



Policies, Procedures and Guidelines

COMPLAINTS MANAGEMENT FRAMEWORK & POLICY

CCS049

OBJECTIVE:

Lachlan Shire Council is committed to delivering quality customer service and to communicating effectively with our community. We recognise that:



We realise that sometimes, despite our best efforts, some people may not be happy with the way we have performed a service. These guidelines provide a framework for the management of complaints.

SCOPE

This policy applies to all staff and councillors receiving or managing complaints from the public made to or about council, regarding services, staff or the complaint handling process.

Staff grievances, code of conduct complaints, public interest disclosures, customer service requests and requests for access to information via the *Government Information (Public Access) Act 2009* are dealt with through separate mechanisms and do not form part of the Lachlan Shire Council Complaints Management policy.

Lachlan Shire Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. Staff will also consider any relevant legislation and/or regulations when responding to complaints and feedback.

POLICY

A complaint is an expression of dissatisfaction with a decision, with the level or quality of service, or the behaviour of an employee or agent, which can be investigated and acted upon. Lachlan Shire Council acknowledges the individual's right to make a complaint if it is considered Council has been remiss in its service provision or actions.

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The following are not considered to be complaints, unless it is an expression of dissatisfaction that a previous request has not been responded to:

- a request for council services e.g. pot hole; water main leak;
- a request for documents, information or explanation of policies or procedures;
- a request for council to exercise a regulatory function; and
- The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy.

Council recognises that complaints are a valuable resource for achieving excellence in customer service. Through the analysis of complaints council can:

- monitor the quality of its services and systems;
- identify recurring problems, issues or trends;
- strengthen community relationships;
- make improvements to systems and customer service; and
- improve its reputation.

WE WILL



The guiding principles for Lachlan Shire Councils complaints management policy are;

- **People Focus:** We are committed to seeking and receiving feedback, positive and negative, about our services, systems, practices, procedures and complaints handling processes.
- **Responsiveness:**
 - Matters of safety or that are serious in nature will be actioned promptly;
 - We will acknowledge your complaint within 10 working days; and
 - We will respond to complaints in a timely manner and will keep complainants informed of outcomes.
- **Objectivity and Fairness:** we will
 - address each complaint with integrity and in an equitable, objective and unbiased manner;
 - ensure conflicts of interest, perceived or actual will be managed responsibly;
 - ensure the person handling the complaint will not be the staff member whose service or conduct is being complained about; and

