their employees
- Reviews freedom of information requests. Complaints should be made in writing. Before making a formal complaint, please call an enquiry officer for advice.
- Has discretion on how to deal with complaints and does not always exercise the power to investigate particular complaints fully or at all
- Will not normally investigate complaints which can and should be resolved by a Council under a policy
- Will always consider for investigation complaints which cannot be resolved, as well as a failure by a public authority to deal satisfactorily with a complaint

The Office of the Ombudsman

Level 3 Coopers & Lybrand Building

80 George Street

SYDNEY 2000

DX 1041 SYDNEY

Telephone (02) 9286 1000

Toll-free 008 451 524

Privacy Committee

- May receive and investigate complaints about alleged violations of the privacy of people and may make reports to complainants.

Executive Member

Privacy Committee

GPO Box 6

SYDNEY 2000

Telephone (02) 9228-8199

Department Of Local Government

- Receives complaints concerning the conduct and management of Councils.
- Preliminary enquiries are conducted to assess whether formal investigations are required. Only a small proportion result in investigations.
- Encourages complainants to resolve issues with the Council concerned. Where issues remain unresolved the department will review the matter including the council's handling of the complaint
- Complaints Alleging Pecuniary Interest.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another with whom the person is associated.

Chapter 14 of the Local Government Act requires that "pecuniary interests of Councillors, Council delegates and other persons involved in making decision or giving advice in Council matters be publicly recorded and requires Councillors and staff to refrain from taking part in decisions on Council matters in which they have a pecuniary interest" (introduction to chapter 14, also see s.4412-459).

The Director-General of the Department of Local Government, through the Department's Investigations and Review Branch, is responsible for assessing and investigating pecuniary interest complaints. When dealing with these matters the Investigations and Review Branch should be contacted for advice on how to proceed.

Investigations & Review Branch
Department of Local Government Locked Bag 1500
BANKSTOWN 2200

Telephone (02) 9793 0793
Facsimile (02) 9793 0799

Independent Commission Against Corruption

- The Independent Commission Against Corruption (ICAC) Act 1988, defines corrupt conduct as dishonest or partial exercise of an official function by a public official. it must involve:
 - a criminal offence under NSW law or any other law which could apply in the particular circumstances; or
 - a disciplinary offence which would lead to disciplinary action under any law including regulations; or
 - reasonable grounds to dismiss or terminate the services of the official.
- The Act requires a General Manager (the principal officer) to report suspected cases of corrupt conduct to ICAC.
- The Council has adopted an Internal Reporting System under the Protected Disclosures Act to enable corrupt conduct to be reported to the General Manager. Such mechanisms for internal reporting are necessary for preliminary investigation and development of corruption prevention measures.
- As soon as reasonable suspicion that corrupt conduct is or may be involved, a report must be made to ICAC. Reporting of these matters to ICAC should not delay reporting to the Police or other authorities
- Councils dealing with alleged corrupt conduct should contact ICAC for advice on how to proceed.

References

Complaints Management in Councils' Department of Local Government Practice Note No.9 August 1994

Effective Complaint Handling Guidelines – NSW Ombudsman booklet

Understanding Complaint Management – NSW Ombudsman

Sutherland Shire Customer Response Policy

Internal Reporting System - Protected Disclosures Act Policy – Sutherland Shire Council.

Code of Conduct Policy – Sutherland Shire Council.