
Cessnock City Council Complaint Handling Policy

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1 POLICY OBJECTIVES

1.1 The objectives of this policy are to:

- 1.1.1 ensure that Council handles Complaints fairly, efficiently and effectively,
- 1.1.2 promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to Complaints received,
- 1.1.3 inform Council's customers and the community of Council's Complaint handling process, and
- 1.1.4 recognise the importance of Complaints in providing Feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs.

1.2 Council's Complaint Management Framework is intended to:

- 1.2.1 enable Council to respond to issues raised by people making Complaints in a timely and cost-effective way,
- 1.2.2 boost public confidence in Council's administrative process, and
- 1.2.3 provide information that can be used by Council to deliver quality improvements in Council's services, staff and Complaint handling.

1.3 This policy provides guidance to staff and people who wish to make a Complaint on the key principles and concepts of Council's Complaint Management Framework.

2 POLICY SCOPE

2.1 This policy applies to all Council Officials receiving or managing Complaints from the public made to or about Council.

2.2 Complaints about Councillors, including the Mayor, should be lodged and handled in accordance with Council's Code of Conduct.

2.3 This policy does not apply to Staff Grievances, Code of Conduct Complaints and Public Interest Disclosures.

2.4 Concerns, allegations or complaints in relation to the safety and welfare of children or young people involving Council Officials will be dealt with in accordance with Council's Child Safe Policy and the NSW Child Safe Standards.

2.5 This policy covers all Complaints made to Council regarding its operations, services and personnel, such as:

- 2.5.1 Failure to achieve specified standards of service by Council or a Council staff member;
- 2.5.2 Delay in responding;
- 2.5.3 A Council process or procedure; or
- 2.5.4 Withdrawal or reduction of service.

2.6 Matters that are outside the scope of this policy may be raised with Council via another avenue. Refer to Council's website for more information or contact Council for assistance.

3 POLICY STATEMENT

- 3.1** Complaints are a valuable resource for evaluating strengths and weaknesses in Council's new and existing operations, services and practices. They can be used to identify ad-hoc or systemic concerns and used to improve service delivery. Council is committed to such continual improvement through performance measurement and monitoring which should help enhance Council's Complaint Management Framework.

PART A - GUIDING PRINCIPLES

4 ENABLING COMPLAINTS

People Focus

- 4.1** We are committed to proactively seeking and receiving Feedback and Complaints about our services, systems, practices, procedures, products and Complaint handling. Council is committed to addressing any issues raised within a reasonable timeframe and as allowed by available resources.
- 4.2** People making Complaints will be:
- 4.2.1 provided with information about our Complaint handling process,
 - 4.2.2 provided with multiple and accessible ways to make Complaints,
 - 4.2.3 contacted to seek clarification on whether Feedback or general concern is intended to be handled as a Complaint, where appropriate,
 - 4.2.4 listened to, treated with respect by staff and actively involved in the Complaint process where possible and appropriate, and
 - 4.2.5 provided with reasons for our decision/s and any options for redress or review.

No detriment to Complainants

- 4.3** We will take all reasonable steps to ensure that Complainants are not adversely affected because a Complaint has been made by them or on their behalf.

Anonymous Complaints

- 4.4** We accept anonymous Complaints and will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint. However, Council will not investigate anonymous Complaints where there is insufficient information and will not be able to provide updates to the Complainant.

Visibility and transparency

- 4.5** We will ensure that information about how and where Complaints may be made to or about us is well publicised and easily accessible to the public (such as on Council's website, Council's Administration Centre and other Council facilities).

Accessibility

- 4.6** We will ensure that our systems to manage Complaints are easily understood and accessible to everyone, particularly people who may require assistance.
- 4.7** If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their Complaint, we will communicate with them through their representative at their request.
- 4.8** Anyone may represent a person wishing to make a Complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, Councillor or another organisation).