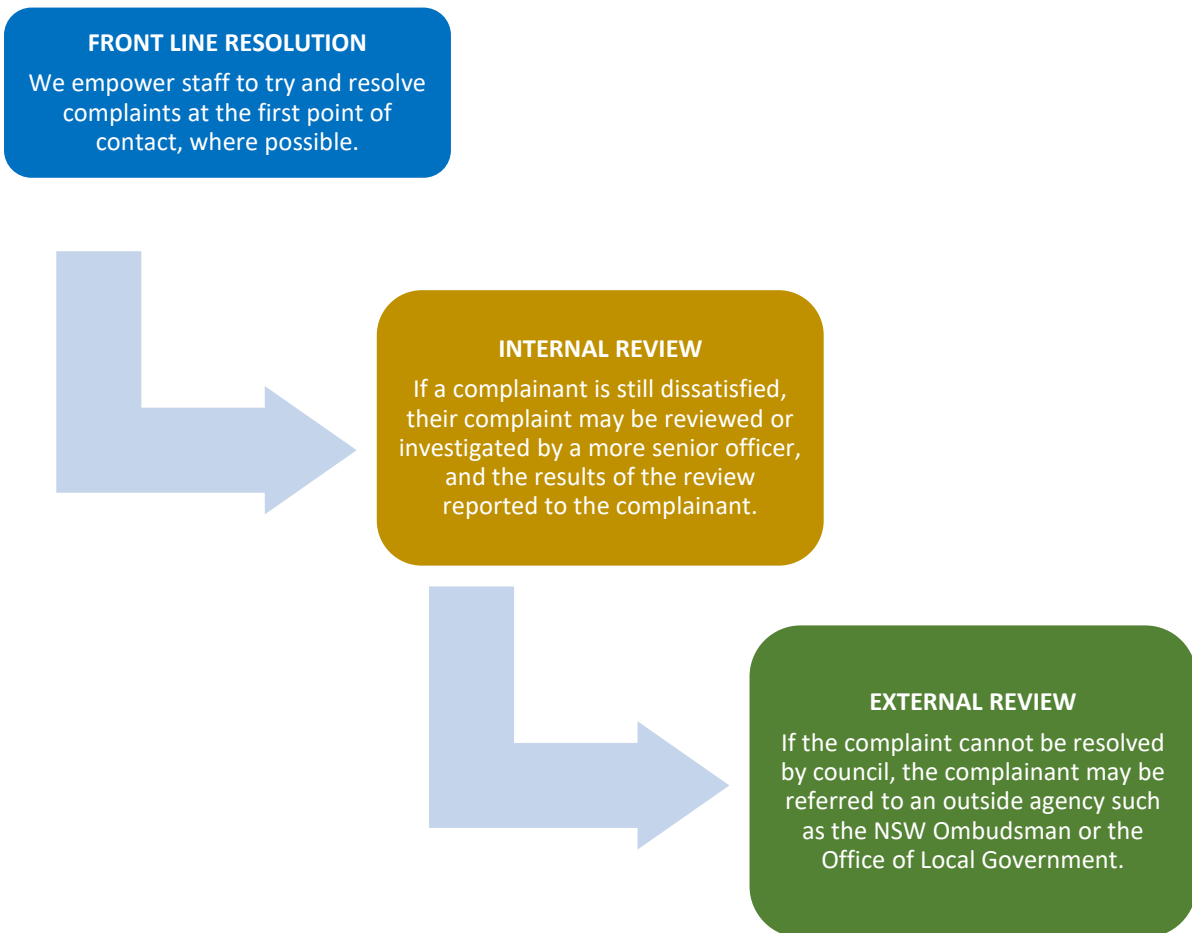
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- ensure internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

Generally this will be some more senior to the original decision maker. If the complaint is about the General Manager, the matter will be referred to the Mayor initially. Independent external legal advice may be sought and the Ombudsman or the Office of Local Government may become involved.

- No Detriment – We will take all reasonable steps to ensure people making complaints are not adversely affected solely because they made a complaint.

OUR COMPLAINT HANDLING MODEL



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Complaints will immediately move from one tier to the next if:

- the complaint is about the staff member's own conduct or the staff member has a real or perceived conflict of interest, and it is not appropriate that they deal with it;
- the complaint is outside the staff member's delegation or area of expertise;
- a public official is alleged to have committed a criminal offence, acted corruptly or engaged in other serious or controversial conduct.

COMPLAINTS THAT WILL NOT BE INVESTIGATED

In rare circumstances, Council may decide that a complaint will not be investigated where the complaint:

- is considered frivolous, vexatious or not made in good faith
- Occasionally Council may receive complaints that it deems to be frivolous or vexatious. Frivolous or vexatious complaints are complaints that are considered to be trivial or senseless and are usually made with the intention of causing a nuisance, annoyance or harm to the subject being complained about. This will be a judgement call made by the General Manager, which is based on the nature of the complaint and any supporting information. The complainant will be notified.
- is considered to be an unreasonable or persistent complaint that is being dealt with in accordance with Council's Unreasonable Conduct by Customer Policy
 - is a second request for service within a reasonable service level timeframe
 - involves a matter where an adequate remedy or right of appeal exists
 - is a matter that is subject to existing mediation processes
 - relates to a matter awaiting determination by the Council
 - relates to a matter before a court or tribunal
 - relates to the appointment or dismissal of an employee, or an industrial or disciplinary issue
 - involves threats against Council or its staff and the police will be notified.

Lachlan Shire Council's Complaint Management Policy is intended to:

- Ensure that we handle complaints fairly, efficiently and effectively;
- Increase the level of community satisfaction with council's services;
- Provide a clear and transparent system for dealing with complaints;
- Enable us to respond to issues raised by complainants in a timely and cost-effective way;
- Boost public confidence in our administrative process and customer service;
- Provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

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OUR COMPLAINT MANAGEMENT SYSTEM IS MADE UP OF 6 STAGES



Receive and acknowledge

Council will record the complaint and its supporting information within our records management system. You will receive written acknowledgment of your complaint and advising you of the expected timeframe for completion.

