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# Cessnock City Council Complaint Handling Procedure

Date Adopted **11/03/2024** Revision: **2**

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## **1. PURPOSE**

- 1.1. The purpose of this procedure is to provide guidance to staff and Complainants on how Council handles Complaints.

## **2. SCOPE**

- 2.1. This procedure applies to Complaints made and accepted in accordance with Council's Complaint Handling Policy.

## **3. TIER 1 COMPLAINTS**

- 3.1. Tier 1 Complaints will be forwarded to the relevant Unit or Directorate for action as follows:
  - 3.1.1. If the Complaint relates to a Council service, it will be forwarded to the relevant area.
  - 3.1.2. If the Complaint involves a staff member, it will be forwarded to their Manager who will nominate an officer within their team responsible for handling the complaint. Managers can also nominate themselves as the responsible Complaint handling officer.
  - 3.1.3. If the Complaint involves a Manager, it will be forwarded to their Director for handling.
  - 3.1.4. If the Complaint involves a Director, it will be forwarded to the General Manager for handling.

## **4. TIER 2 COMPLAINTS (requests for internal review)**

- 4.1. Tier 2 Complaints will be forwarded to the Public Officer for handling.
- 4.2. Where the Public Officer was involved in the handling of a Tier 1 Complaint, a request to review the Complaint will be forwarded to the General Manager for review.
- 4.3. The officer reviewing the Complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the Complainant.
- 4.4. Where an internal review is not completed, or expected to be completed within 20 working days, the Complainant should be contacted and advised who is handling the Complaint and when they can expect to receive a response.

## **5. TIER 3 COMPLAINTS (requests for review from external agencies)**

- 5.1. Complainants may choose to lodge a complaint directly with an external agency, such as the NSW Ombudsman, the Office of Local Government (OLG), the Information and Privacy Commission (IPC) or the Independent Commission Against Corruption (ICAC). Complainants should note that these external agencies will forward the complaint to Council in the first instance.
- 5.2. In addition, Complainants may also choose to lodge a complaint with an external agency if they are dissatisfied with the outcome of Council's review of their Complaint.
- 5.3. Tier 3 complaints will be directed to the general Manager or Public Officer for determining the nature of the response.

- 5.4. Council will be guided by the external agency in dealing with the matter raised in the complaint. In some instances, the external agency may refer the matter to Council for action or in other instances, the external agency may only request information from Council.
- 5.5. The Public Officer (or delegate) will work in liaison with the responsible area to provide further information or to achieve an outcome.

## 6. RECEIPT OF COMPLAINTS

### *Complaints by third parties*

- 6.1. A letter of authority nominating a representative to act on behalf of the Complainant will be satisfactory evidence in order for Council to liaise with the representative instead.
- 6.2. If a Complaint is lodged on behalf of a Complainant by a professional representative, for example a solicitor corresponding on firm's letterhead or email, verification is not required and Council will respond directly to the representative.

### *Anonymous complaints*

- 6.3. Anonymous Complaints are to be forwarded to the Public Officer in the first instance to determine what action, if any needs to be taken.
- 6.4. In assessing and determining what action to take in relation to anonymous Complaints consideration will be given to:
  - 6.4.1. the seriousness of the Complaint;
  - 6.4.2. whether the Complaint can be actioned without further information from the Complainant. If not, the Complaint may not be actioned; and
  - 6.4.3. if the anonymous Complainant gave sufficient information or detail to allow a complaint to be fully investigated.

### *Complaints about Contractors*

- 6.5. Council retains a level of responsibility for services carried out by Contractors on its behalf.
- 6.6. Council's Policy applies to all Contractors carrying out services on Council's behalf to the extent provided for in their contract / agreement with Council.
- 6.7. Where Council has made provision for a Contractor to handle any complaints about their services, the Complainant may be directed to contact the Contractor in the first instance.
- 6.8. If the Complainant is not satisfied with the outcome of the Complaint, they can ask Council to review the decision and such a request will be treated as a Tier 2 Complaint.
- 6.9. All outcome letters written by Contractors in relation to Complaints will include the name and contact details of a Council staff member to whom the Complainant may escalate their complaint if they are not satisfied with the outcome the Contractor has provided.

## 7. RECORDING THE COMPLAINT

- 7.1. Once a Complaint has been received, or in the case of an anonymous Complaint accepted, it will be recorded in Council's Records Management System.
- 7.2. Complaints are to be categorised in accordance with clause 2.5 of the Complaint Handling Policy, including:
  - 7.2.1. Alleged failure to achieve specified standards of service by Council or a Council staff member;

- 7.2.2. Delay in responding;
- 7.2.3. Alleged non-adherence to a Council process or procedure;
- 7.2.4. Withdrawal or reduction of service.

7.3. Depending on the tier of the Complaint, it will be referred to the relevant Council Manager in accordance with clauses 3, 4 and 5, who will need to ensure:

- 7.3.1. All documentation is recorded using the correct naming conventions;
- 7.3.2. Appropriate classifications are attributed to the documentation to protect the integrity of the process and maintain confidentiality;
- 7.3.3. Receipt of the Complaint is acknowledged within 5 business days using the relevant template letter. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

## 8. ADDRESSING COMPLAINTS

8.1. After acknowledging receipt of the Complaint, the relevant Council officer will need to:

- 8.1.1. determine whether the issue(s) raised in the Complaint is/are within our control,
- 8.1.2. consider the outcome(s) sought by the Complainant and,
- 8.1.3. where there is more than one issue raised, determine whether each issue needs to be separately addressed.

