COMPLAINT MANAGEMENT PROCEDURES

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1 PURPOSE

The *Complaints Management Procedures* (the Procedures) supports the *Complaints Management Policy* (the Policy) and provides details on Council's arrangements and processes relating to complaints management.

2 COMPLAINTS MANAGEMENT PROCESS

If a matter meets the definition of a complaint set out in the Policy, it will be managed by Council in accordance with these Procedures.

2.1 How to make a complaint

Council recognises that our customers may wish to contact Council in a variety of ways and we are committed to providing choice about how customers can provide feedback or make a complaint. Customers can contact Council in a variety of ways:

- Website: Online complaint form
- Post: Willoughby City Council, PO Box 57, Chatswood, NSW, 2057
- Email: email@willoughby.nsw.gov.au
- Phone: 02 9777 1000
- In person: Customer Service Centre, 31 Victor Street, Chatswood

The complaint management process consists of the following six stages:



*Or identify an alternative date if complex complaint

Stage 1: Receipt of complaint

All complaints will be addressed by Council regardless of whether they are made in writing or verbally. However, due to the complexity of some matters, Council will request complainants to lodge their complaints in writing, preferably via the online complaints form available on Council's website. Accessible ways of raising a complaint are available for customers if required.

Complaints made via social media often contain insufficient information to facilitate Council's investigation; however significant matters will be received as complaints where sufficient information has been provided. Council staff may contact customers making a complaint via social media in an attempt to ascertain sufficient details to investigate.

Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. However, anonymous complaints may be unable to be fully considered or addressed if there is insufficient information and Council will be unable to communicate the progress or outcomes.

All complaints received by Council are registered by staff in Council's system. The record of the complaint will include (as far as possible):

- the contact information of the complainant
- issues raised by the complainant and the outcome they want
- any other relevant information

any additional support the person making a complaint requires, including translation and/or accessibility requirements

- the expected timeframe to receive a response

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The matter will be referred to the Complaints Coordinator.

If a matter has been referred to the Complaints Coordinator in error (for example, it does not meet the definition of complaint in the *Policy*), the Complaints Coordinator will notify Information Management so that the matter may be addressed by the correct officer.

Stage 2: Acknowledgement of complaint

The Complaints Coordinator must acknowledge receipt of the complaint with the complainant within **3 working days** and include:

- the contact details of Complaints Coordinator; and
- a commitment that the complaint will be referred to the appropriate officer for handling.

Where appropriate, the Complaints Coordinator may request further information, or request to make further arrangements to assist in managing the complaint, subject to confidentiality and privacy obligations. For example, when similar complaints are made by connected parties the Complaints Coordinator may try to arrange to communicate with a single representative of the group.

Stage 3: Assessment and addressing of complaints

After acknowledging receipt, the Complaints Coordinator must refer the complaint to the appropriate officer for assessment and addressing. The appropriate officer is generally a subject matter expert regarding the topic of the complaint, but is different from any staff member whose conduct or service is being complained about (see part 6 below – Conflicts of Interest and Confidentiality).

Each complaint is to be assessed on its merits with integrity and in a fair, objective and unbiased manner. Consideration is to be given to factors such as:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations

If required, Council will prioritise complaints in accordance with the urgency or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be escalated appropriately.

After assessing the complaint, the officer will consider how its best addressed, and may:

- Give the person making a complaint information or an explanation,
- Gather information from the person or area that the complaint is about, or
- Investigate the claims made in the complaint.

The appropriate officer will communicate to the Complaints coordinator and customer the expected timeframe for resolution.

The Complaints coordinator will keep up to date records of the progress of the complaint.

We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

Stage 4: Providing reasons for the outcome

Following consideration of the complaint and any investigation into the issues raised, the complainant is to be advised within **10 working days of outcome or in complex complaints be provided with a**

clear timeframe, which will be communicated to the customer.

- the outcome of the complaint and any action taken
- the reason/s for the outcome
- the remedy or resolution/s proposed or put in place
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

The form of this advice is to take into account any accessibility requirements or preferences of the complainant.

