



# Council Policy Manual

## COMPLAINTS POLICY AND PROCEDURE

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## **POLICY STATEMENT**

This policy is intended to effectively handle complaints and provides a means for improving customer service. Brewarrina 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.

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 to all.

## **PURPOSE**

The objective of this policy is to improve customer service and to develop a coherent procedure to effectively and consistently manage complaints in relation to Council activities

## **RESPONSIBILITIES**

It is the responsibility of all staff to ensure that any complaints are handled expeditiously with a view to satisfactorily resolving the subject of complaint and ensuring that a similar problem does not occur in the future.

This policy serves to explain to staff and the community how Council will deal with complaints.

## **DEFINITIONS**

In this policy the words below are defined as follows:-

*'administrative complaint'* shall mean dissatisfaction with the level of service provided in regard to the Council's operations, policies, procedures, charges, staff and agents. A customer request is not an administrative complaint but concerns about inaction in respect of a customer request shall constitute an administrative complaint.

*'legal or criminal complaint'* shall mean a complaint alleging either:-

- a breach of the pecuniary interest provisions of the *Local Government Act*, (1993); or



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- corrupt conduct as provided by the *Independent Commission Against Corruption Act, (1988)*.

*competitive neutrality complaint* shall mean: -

- a complaint that Council has not met the Government's requirements under the "Policy Statement on the Application of National Competition Policy to Local Government" or "Pricing and Costing of Council Businesses - A Guide to Competitive Neutrality", including a concern that Council has not established an effective complaints handling mechanism;
- a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

## **PROCEDURES FOR HANDLING COMPLAINTS**

### **ADMINISTRATIVE COMPLAINTS**

#### ***How are administrative complaints made?***

Administrative complaints are usually directed to Council in writing or verbally (in person at Council offices or by phone).

#### ***Process for Dealing with Administrative Complaints***

##### ***Written Administrative Complaints***

1. Upon receipt, the Records Section shall refer the complaint to the appropriate manager for investigation. If the complaint alleges a breach of the Council's Code of Conduct, it should be referred immediately to the Council's General Manager.
2. The Manager to whom the complaint is referred for investigation shall forward a letter acknowledging the complaint (within 7 days) which:-
  - demonstrates that the subject of the complaint is understood;
  - indicates what will happen next;
3. The Manager who is investigating the complaint shall do so as expeditiously as possible.
4. The Manager shall advise the complainant, in writing, when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.

**Note:** In replying to the complainant the Manager shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to



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the Council) or externally to either the Office of Local Government, the Office of the Ombudsman or the Independent Commission Against Corruption.

## **Verbal Administrative Complaints**

1. The officer who first receives a complaint (either by phone or over the counter) shall refer the matter to the appropriate manager for attention.
2. The Manager shall:
  - record the details of the complaint on the Complaint Form;
  - confirm with complainant the accuracy of what has been recorded;
  - explain what will happen next;
  - investigate the complaint as expeditiously as possible and recommend/take remedial action;
  - inform the complainant of the remedial action taken.

Note In those cases where a complaint is received verbally which relates to a staff matter, the complainant is to be advised that the complaint must be lodged in writing.

Note 2: In informing the complainant of the action taken, the Manager shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or externally to either the Department of Local Government, the Office of the Ombudsman or the Independent Commission Against Corruption.

## **APPEAL PROCESS**

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

There is basically a two (2) stage appeal process; internal and/or external.

### **Internal Appeals**

#### ***Who will conduct internal appeals?***

The following positions are responsible for reviewing complaints as a result of an appeal:-

Review Officer

for complaints relating to investigation by:-

Mayor

General Manager



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General Manager

By any staff member

## ***How will an internal review be conducted?***

1. The reviewing officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
2. If, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, he/she will inform the complainant accordingly.
3. If the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, he/she will
  - counsel the officer who initially handled the complaint;
  - institute action to achieve the appropriate result;
  - inform the complainant of the outcome of his/her review.
4. In the case of reviews undertaken by the General Manager, he/she will inform the Mayor.

Note: In replying to the complainant, the reviewing officer shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged with either the Department of Local Government, the Office of the Ombudsman or the Independent Commission Against Corruption.