5 MANAGING COMPLAINTS

Responsiveness

- 5.1 We will promptly acknowledge receipt of Complaints, within 5 working days.
- 5.2 We will assess and prioritise Complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.
- 5.3 We are committed to actively managing people's expectations, and will inform them as soon as possible, of the following:
 - 5.3.1 the Complaints process,
 - 5.3.2 the expected time frames for our actions,
 - 5.3.3 the progress of the Complaint and reasons for any delay,
 - 5.3.4 their likely involvement in the process, and
 - 5.3.5 the possible or likely outcome of their Complaint.
- 5.4 We will advise people as soon as possible when we are unable to deal with any part of their Complaint and provide advice about where such issues and/or Complaints may be directed (if known and appropriate).
- 5.5 We are committed to providing a response/outcome to a Complaint within 20 working days of having received the Complaint. Where the nature of the Complaint involves significant investigation or resources, we will communicate with the Complainant and provide them with an amended timeframe for outcome.

Impartiality and fairness

- 5.6 We will address each Complaint in an equitable, impartial and unbiased manner.
- 5.7 We will ensure that the person handling a Complaint is different from any staff member whose conduct or service is being complained about.
- 5.8 Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a Complaint was managed will be conducted by a person other than the original decision maker.

Responding flexibly

- 5.9 Our staff are empowered to resolve Complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making Complaints and/or their representatives.
- 5.10 We will assess each Complaint on its merits and involve people making Complaints and/or their representative in the process as much as possible.

6 MANAGE THE PARTIES TO A COMPLAINT

Complaints involving multiple agencies

- 6.1 Where a Complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a Complaint and/or their representative is clear and coordinated.
- 6.2 Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the Complaint.
- 6.3 Where a Complaint involves multiple areas within our organisation, responsibility for communicating with the person making the Complaint and/or their representative will also be coordinated.

- 6.4 Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive Complaint Management Framework. We take Complaints not only about the actions of our staff but also the actions of service providers.

Complaints involving multiple parties

- 6.5 When similar Complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

Managing unreasonable conduct by people making Complaints

- 6.6 We are committed to being accessible and responsive to all people who approach us with Feedback or Complaints. At the same time our success depends on:
- 6.6.1 our ability to do our work and perform our functions in the most effective and efficient way possible,
 - 6.6.2 the health, safety and security of our staff, and
 - 6.6.3 our ability to allocate our resources fairly across all the Complaints we receive.
- 6.7 When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.
- 6.8 For further information on managing unreasonable conduct by people making Complaints please see our Unreasonable Customer Conduct Policy.

Work health and safety

- 6.9 Council is committed to protecting the health and safety of staff involved in complaint management, including identity protection if needed.

Empowerment of staff

- 6.10 To ensure staff are properly empowered to implement Council's Complaint Management Framework relevant to their role, Council is committed to:
- 6.10.1 providing training as outlined in this policy,
 - 6.10.2 clearly outlining the expected responsibilities that apply to complaint handling management in this policy and relevant documents,
 - 6.10.3 encourage staff as being a valuable source of insight into problems with Council, the services, operations and facilities we offer or the Complaint Management Framework.

7 ACCOUNTABILITY, LEARNING AND PREVENTION

Analysis and evaluation of Complaints

- 7.1 We will ensure that Complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.
- 7.2 Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Continuous improvement

- 7.3 We are committed to improving the effectiveness and efficiency of our Complaint Management Framework. To this end, we will:
- 7.3.1 support the making and appropriate resolution of Complaints,
 - 7.3.2 implement best practices in Complaint handling,
 - 7.3.3 share lessons learnt from dealing with Complaints,

- 7.3.4 recognise and reward exemplary Complaint handling by staff,
- 7.3.5 regularly review the Complaints Management Framework and Complaint data,
- 7.3.6 implement risk management strategies and systems that minimise the possibility of complaints escalating into ongoing disputes, and
- 7.3.7 implement appropriate system changes arising out of our analysis of Complaints data and continual monitoring of the system.

PART B – MAKING A COMPLAINT

8 TIERS OF COMPLAINTS

- 8.1 We use a three-tier complaint-handling approach to address Complaints:
 - 8.1.1 **Tier 1 Complaints** – Complaints that have been made for the first time and that can be addressed by our frontline staff.
 - 8.1.2 **Tier 2 Complaints** – written requests for internal review by Complainants because they are not satisfied with the outcome of their Tier 1 Complaint. A request for internal review must be lodged within 1 month of receiving the outcome of the Tier 1 Complaint.
 - 8.1.3 **Tier 3 Complaints** – written requests for consideration of, or addressing, complaints made to external bodies such as NSW Ombudsman, Office of Local Government (**OLG**) or NSW Independent Commission Against Corruption (**ICAC**).