Remedies in response to a complaint will vary due to the nature of the complaint, but may include:

- apologising to the customer and providing an explanation
- providing information to clarify Council's relevant policy or position on the matter
- a refund of monies for inaccurate or erroneous charges
- a commitment to review or recommend changes to policies or procedures.

Stage 5: Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:

- How the complaint was managed
- The outcomes of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up by the responsible officer addressing the complaint

Complainants are to be informed of internal and external review processes that are available. A complainant may request an internal review of the decision by a more senior Council officer which may involve:

- assessment and/or investigation of the complaint and the outcome
- facilitated resolution, where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties.

The following external agencies may also deal with complaints relating to Council. These agencies may be involved if:

- The matter is not in Council's jurisdiction
- You decide that your complaint would be more appropriately handled by an external agency
- You decide to seek review of a complaint if you are dissatisfied with the outcome

provided by Council.:

- The Independent Commission Against Corruption (ICAC)
- Office of Local Government
- The Office of the NSW Ombudsman
- The Information Commissioner

Stage 6: Provide insights to continuous improvement and Voice of the Customer program

Council is committed to learning from customer feedback. Insights from complaints are integrated into our continuous improvement and Voice of the Customer program. The Voice of the Customer program captures the needs, preferences, feedback, and expectations of our customers and helps us to implement ongoing improvement solutions.

Customer Experience will:

- monitor trends
- measure the quality of our customers service and make improvements
- change organisational practices and procedures
- retrain staff on product and service delivery
- reassess customer information needs and make any other necessary improvements.

3 REPORTING AND ANALYSIS

The Governance, Risk and Compliance business unit will provide a report to the Executive Leadership Team quarterly and the Council annually regarding:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline issues arising from complaints
- systemic issues identified and recommendations
- the number of requests Council receives for internal review.

4 UNREASONABLE CONDUCT BY COMPLAINANT

Unreasonable conduct is defined as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

Council will utilise NSW Ombudsman's *Managing Unreasonable Conduct by a Complainant Guidelines* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct. Refer to Appendix 1.

5 TRAINING, SUPPORT AND RESOURCES FOR EMPLOYEES AND CUSTOMERS

All staff members have access to up to date training and resource regarding the complaint management process, expectations and reporting requirements.

All accessibility guidelines are also outlined in the complaint management training for Council staff and outlined in processes documented.

As part of its work health and safety obligations, Council is committed to providing a safe and supportive workplace to staff for managing unreasonable conduct related risks.

Appropriate supervision, training and resources, including the Council's Employee Assistance Program, will be provided to staff involved in complaints management.

Where a staff member faces unreasonable conduct by complainant or is the subject of a complaint, they are provided the opportunity to provide input and they are encouraged to access Council's Employee Assistance Program and seek guidance from their Manager, Director or the Public Officer. The process will be conducted in accordance with the relevant provisions of the *Local Government (State) Award 2014.*

Resources and support for customers will be outlined on our website including;

- The Complaints Management Policy and Procedure
- A frequently asked questions document
- A complaints web form
- Links to external agencies for support and information

6 CONFLICT OF INTEREST AND CONFIDENTIALITY

To avoid a situation where a conflict of interest, whether actual or perceived, occurs, the investigation of a complaint will not be undertaken by a staff member who is the subject matter of the complaint.

Council must ensure that confidentiality is maintained in regards to complaints received. Council will protect the identity of people making complaints where this is practical and appropriate. Personal information will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations. Complainant is required to maintain confidentially in this regard.

7 FEEDBACK

Feedback regarding these *Procedures* may be provided by contacting Council's Governance, Risk and Compliance Manager.