## **External Appeals**

If a person feels that the Council has not properly dealt with a complaint internally, that person may wish to refer the matter to any of the following Appeal Agencies:-

Investigations & Review Branch  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541  
Telephone: (02) 4428 4100  
Facsimile: (02) 4428 4199

The Office of the Ombudsman  
PO Box K825,  
Haymarket NSW 1240  
Telephone: 1300 362 072  
Facsimile: (02) 9211 4402

Independent Commission Against Corruption  
GPO Box 500  
SYDNEY NSW 2001  
Telephone: (02) 8281 5999  
Toll Free: 1800 463 909



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Facsimile: (02) 9264 5364

## LEGAL OR CRIMINAL COMPLAINTS

### Form of Legal or Criminal Complaints

These complaints relate to alleged breaches of the pecuniary interest provisions of the *Local Government Act*, (1993) and corrupt conduct.

Persons who would seek to make such complaints should do so in writing, addressed to either the General Manager or Mayor.

### Process for dealing with legal or criminal complaints

#### ***Pecuniary Interest***

1. Upon receipt of a complaint which refers or appears to refer to an alleged breach of the pecuniary interest provisions of the *Local Government Act*, (1993), it shall be immediately referred to the General Manager (or the Mayor, if the allegation involves the General Manager).
2. The General Manager (or Mayor) shall assess the complaint to determine whether or not it involves a pecuniary interest breach.
3. If the General Manager (or Mayor) considers that the complaint does not involve a breach of the pecuniary interest provisions, it shall be dealt with in accordance with the practice involving administrative complaints, outlined above.
4. If the General Manager (or Mayor) considers that the complaint does involve an alleged breach of the pecuniary interest provisions he/she shall refer the matter to the Department of Local Government to investigate the facts of the matter. If on the evidence, there is no breach, the matter should be reported to Council only. The General Manager (or Mayor) shall also inform the Council.
5. The complainant shall be informed in writing of the action taken.

#### ***Corrupt Conduct***

1. Upon receipt of a complaint, which alleges or appears to allege corrupt conduct, it shall be immediately referred to the General Manager (or the Mayor, if the allegation involves the General Manager).
2. The General Manager (or the Mayor) shall assess the complaint to determine whether or not it involves corrupt conduct.



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3. If the General Manager (or Mayor) is convinced that the complaint does not involve corrupt conduct it shall be dealt with in accordance with the practice involving administrative complaints, outlined above.
4. If the General Manager (or Mayor) considers that the complaint does involve corrupt conduct he/she shall then report the matter to the ICAC (in doing so, the General Manager (or Mayor) may decide to contact the ICAC for guidance on how to proceed). The General Manager (or Mayor) shall also inform the Council. If the conduct involves a criminal offence, the matter shall also be reported to the Police.
5. The complainant shall be informed of the action taken.

## **COMPETITIVE NEUTRALITY COMPLAINTS**

### Form of competitive neutrality complaints

Persons who would seek to make such complaints should do so in writing, addressed to the General Manager.

Process for dealing with competitive neutrality complaints:

1. All competitive neutrality complaints shall be referred to the Public Officer.
2. The Public Officer shall inform the General Manager of the receipt of any such complaint and shall acknowledge receipt of the complaint in writing (7 days).
3. The Public Officer shall properly investigate all such complaints.
4. All members of Council's staff shall co-operate with the Public Officer in the investigation of any competitive neutrality complaint and shall provide such information as the Public Officer shall require.
5. Council shall provide the Public Officer with such resources as are required to assist in the investigation of such complaints.
6. A record of every complaint and all action taken in relation to it shall be kept in Council's records system.
7. After investigating the complaint, the Public Officer shall recommend appropriate action to the General Manager which may include, but is not limited to:-
  - the provision of more information to the complainant to enable a more accurate understanding of competition policy;
  - an investigation/review of Council's business activity if a legitimate complaint is made;





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- a change to Council's business practice where a complaint is justified.
8. The General Manager shall review the recommendation and may either accept the recommendation or institute some other course of action.
9. Within 30 days of Council receiving the competitive neutrality complaint, the complainant shall be notified of:-
- the result of the complaint; and
  - the alternative avenues of redress that are available, including:-

Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541  
Telephone: (02) 4428 4100  
Facsimile: (02) 4428 4199

The Office of the Ombudsman  
PO Box K825,  
HAYMARKET NSW 1240  
Telephone: 1300 362 072  
Facsimile: (02) 9211 4402

Independent Commission Against Corruption  
GPO Box 500  
SYDNEY NSW 2001  
Telephone: (02) 8281 5999  
Toll Fee: 1800 463 909  
Facsimile: (02) 9264 5364

Australian Competition and Consumer Commission  
GPO Box 3648  
SYDNEY NSW 2001  
Telephone: (02) 9230 9133  
Facsimile: (02) 9223 1092