

1.3 CUSTOMER COMPLAINTS HANDLING

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2.1	16 th August 2016	Resolution 12/9/16/009

INTRODUCTION

Council regards complaints as an opportunity to improve practices and procedures as well as resolve the matter. The aim of this policy is to provide a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service. Lessons learnt from complaint investigations will be used to directly inform service improvements.

Emphasis will be placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance Council will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions. This procedure is broadly consistent with the Australian Standard for complaint handling.

OBJECTIVES

The objectives of the policy are based on 4 principles which are fundamental in the way Council approaches complaint handling. They are:

- **Fairness:** treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process
- **Accessibility:** to be accessible there must be broad public awareness about Council's policy and a range of contact options
- **Responsiveness:** this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems

- **Efficiency:** complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity

DEFINITION

For the purposes of this policy, a complaint is defined as:

An expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this policy.

A comment or service request is not a complaint. Judgement is required to determine the distinction of a complaint, service request or a comment. This is particularly the case in social setting where adverse comments are not intended to be a complaint but to provide commentary on an issue. Likewise comments or assertions designed to cause a mischief are not considered complaints. If in doubt the person making the comment should be directly requested if they wish to make a formal complaint.

Feedback can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

POLICY STATEMENT

Council is committed to the fair, effective and efficient handling and resolution of complaints. Complaints will be handled in accordance with the procedures set out in this document and take into consideration the principles of natural justice.

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

This policy and procedures will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be placed in a prominent position on Council's website.

Council will ensure that, whenever appropriate, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

PROCEDURES

Means of Making a Complaint

A person can make a complaint in a number of ways:

- Complete the appropriate form on Council's website
- Telephone

- Email
- Letter
- Visit a Council customer service office.
- Via a Councillor

Complaint handling process

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly
- Assess the complaint - simple problems may not need to be investigated
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

If the staff member receiving the complaint feels that they are unable to correctly handle the complaint, they should promptly refer the complaint to a supervisor.

All complaints will be recorded in Council's records management system. The system will be progressively improved to allow the information to be analysed for service improvement opportunities.

Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

Employees are provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

Timeframes for Response

Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council will respond where appropriate within [10] business days, acknowledging receipt of the complaint and, where possible, resolving it at that time. If a resolution is not possible at that time, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

Procedures for resolving complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

- I. Immediate response to resolve the complaint

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

II. Complaint escalated to a more senior officer

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

III. Review of decisions

Complainants not satisfied with the outcome of a complaint may request that the CEO review the complaint. This may include the process in regards to natural Justice and procedural fairness, complainant dealt with impartially, confidentially, in accordance with Council's procedures and the logic of the outcome.

Complainant's rights

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time.

Alternative Procedures

There are also other complaint procedures which apply to particular types of complaints. If the complaint could be more properly dealt with by another process, this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the Local Government Act

In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be determined between the Council and the complainant.

Unreasonable Complainant Conduct

All complaints received by Council will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, and lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and Council aims to manage these situations in a fair and equitable manner.

Councillors and Staff are entitled to be contacted without being abused or physically or emotionally threatened. Complainants resorting to these measures will be warned that unless they desist that the conversation will be terminated. They will be advised that they may contact council again if they conform to acceptable codes of behaviour.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour or actions continue, restrictions may be applied.

Any decision to apply restrictions on a complainant will be made by the Chief Executive Officer and communicated in writing to the complainant.

Council staff will not respond to insulting, abusive or defamatory comments made in writing, email or through social media.

Privacy and Confidentiality

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by the Council, except where required by law.

All complaints lodged with Council are subject to the Freedom of Information Act and confidentiality cannot be guaranteed under the provisions of that legislation.

Remedies

Where complaints are found to be justified Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Council are the only representatives authorised to offer financial compensation

Alternative remedies

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or his/her delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, Council will if appropriate provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the NT Ombudsman.

Service Improvements

Quality of service is an important measure of Council's effectiveness. Learning from complaints is a powerful way of helping to develop the Council and increase trust among the people who use our services. Council will use the complaint process to assess its performance and identify improvements.

Council will receive a report on the number and nature of complaints received, monthly.

Council will review and evaluate the information gained through its complaints handling system on an annual basis to inform the Annual Plan.

Complaints against the CEO

Complaints about the CEO will be referred to the Shire President. The Shire President will determine the most appropriate manner in which to investigate the complaint. The Council will be informed of the complaint. This will depend on the seriousness of the complaint. The complaint could be handled individually or by council or a committee appointed by Council or externally by independent investigators.

The Shire President may seek advice from LGANT or Department of Local Government, Council Legal advisors, referral to the Council, engaging an independent investigator or mediator.

The Shire President may use the details the details of the CEO's contract, Provisions of the Local Government Act and Regulations, Council policies, Code of Conduct or any other resources to assist in the investigation.

The Shire President will ensure the Principles of Natural Justice are applied.

Complaints against the Councillors

Complaints about the Councillors will be referred to the Shire President. The Shire President will determine the most appropriate manner in which to investigate the complaint. This will depend on the seriousness of the complaint. The complaint could be handled individually, referred to Council or a committee appointed by Council or externally by independent investigators from the panel appointed by LGANT.

The Shire President may seek advice from the CEO, LGANT or Department of Local Government, Council Legal advisors, referral to the Council, engaging an independent investigator or mediator.

Complaints regarding breaches to the Council's Code of Conduct will be dealt with in accordance with the Local Government Act.

The Shire President will ensure the principles of Natural Justice are applied.