Address and investigate

We will confirm the parameters of the complaint to be investigated and whether the issues raised within the complaint are within our control. We will also consider the outcomes sought by the person making the complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed. We may need to contact you for further information.

After assessing the complaint, we will investigate the claims made in the complaint. If there are any delays, we will keep the complainant up to date on progress.

Provide reasons for decisions:

Following consideration of the complaint and its investigation we will contact the complainant to advise them:

- The outcome of the complaint and any action we took;
- The reason/s for our decision;
- The remedy/resolution/s that we have proposed or have put in place; and
- Any options for review that may be available to the complainant, such as internal review, external review or appeal.

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Close the complaint:

Once the complaint has been finalised we will keep comprehensive records about

- how we managed the complaint
- the outcome/s of the complaint
- any outstanding actions that need to be followed up,

We will ensure that outcomes are properly implemented, monitored and reported to senior management.

WHO WILL INVESTIGATE MY COMPLAINT?

Specific complaint management responsibilities are set out below and may be altered at the discretion of the General Manager.

General Manager

The General Manager has a leadership role in the management of complaints. The General Manager may allocate responsibility for dealing with particular complaints as deemed necessary.

The General Manager is also responsible for:

- accepting complaints;
- resolving complaints referred to the General Manager for review ;
- receiving complaints that allege corruption and for referral to the Independent Commission Against Corruption (the ICAC); and
- receiving complaints in relation to the conduct of staff.

Directors

Directors are responsible for:

- accepting complaints;
- ensuring complaints are promptly filed in the electronic record keeping system;
- assisting the General Manager in dealing with complaints as deemed necessary by the General Manager.

DO I HAVE TO PUT MY COMPLAINT IN WRITING?

No, you can lodge your complaint verbally, however we encourage you to provide your complaint in writing to ensure we have all the information we require to properly investigate the matter.

- Council will respond to complaints whether they are provided in writing or verbal;
- Council officers will help customers lodge complaints where necessary.
This may include providing reasonable assistance to put a complaint in writing. If a customer is unable to write a complaint and a staff member is unable to assist the customer in writing the complaint, staff should accept the complaint verbally and make a record of the complaint
- Lachlan Shire Council accepts anonymous complaints and will carry out an investigation of the issue/s raised where there is enough information provided. However, due to the complaint's anonymity this may mean that the complainant will not receive any feedback on the complaint.

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WILL MY IDENTITY REMAIN CONFIDENTIAL?

Yes. It is Council's policy not to disclose confidential information, including names and addresses, without a person's consent, to anyone outside Council, unless required to by law.

You may remain anonymous but please be aware that Council may need to contact you for further details to properly investigate the complaint. Council may refuse to investigate an anonymous complaint if insufficient information is provided.

HOW CAN I LODGE MY COMPLAINT?

Written Complaints can be

- Posted to: PO Box 216 CONDOBOLIN NSW 2877
- Delivered in person to: 58-64 Molong Street CONDOBOLIN NSW 2877 or 35A Foster Street LAKE CARGELLIGO NSW 2672
- Emailed to: council@lachlan.nsw.gov.au
- Faxed to: 02 6895 3478

Verbal complaints can be made:

- By telephone: 02 6895 1900
- In person at: 58-64 Molong Street CONDOBOLIN NSW 2877 or 35A Foster Street LAKE CARGELLIGO NSW 2672

CAN I COMPLAIN TO THE MAYOR OR COUNCILLORS?

Yes, the Mayor and Councillors have a responsibility to accept complaints. They must ensure the matter is referred to the General Manager or delegated officer promptly, either verbally or in writing.

RELATED DOCUMENTS

Complaints Management Procedure

Code of Conduct

Customer Service Charter

Unreasonable Conduct by Customers Policy

Local Government Act 1993

Government Information (Public Access) Act 2009

Practice Note No.9 – Complaints Management in Councils, DLG and NSW Ombudsman, August 2009

Effective Complaint Handling Guidelines, NSW Ombudsman, 3rd Edition February 2017

RIGHT TO VARY

Council may vary this policy at any time.

Greg Tory

GENERAL MANAGER

29/07/2019

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