9 STAGE 1 - RECEIPT OF COMPLAINTS

- 9.1 Complaints should be made in writing and submitted to Council using the form on Council's website.
- 9.2 We will not accept verbal complaints, or complaints made on social media.
- 9.3 For assistance in lodging a complaint, please contact Council.
- 9.4 Where Councillors receives a Complaint on behalf of a constituent, Councillors should refer complainants to Council's website to complete the relevant form. Alternatively, Councillors may forward the Complaint to Council with contact details of the Complainant. Complainants will not receive preferential treatment by contacting Councillors and Councillors will not be involved in the management of the Complaint.

10 STAGE 2 - ACKNOWLEDGEMENT RECEIPT OF COMPLAINTS

- 10.1 We will acknowledge Tier 1, 2 and 3 Complaints promptly and within 5 working days.
- 10.2 In the acknowledgment letter, we will advise the Complainant of the process and when we expect to provide the outcome/response. We will also advise the Complainant in a timely manner if any extension of time is required.

11 STAGE 3 - ADDRESSING COMPLAINTS

- 11.1 After assessing the Complaint, we will consider how to manage it. To manage a Complaint, we may:
 - 11.1.1 give the Complainant information or an explanation,
 - 11.1.2 gather information from the service, person or area that the Complaint is about,
or
 - 11.1.3 investigate the claims made in the Complaint.

12 STAGE 4 - FINALISATION OF COMPLAINTS

- 12.1 Following consideration of the Complaint and investigation, if any, into the issues raised, we will contact the Complainant and advise them:
- 12.1.1 the outcome of the Complaint and any action we took,
 - 12.1.2 the reason/s for our decision,
 - 12.1.3 the remedy or resolution/s that we have proposed or put in place, and
 - 12.1.4 any options for review that may be available to the Complainant, such as an internal review, external review or appeal.
- 12.2 If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations before sharing our findings with the Complainant.
- 12.3 In relation to Tier 1 and 2 Complaints, we will provide an outcome response to Complainants within 20 working days. In relation to Tier 3 Complaints, we will work with the external agency to provide an outcome letter as agreed.

13 INTERNAL REVIEW OF COMPLAINTS

- 13.1 If you are not satisfied with the outcome communicated to you in response to your Tier 1 Complaint, you can ask for it to be reviewed internally (considered a Tier 2 Complaint) by making such a request in writing, in accordance with clause 9.1.
- 13.2 The purpose of an internal review is not to determine a different response, but to check that all involved in determining the original decision have taken all the required steps when assessing and addressing the Complaint.

14 ALTERNATIVE (EXTERNAL) AVENUES FOR DEALING WITH COMPLAINTS

- 14.1 We will do our best to effectively handle all Complaints made to or about us however there are options for review both internally and externally to Council. The external bodies you can contact in regard to your Complaint are:
- 14.1.1 For matters relating to conflict interest breaches, you can contact the Office of Local Government (OLG).
 - 14.1.2 For matters relating to serious maladministration, you can contact the NSW Ombudsman.
 - 14.1.3 For matters relating to corrupt conduct, you can contact the Independent Commission Against Corruption (ICAC).
- 14.2 Refer to Council's website for more information or for contact details of these external agencies.

15 ROLES AND RESPONSIBILITIES

Complainants (or their representatives)

- 15.1 Act reasonably and responsibly in their interaction with Council Officials.
- 15.2 Provide all relevant information in relation to their Complaint.

Customer Service

- 15.3 Provide assistance with the lodgement of Complaints and requests for review of Complaints where necessary.

Records Management Team

- 15.4 Receive and allocate written Complaints (whether electronically submitted or otherwise) in accordance with this policy and the Procedure.

