

## COMPLAINTS HANDLING POLICY

Date Adopted	<b>21<sup>st</sup> September 2023</b>		
Council Minute	<b>158/09/2023</b>		
Version	<b>Version 7</b>		
Policy Responsibility	<b>Corporate &amp; Community Services</b>		
Review Timeframe	<b>Every 4 Years</b>		
Last Review Date	<b>September 2023</b>	Next Scheduled Review	<b>September 2027</b>

### STATEMENT OF INTENT

Coolamon Shire Council's primary charter as a service organisation is to assist its customers and stakeholders consistent with the common good, and legal and statutory responsibilities.

In observation of this charter, one of Council's responsibilities is to receive and act upon complaints from external sources, which relate to any aspect of Council's operations or services.

Coolamon Shire Council regards all complaints with the utmost seriousness. Council will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by complainants.

### ELIGIBILITY

This policy applies to all Council staff, Councillors and contractors working on behalf of Council.

### DEFINITIONS

#### 1. *Complaint*

A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

#### 2. *Contract Administrator*

The Contract Administrator is any member of Council's staff who is responsible for letting and overseeing the completion of contracts on behalf of Council. Contracts may be for the provision of goods and/or services to Council.

### 3. *Public Officer*

The Public Officer is a member of Council's senior staff, appointed under the *Local Government Act 1993*. The functions of the Public Officer include provision of assistance to the public in accessing Council documents, representation of Council in legal and other matters, receipt of submissions made to Council and to assist with requests from the public regarding Council's affairs.

## **PROVISIONS**

### 1. *Lodging Complaints*

Complaints may be lodged with Council in the following ways:

- By telephone;
- In person;
- In writing including by facsimile, or email.

### 2. *Anonymous Complaints*

Anonymous complaints will be dealt with in accordance with the gravity of the situation being reported.

### 3. *Recording of Complaints*

All complaints received by Council will be recorded in Council's Electronic Document Management System or Customer Requests Management System.

When a complaint is made in person, subject to the gravity of the complaint, staff and volunteers in the field will advise the complainant to contact Council's office by formal means.

When a complaint is made in person to a Councillor, the Councillor should assess the gravity of the situation and contact the appropriate staff.

Where a complainant is requesting a service, and there are no prior indications of failure to provide that service to the complainant, the request will be recorded as an 'action request' rather than a complaint.

If Council records indicate that the complainant has made contact with Council on one or more occasions regarding a failure of Council to provide that service, such contact will be recorded as a complaint. Complaints of this nature will be forwarded to the General Manager.

### 4. *Complaint Handling*

Complaints received by Council concerning Council affairs will be referred to the appropriate staff member at Manager or Supervisor level to investigate in the first instance.

Should the processes undertaken by the Manager or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Manager or Supervisor will refer the complaint to the General Manager for further review.

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, Council will refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption or the Office of Local Government.

Where a complaint is received and reported by a Council contractor, the General Manager will investigate the complaint.

Contractors conducting works on behalf of Council are required to report to the Contract Administrator, complaints received by them regarding any aspects of Council's operations or their work. On request from the complainant, the contractor shall refer the complainant directly to the General Manager to address issues surrounding the complaint.

Council may seek to use alternative dispute resolution methods to resolve the complaint in circumstances where such a course of action is deemed appropriate by the Public Officer.

#### 5. *Communication with Complainant*

Within 10 working days of receipt of a complaint, in circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will provide acknowledgement of receipt of the complaint to the complainant. Such acknowledgement may be by telephone or in writing as appropriate.

The staff member responsible for handling the complaint will ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint.

The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate the complainant will also be advised of any measures taken to minimise chances of the issue(s) underlying the complaint occurring again.

#### 6. *Confidentiality*

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of positions must ensure that all allegations contained therein, are not discussed other than with the Public Officer and/or General Manager. Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimization or retribution as a result of the complaint.

#### 7. *Complaints Involving Allegations of Maladministration or Corrupt Conduct*

All complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position, including complaints made verbally or anonymously, are to be referred immediately and directly to the Public Officer and/or General Manager.

Under Section 11 of the *Independent Commission Against Corruption Act 1998*, the General Manager must report to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

#### 8. *Malicious, Frivolous and Vexatious Complaints*

All complaints received by Council will be treated with the utmost seriousness. However if, following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint. A decision to take no further action will be made by a member of staff at the level of Manager or higher and the complainant will be informed of the decision in writing.

#### 9. *Allegations against council employees in relation to child protection and children's safety*

Under the *Children and Young Persons (Care and Protection) Act 1998* **mandated reporters** (includes all employees of a child related services, this includes managers of these services) must make reports if they suspect on reasonable grounds a child is at risk of significant harm. This includes any allegations made against council employees and volunteers.

All complaints received by council will be handled in accordance and reference to Council's Child Protection Policy and Child Safe Policy.

#### 10. *Reporting of Complaints*

Staff will provide reports to Senior Management on complaints received and subsequent follow-up and departmental action as they occur. Reports will provide the following information on each complaint:

- The issue at the centre of the complaint;
- The outcome of investigations in each instance;
- Action taken to address complainants issues;
- Feedback from the complainant where possible as to satisfactory resolution of the complaint or otherwise;
- Referral of the complaint to an external agency;
- Recommendations or actions taken to improve service.

On an annual basis the Public Officer will prepare a statistical summary of complaints received for the statutory annual report.

#### 11. *Regular Review of Complaints Handling by Council*

The Public Officer will conduct a review of Council's complaint handling processes on an annual basis to ensure that such processes are responsive to complainants and are appropriate in addressing issues underlying complaints received by Council.

### **RESPONSIBILITY/ACCOUNTABILITY**

Under the *Local Government Act 1993*, Council's Public Officer is responsible for overseeing the handling of all complaints received by Council concerning Council's affairs.

All staff are required to be aware of the content of this policy.

## ASSOCIATIONS & RELATIONSHIPS

Legislation	<b>Local Government Act 1993</b> <b>Independent Commission Against Corruption Act 1998</b>
Policies	<b>Code of Conduct</b> <b>Statement of Business Ethics</b> <b>Agency Information Guide</b> <b>Privacy Management Plan</b>
Procedures/Protocols, Statements, Documents	

## REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

**Version 7 Adopted: Council Meeting held 21 September 2023 (Minute No 158/09/2023)**

**Version 6 Adopted: Council Meeting held 21 April 2022 (Minute No 69/04/2022)**

**Version 5 Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)**

**Version 4 Adopted: Council Meeting 19 September 2013 (Minute No 232/09/2013)**