8.2. When determining how a Complaint will be managed, the relevant Council officer will need to consider:

- 8.2.1. How serious, complicated or urgent the Complaint is;
- 8.2.2. Whether the Complaint raises concerns about people's health and safety, or relates to a risk management concern;
- 8.2.3. How the person making the Complaint is being affected;
- 8.2.4. The risks involved if resolution of the Complaint is delayed; and
- 8.2.5. Whether a resolution requires the involvement of other organisations.

8.3. Within 20 working days, the relevant Council officer will advise the Complainant of the outcome using the relevant template letter. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

8.4. Extensions for providing response are to occur only with complex matters which require input from multiple Business Units within Council, consultation with external agencies and organisations, or the allegations involved are of a Serious Nature.

## 9. ACCOUNTABILITY AND LEARNING

### *Analysis and evaluation of Complaints*

9.1. Governance reports to the Executive Leadership Team every 6 months on the following:

- 9.1.1. the number of Complaints received,
- 9.1.2. the outcome of Complaints,
- 9.1.3. issues arising from Complaints, and
- 9.1.4. systemic issues identified.

- 9.2. Annual reports will be provided to the elected Council with information relating to the number, categories and timeframes of Complaints received and dealt with within the previous year.

### **Confidentiality**

- 9.3. Council officers must only deal with the Complainant directly unless there is a signed written agreement from the Complainant giving Council authority to deal with their representatives.

## **10. RESPONSIBILITIES**

### **Public Officer**

- 10.1. The Public Officer is responsible for the implementation and oversight of the continuous review, monitoring and evaluation of this procedure's effectiveness and currency.
- 10.2. The Public Officer is also responsible for reporting on significant complaints and systemic issues or trends identified through the receipt of complaints and service problems, with recommendations for improvement where appropriate.

### **Governance Team**

- 10.3. The Governance team is responsible for providing assistance to the Public Officer and the General Manager or their delegates as required, including but not limited to preparing reports in accordance with this procedure.
- 10.4. The Governance team is to provide advice on matters relating to Complaints handling.

### **Records Management**

- 10.5. Staff must maintain all records relevant to administering this procedure in accordance with Council's Records Management Policy.

### **Privacy and Personal Information Protection**

- 10.6. Personal information will be handled in accordance with the Policy.

## **11. DEFINITIONS**

<b>Act</b>	means the <i>Local Government Act 1993</i> (NSW)
<b>Complaint</b>	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.
<b>Complainant</b>	means a person or entity that made a Complaint.
<b>Complaint Management System</b>	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
<b>Policy</b>	Council's Complaint Handling Policy
<b>Serious Nature</b>	Significant because of possible danger or risk to Council; not slight or negligible.

## 12. PROCEDURE ADMINISTRATION

<b>Business Group:</b>	Corporate and Community Services
<b>Responsible Officer:</b>	Public Officer
<b>Procedure Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>Associated Policy:</b>	Complaints Handling Policy (DOC2018/048382)
<b>File Number / Document Number:</b>	DOC2019/123194
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Local Government Act 1993 (NSW)</a></li> <li>• <a href="#">Public Interest Disclosures Act 1994 (NSW)</a></li> </ul>
<b>Relevant desired outcome of objectives</b>	<p>This procedure 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>
<b>Related documents and resources</b>	<ul style="list-style-type: none"> <li>• Template – Acknowledgement letter             <ul style="list-style-type: none"> <li>○ Tier 1 (DOC 2019/129138)</li> <li>○ Tier 2 (DOC2020/042158)</li> <li>○ Tier 3 (DOC2020/045148)</li> </ul> </li> <li>• Template – Outcome letter             <ul style="list-style-type: none"> <li>○ Tier 1 (DOC2019/129139)</li> <li>○ Tier 2 (DOC2020/042172)</li> <li>○ Tier 3 (DOC2020/045207)</li> </ul> </li> <li>• <a href="#">Complaints Management Framework (June 2015) – NSW Ombudsman</a></li> <li>• <a href="#">Code of Conduct</a> (DOC2018/086716)</li> <li>• <a href="#">Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman</a></li> <li>• <a href="#">Unreasonable Customer Conduct Policy and Guideline</a> (DOC2018/008730 and DOC2018/027652 respectively)</li> <li>• Customer Service Strategy (DOC2018/053882)</li> <li>• Customer Service Charter (DOC2018/098575)</li> <li>• <a href="#">Internal Reporting – Public Interest Disclosures Policy and Guideline</a> (DOC2018/093182 and DOC2019/036684 respectively)</li> <li>• <a href="#">Investigation of Complaints factsheet – NSW Ombudsman</a></li> <li>• Complaints Register (DOC2019/127371)</li> <li>• Australian Standard: Guidelines for Complaint Management in Organisations - AS 10002:2022 - ISO 10002:2018</li> <li>• <a href="#">NSW Child Safe Standards</a></li> </ul>

## 13. PROCEDURE HISTORY

Revision	Date Approved / Authority	Description Of Changes
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1	11 December 2019 / Noted by Council CC118/2019	New procedure adopted
2.a.	9 February 2024 / Amended by ELT	Updated reporting frequency of complaints data to ELT and to Council (ELT quarterly reports changed to 6 monthly, and Council reports changed to annual),
2.b.	11 March 2024 / Adopted by ELT	Procedure updated to reflect AS10002:2022 and NSW Child Safe Standards.