Front line staff

Front line staff are expected to:

- 15.5 Attend and participate complaint management training, and implement complaint management procedures relevant to their role;
- 15.6 Treat Complainants in a respectful and courteous manner;
- 15.7 Acknowledge receipt of Tier 1 Complaints in accordance with clause 10.
- 15.8 Resolve Tier 1 Complaints received at the point of contact within the scope of their role where possible.
- 15.9 Seek assistance of their supervisor to investigate and enable the Tier 1 Complaint to be resolved at this point of contact.

Coordinators/Principals/Team Leaders, Managers and Directors

All staff with managerial or supervisory responsibilities, Managers and Directors are responsible for:

- 15.10 Promoting a positive complaint management environment that encourages Feedback and Complaints, both to staff and the community they interact with;
- 15.11 Receiving, allocating and, where possible, resolving Tier 1 Complaints in accordance with this policy and the Procedure.
- 15.12 Providing outcome or update correspondence to Complainants within 20 working days of receiving a Tier 1 Complaint.
- 15.13 Providing training and support to staff they oversee so that they can understand the Complaint handling process and are empowered to manage Tier 1 Complaints within the scope of their role.
- 15.14 Referring the request to the Public Officer where a Tier 1 Complainant requests for an internal review of the decision made.
- 15.15 Ensuring that all contractors are made aware of their obligations under this policy.
- 15.16 Updating Council's Complaints Register as necessary to reflect the accuracy of the Complaints they handle.

Public Officer

The Public Officer is responsible for:

- 15.17 Receiving and allocating Tier 1 Complaints where appropriate.
- 15.18 Receiving and handling Tier 2 Complaints in accordance with this policy and the Procedure.
- 15.19 Receiving and handling Tier 3 Complaints in accordance with this policy and the Procedure, or as agreed with the relevant external agency.
- 15.20 Establishing a process of performance monitoring, evaluation and reporting to the Executive Leadership Team in accordance with the Procedure.

Executive Leadership Team

The Executive Leadership Team is responsible for:

- 15.21 Establishing and maintaining a positive complaint management environment that encourages Feedback and Complaints,

- 15.22 Providing adequate resources, training and support for staff handling Complaints, including specific training on cultural awareness and people experiencing vulnerability who may need assistance,
- 15.23 Facilitating assistance for people who have difficulty making a Complaint,
- 15.24 Ensuring clear lines of responsibility are maintained and appropriate delegations/authorisations are implemented when implementing this policy,
- 15.25 Handling any escalated Complaints that cannot be resolved at the Manager level.

General Manager

The General Manager is responsible for:

- 15.26 Ensuring that an effective Complaint Management Framework is in place,
- 15.27 Reviewing, and overseeing the adoption and implementation of the Procedure supporting this policy,
- 15.28 Encouraging an environment where Complaints are handled diligently and comprehensively,
- 15.29 Ensuring that there is a process in place for timely and appropriate notification to management or the Executive Leadership Team of any significant complaints or systemic issues identified through Complaints,
- 15.30 Promoting awareness of this policy and supporting Procedure, as amended from time to time, and for cultivating a people-focus throughout Council,
- 15.31 Ensuring reports on Complaints statistics are presented to the elected Council in accordance with the Procedure,
- 15.32 Ensuring information about this policy is easily accessible to members of the public and is communicated in a manner that is easy to understand,
- 15.33 Ensuring appropriate resources are available to effectively manage Complaints.
- 15.34 Handling any escalated Complaints that cannot be resolved at the Director level.

The Elected Council

The elected Council as the governing body are responsible for:

- 15.35 Reviewing, adopting, understanding and complying with this policy;
- 15.36 Ensuring adequate funding and resourcing is allocated so that the General Manager can manage complaints and address systemic issues if required;
- 15.37 Displaying and promoting ethical behaviour in all dealings with the community and other Council Officials.

Privacy and Personal Information Handling

- 15.38 The personal information collected and received from Complainants and other individuals concerned with this policy will be used to process/investigate Complaints, and respond to requests and enquiries made to Council concerning this policy. The information collected will be used for the purpose outlined, related administrative functions, compliance and reporting, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement.
- 15.39 Complaint regarding the handling of personal information should be lodged as a privacy complaint in accordance with Council's Privacy Management Plan.
- 15.40 Complaints lodged in accordance with Council's Complaint Handling policy may still be assessed and deemed to be a privacy complaint. Such deemed privacy complaints will be referred to the appropriate Council Official and dealt with in accordance with Council's Privacy Management Plan.

