



POLICY TITLE: COMPLAINTS HANDLING

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Strategy Division

POLICY OWNER / BRANCH: Corporate Strategy

FUNCTION: Customer Service

RELEVANT LEGISLATION: Local Government Act 1993

POLICY ADOPTION/AMENDMENT DATE: 11 October 2006 **REPORT NUMBER:** ST8/06

REVIEW YEAR: 2009

AMENDMENT HISTORY: 8 March 2000 (Report GM2/00)
9 June 2004 (Report ST5/04) – Continuing
11 October 2006 (Report ST8/06)

RELATED POLICIES: Customer Service

POLICY PURPOSE / OBJECTIVES:

1. To determine guidelines and procedures and set customer expectations for the management of complaints made to Council.

POLICY STATEMENT:

1. Hornsby Shire Council is committed to continual improvement in customer service. An effective complaints handling system is an essential part of the provision of quality customer service because it provides an organised way of recording and responding to customer complaints as well as identifying opportunities for improvement.
2. Customer complaints are actioned in two ways:
 - a) by resolving the complaint where possible
 - b) by using the information about the complaint to provide feedback on our systems and processes.

Definitions

1. A complaint is "An expression of dissatisfaction with Council's processes, procedures, charges, employees, agents, quality of service or goods provided." (NSW Ombudsman, Complaints Handling Toolkit, 2004: 8).
2. A complaint is not a request for services (unless it's a second request, where there was no response to the first). Nor is it a request for information or explanation of policies or procedures.
3. Customer service is the provision of relevant and responsive service by providing all necessary and appropriate assistance to fulfil the customer's request within Council's service performance standards. The assistance should be as clear and simple as the situation permits and should be provided in a professional and friendly manner.
4. Council has customer service standards and systems against which performance is measured. The standards are documented in both the "Your Council Our Commitment" brochure and the Customer Service Policy (CSSM 16).

POLICY PROTOCOLS:

1. To provide guidance to staff, councillors and the community regarding service standards for complaint handling.
2. To identify record keeping requirements for complaints and complaints handling procedures.

Service standards and record keeping

1. Council will maintain a Customer Request Management System (CRM) designed to deal with service requests that relate to the services Council provides.
2. Customers may lodge their requests either in writing by letter, web site or email, or verbally by telephone or in person at the appropriate customer service counter. (N.B. There will be some cases where service requests may need to be in writing).
3. Action to respond to the service request will be undertaken within the timeframe detailed in the relevant Problem Code within the Customer Service Request System. Such action will be in accordance with a procedure developed by the responsible Branch/Team of Council for handling the particular type of service request.
4. Where a customer contacting Council is not satisfied with the level of service provided or the outcome of their request they may lodge a complaint either verbally or in writing.
5. When a complaint is received it will be logged in CRM using compliments/complaints problem code, with a resolution period of 28 days, and be forwarded to the relevant Manager/Team Leader (as appropriate to the operational location of the service provider). Upon receipt of a complaint the Manager/Team Leader will assess the details, determine whether a reasonable level of service has been provided in the instance and acknowledge receipt of the complaint with the customer either verbally, by letter or by email.
6. If it is determined that there has been a failure to provide a reasonable level of service the appropriate Manager/Team Leader will take corrective action within 28 days and the customer will be advised of the action taken.
7. Where the customer is not satisfied with the response they may (by providing details in writing) request that the Executive Manager of the relevant Division carry out an investigation and review of the actions taken in respect of their service request.
8. Upon receiving the written complaint the Executive Manager will investigate and review the actions taken in response to the service request and inform the requestor of his/her determination within 14 days of receipt of the written complaint.

9. Where the customer remains dissatisfied they may make representation to the General Manager in writing. The General Manager may consider options such as mediation or direct negotiation to resolve the complaint.
10. If the complaint can not be resolved by Council, details will be forwarded to the customer regarding his/her ability to take complaints about Council to external authorities such as the Department of Local Government, the NSW Ombudsman and/or the Independent Commission Against Corruption (ICAC).
11. Where a service request is made to Council about a service Council is not responsible for providing, Council will endeavour to provide the requestor with the contact details of the responsible authority.

Customers Who Cannot Be Satisfied

1. Despite the best efforts of Council some customers may not be satisfied with the action taken or service provided and will not accept that Council is unable to provide any further assistance or greater level of service than has been provided already. Some may disagree with the action Council has taken in relation to their complaint or concern.
2. If, in the opinion of the General Manager, a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council, the following actions may be taken:
 - a) General Manager may write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer;
 - ii) not grant any further interviews;
 - iii) require all further communication to be put in writing;
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it:
 - 1) if the customer provides significant new information relating to their complaint or concern;
 - 2) or the customer raises new issues which in the General Manager's opinion, warrant fresh action.
 - b) The General Manager shall advise councillors and relevant staff of any correspondence issued in accordance with clause 13 (a).
 - c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.
 - d) If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points a) i) – iv) above will now apply.