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8 OWNER, APPROVAL AND REVIEW DETAILS

Directorate	Customer & Corporate
Owner	Governance, Risk and Compliance Manager
Complaints Coordinator	Governance Officer
ECM Reference	ECM Doc Set ID: [Insert]
Document History	Approved by ELT: 6 November 2019 Adopted by Council: June 2019 Adopted by Council: [Insert] Next review date: December 2026
Accessibility of Procedure	The Policy is published on: • Council website • Council intranet

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APPENDIX 1 - MANAGING UNREASONABLE COMPLAINANT CONDUCT

Council will utilise the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct.

Unreasonable conduct by complainants has the potential to place significant demands on resources and create inequity in the way that resources are distributed. The NSW Ombudsman has identified five distinct kinds of unreasonable conduct. These include:

1. **Unreasonable persistence:** occurs when a complainant persists with their complaint, even though the complaint has been addressed, by refusing to accept the final decision and/or sending excessive amounts of correspondence.

2. **Unreasonable demands:** occur when **a** complainant insists on outcomes that are unattainable, moves the goal posts or demands to have their complaints dealt with in particular ways.

3. **Unreasonable lack of cooperation:** occurs when a complainant provides disorganised, excessive or irrelevant information, is unwilling to consider other valid viewpoints, or refuse to define the issues of complaint, when they are capable of doing so.

4. **Unreasonable behaviour:** includes extreme anger, aggression, threats or violent conduct.

5. **Unreasonable arguments:** occurs when a complainant points to cause and effect arguments where there are clearly none, holds conspiracy theories, unsupported by evidence, irrationally interprets facts or law and refuses to accept other more reasonable interpretations.

Abusive of threatening behaviour

Two verbal warnings will be provided, where possible, to complainants exhibiting abusive or threatening behaviour in person or in writing. On the third instance, the complainant will be advised that communication will be terminated. Threatening behaviour is to be referred to the Police.

Details of abusive or threatening behaviour are recorded and referred to the CEO who may determine to restrict access of the complainant for a period of time. Complainants will be informed of restricted access and the date on which this decision will be reviewed.

Determining unreasonable complainant conduct

The CEO will determine whether to restrict, withhold or withdraw the provision of services to a complainant who is behaving unreasonably. In making any such determination, regard will be given to:

- whether the complaint process been correctly implemented; confirmation that no material element of the complaint been overlooked and/or inadequately addressed
- whether the complainant demonstrated one or more of the behaviours identified as unreasonable complainant conduct
- whether the behaviour of the complainant constitutes an unreasonable demand on Council resources
- the impact on staff of the behaviour of the complainants behaviour
- whether the decision recognises the complainants right to access Council to seek advice, a statutory right to inspect Council documents and to make certain complaints
- recognition that a complainant should not be unconditionally deprived of the right to have their concerns addressed

Strategies for dealing with unreasonable complainant conduct

Limitations may be imposed on an unreasonable complaint in regards to their contact with Council, these may include:

1. **Who the customer can contact within Council:** where a complainant demonstrates excessive persistence or demands, Council may restrict their communication to a dedicated member of staff. This staff member will exclusively manage the complainant and any future complaints or interaction with Council. This will ensure a consistent approach to complaint management.

2. **What issues they can raise with Council**: in circumstances where a complaint has been comprehensively reviewed and unreasonable conduct continues, Council may determine that no further response will be provided on the matter.

3. **When, where, how the customer is able to make contact with Council**: in circumstances where a complainant's behaviour imposes an unreasonable demand on Council resources restrictions may be imposed which limit when, where or how they interact with Council.

The complainant will be given prior notice in writing of the grounds on which the limitation is being imposed, the nature and duration of the restriction, including details of the review period. Their response will be considered when determining the imposition of limitations.

Appealing a decision to restrict access

The complainant is entitled to appeal this decision and will be notified in writing of the outcome.

Review of restrictions

The applicable Director will review the effectiveness and need for limitation of access on a 6 monthly basis from the date on which the restriction was imposed. Complainants will be invited to participate in the review process. The invitation and review will be carried out in line with access restrictions.

The review will consider:

- any information put forward by the complainant
- any contact with staff and the conduct of the complainant, during the restriction period
- any other relevant information.

The complainant will be notified of the outcome of the review in writing.