16 POLICY DEFINITIONS

Complaint	Means an expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required (AS/NZ 10002:2022).
Complainant	Means a person or entity (or their representative) that made a Complaint.
Complaint Management Framework	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
Contractors	Third parties contracted to perform work on behalf of Council.
Council	Means Cessnock City Council.
Council Officials	includes Council staff, Councillors and their delegates, volunteers, consultants and contractors.
Feedback	Opinions, comments and expressions of interest or concern, made directly, explicitly or implicitly, to or about us, about our services or Complaint handling where a response is not explicitly or implicitly expected or legally required. Council may choose to manage Feedback as a Complaint. Feedback may be used by Council to influence future service reviews and delivery methods.
Front line staff	Council staff and their teams who have authority in their role to manage simple Complaints. This is typically staff who have direct contact with customers or Complainants.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work-related problem.
Procedure	The Complaint Handling Procedure.
Public Officer	Director of Corporate and Community Services.
Public Interest Disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 2022 (NSW)</i> .
Service Request	A Service Request includes: <ul style="list-style-type: none"> ▪ Requests for approval ▪ Requests for action ▪ Routine inquiries about Council's business ▪ Requests for the provision of services, works and assistance ▪ Reports of failure to comply with laws regulated by the organisation ▪ Requests for explanation of policies, procedures and decisions ▪ Reports of damaged or fault infrastructure (e.g. road pothole etc.); ▪ Reports of hazards (e.g. fallen tree branch); ▪ Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works); ▪ The lodgement of an appeal or objection in accordance with a standard procedure or policy e.g. <i>objection to a development application, comments on a Policy on Exhibition</i>.
Unreasonable Customers	Customers that have been declared unreasonable or have restrictions placed on their contact with Council in accordance with Council's Unreasonable Customer Conduct Policy.
vulnerability	means a state of being especially susceptible to detriment due to circumstances including disability, age, literacy levels, gender, trauma, and stress.

17 POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer	Public Officer
Associated Procedure	Complaint Handling Procedure (DOC2019/123194)
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2018/048382
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> (NSW) • <i>Public Interest Disclosures Act 2022</i> (NSW) • <i>Privacy and Personal Information Protection Act 1998</i> (NSW)
Relevant desired outcome or objectives as per Council's Delivery Program	<p>This policy contributes to the achievement of the following objectives as per Council's Delivery Program:</p> <p>5.3. Making Council more responsive to the community.</p> <p>5.3.1.a) Build an organisation which has a focus on the customer by having well trained staff who are committed to providing a quality service.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers) / Standards	<ul style="list-style-type: none"> • Complaints Management Framework (June 2015) – NSW Ombudsman • Code of Conduct (DOC2018/086716) • Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman • Unreasonable Customer Conduct Policy and Guideline (DOC2018/008730 and DOC2018/027652 respectively) • Customer Service Strategy (DOC2018/053882) • Customer Service Charter (DOC2018/098575) • Internal Reporting – Public Interest Disclosures Policy and Guideline (DOC2018/093182 and DOC2019/036684 respectively) • Workplace Grievance Notification Form (DOC2013/046519) • Records Management Policy (DOC2019/038769) • Complaints Register (DOC2019/127371) • Australian Standard: Guidelines for Complaint Management in Organisations - AS 10002:2022 - ISO 10002:2018 • NSW Child Safe Standards • CESSNOCK CITY COUNCIL – Disability Inclusion Action Plan 2021-2025

18 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Handle, manage or instruct others, and refuse to handle any Complaint in accordance with this policy and the Procedure.	General Manager
2	Handle, manage or instruct/delegate to others to handle Complaints in accordance with this policy and the Procedure.	Public Officer