Customers Who Make Unreasonable Demands

1. Customers who make unreasonable demands include members of the public whose demands on Council significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources from other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
2. If, in the opinion of the General Manager, a customer is making unreasonable demands on Council and the customer continues to contact Council, the following actions may be taken:
 - a) The General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:

- i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period.
- b) The General Manager shall advise Councillors and relevant staff of any correspondence issued in accordance with clause 15(a).
- c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.
- d) If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of the points in 15(a) will now apply.

Customers Who Constantly Raise the Same Issues with Different Staff

1. If, in the opinion of the General Manager, a customer constantly raises the same issues with different staff the following actions may be taken:
 - a) The General Manager may notify the customer that:
 - i) only a nominated staff member will deal with them in future;
 - ii) they must make an appointment with that person if they wish to discuss their matter; or
 - iii) all future contact with Council must be in writing.
 - b) The General Manager shall advise Councillors and relevant staff of any notification issued in accordance with clause 16(a).
 - c) The customer shall be given an opportunity to make representations to the General Manager about Council's proposed course of action.

Customers Who Are Rude, Abusive or Aggressive

1. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
2. If, in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
 - a) Warn the caller that if the behaviour continues the conversation or interview will be terminated; and
 - b) Terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
3. Where a conversation or interview is terminated, the staff member must notify either the General Manager, relevant Executive Manager or Supervisor of the details as soon as possible.
4. If, in the opinion of the General Manager, any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, the sender will be advised that the correspondence will not be acted upon until re-submitted in a reasonable manner.
5. Correspondence of abusive or inflammatory nature that does not relate to any functions of Council may be registered in Council's document management system but not acted upon.
6. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Independent Commission Against Corruption (ICAC), Department of Local Government and the NSW Ombudsman for information.

Complaints regarding staff (excluding the General Manager)

(For information regarding employment related complaints please refer to Determination HR3.2 – Grievance Handling)

1. Verbal complaints relating to staff behaviour or conduct are to be forwarded to the appropriate Supervisor who will then determine whether or not to forward to the General Manager's office. Written complaints relating to staff behaviour or conduct are to be addressed to the General Manager's office and then forwarded to the immediate supervisor and Executive Manager for fair and efficient investigation as appropriate. A complaint is considered an allegation until investigated and proven. If proven the complaint will be copied to the HR personnel file.
2. The staff subject to the complaint will be informed of the nature of the complaint and can seek advice regarding his/her response. In all instances the complainant will be informed of the procedures being undertaken within 14 days of lodging the complaint, and will be notified in writing of the final findings of the investigation, excluding information regarding any disciplinary action.
3. If the complainant is dissatisfied with the investigation findings he/she can request the complaint be escalated for investigation by the General Manager. If after the General Manager's investigation the complainant is still dissatisfied he/she is to be advised of the opportunity to complain to other relevant authorities, for example the NSW Ombudsman.

Complaints regarding Councillors or the General Manager

(For more information please refer to Hornsby Shire Council's Code of Conduct.)

1. Council will establish a conduct committee consisting of the Mayor and the General Manager, and where considered necessary, one person independent of Council. In the instance of a complaint made by or against the Mayor or General Manager, the Deputy Mayor or other Councillor designated by Council will take the place of the Mayor or General Manager on the committee.

Documentation and record keeping

1. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
2. Where a complaint relates to the conduct of a member of staff, documentation will be kept in a secured area of the Document Management System.
3. Where a complaint relates to the conduct of a Councillor, documentation will be kept in a secured area of the Document Management System and will be forwarded to the Mayor and General Manager for action.
4. Where a complaint relates to the failure of the regular Council processes to resolve an issue, the documentation will be kept in the open area of the Document Management System and will be forwarded to the Public Officer for action.
5. Where a complaint relates to a shortcoming in a specific Council process, as identified by the General Manager, it will be recorded in both the open area of the Document Management System and also the Customer Service Request System and will be forwarded to the relevant Manager/Team Leader for action.
6. Where a complaint raises a general concern with Council's conduct or decisions, documentation will be kept in the open area of the Document Management System and will be forwarded to the relevant Executive Manager for action.
7. Where a competitive neutrality complaint is raised under National Competition Policy, it will be recorded in both the open area of the Document Management System and also the Customer Service Request System and will be forwarded to the Public Officer for action.

Anonymous complaints

1. The General Manager and Executive Managers, after considering the substance of an anonymous complaint have the discretion to act or decline to investigate the complaint.