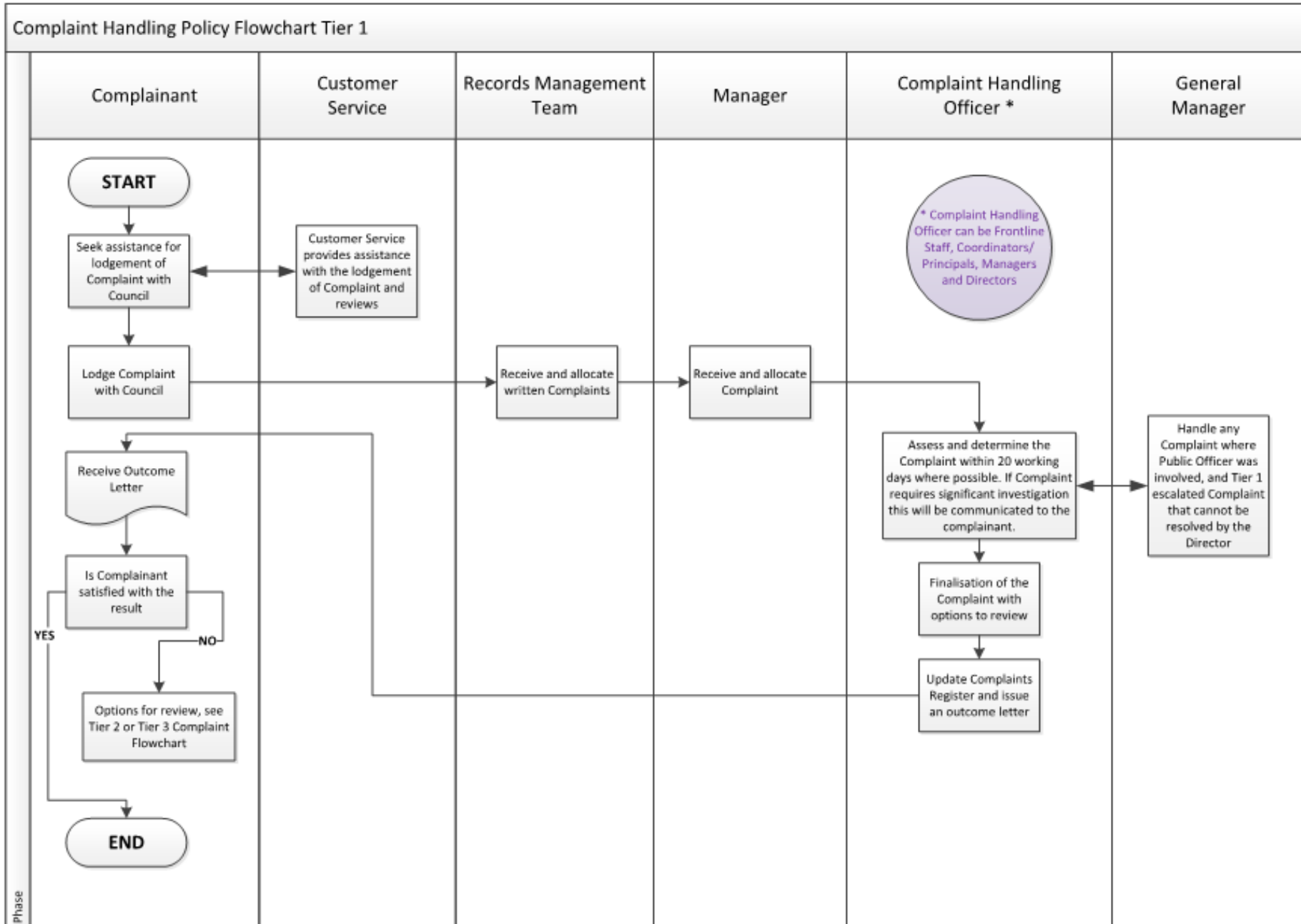
19 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	11 December 2019 / CC118/2019	New policy adopted
2	17 April 2024 / CC20/2024	Periodic review – alignment with Australian Standards on Complaints Management (AS 10002:2022)

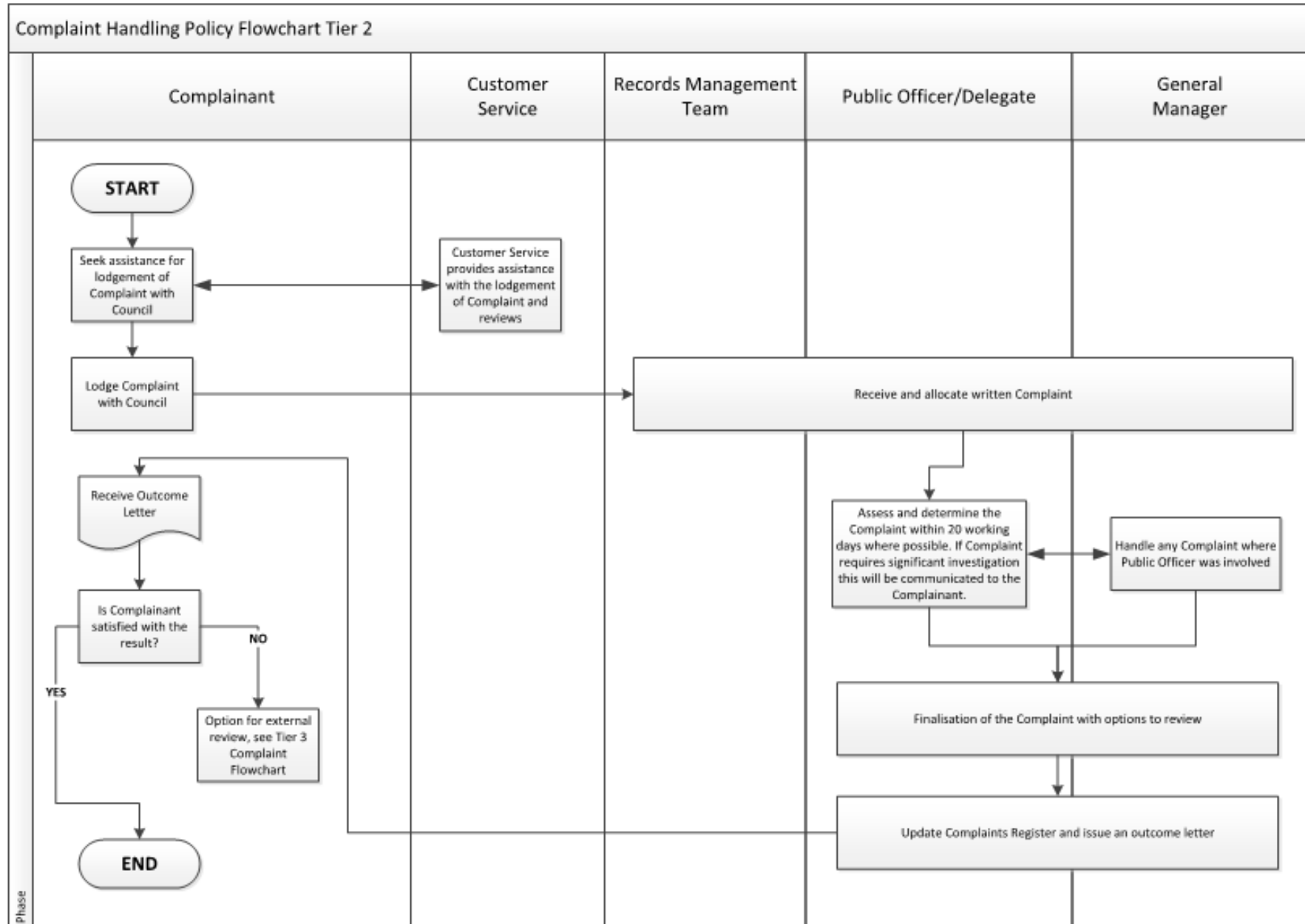
20 APPENDICES

- Appendix A – Complaint Handling Flowchart Tier 1
- Appendix B – Complaint Handling Flowchart Tier 2
- Appendix C – Complaint Handling Flowchart Tier 3

21 APPENDIX A – COMPLAINT HANDLING FLOWCHART TIER 1



22 APPENDIX B – COMPLAINT HANDLING FLOWCHART TIER 2



23 APPENDIX C – COMPLAINT HANDLING FLOWCHART TIER 3

