

3.14 Complaints Management

POLICY TITLE: COMPLAINTS MANAGEMENT

FILE REF: SC95

EXPIRY DATE: FEBRUARY 2027

OBJECTIVE

The objective of this Complaints Management Policy is to improve customer service in all areas.

POLICY STATEMENT

Lockhart Shire Council aims to promote integrity, ethical conduct and accountability.

In pursuing this aim, one of Council's responsibilities is to receive and act upon complaints from external sources, which relate to any aspect of Council's operations or services.

Council will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by complainants.

Council will support fully any investigations by external agencies such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman and Office of Local Government.

PROCEDURE

Lodging Complaints

Complaints may be lodged with Council in the following ways:

- a) By telephone
- b) In person
- c) In writing including by facsimile, email or other electronic means.

Recording of Complaints

- a) All complaints received by Council will be recorded in Council's Electronic Document Management System or Customer Requests Management System.
- b) When a complaint is made in person, subject to the gravity of the complaint, staff and volunteers in the field will advise the complainant to contact Council's office by formal means.
- c) When a complaint is made in person to a Councillor, the Councillor should assess the gravity of the situation and contact the General Manager.
- d) Where a complainant is requesting a service, and there are no prior indications of failure to provide that service to the complainant, the request will be recorded as an 'action request' rather than a complaint.

Complaint Handling

- a) Complaints received by Council concerning Council affairs will be referred to the appropriate staff member at Director or Supervisor level to investigate in the first instance.
- b) Should the processes undertaken by the Director or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Director or Supervisor will refer the complaint to the General Manager for further review.
- c) Council may seek to use alternative dispute resolution methods to resolve the complaint in circumstances where such a course of action is deemed appropriate by the General Manager.
- d) The General Manager may authorise internal investigations and notification to external agencies where appropriate.
- e) Council may engage external assistance to undertake the investigation where the initial investigation discloses a serious or complex situation beyond the Council's resources and investigative capabilities.

3.14 Complaints Management (cont'd)

Communication with Complainant

- a) Within seven working days of receipt of a complaint, in circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will provide acknowledgement of receipt of the complaint to the complainant. Such acknowledgement may be by telephone or in writing as appropriate.
- b) The staff member responsible for handling the complaint will ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint.
- c) The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate the complainant will also be advised of any measures taken to minimise chances of the issue(s) underlying the complaint occurring again.

Confidentiality

- a) Council will ensure that confidentiality is maintained in regard to complaints received.
- b) Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of positions must ensure that all allegations contained therein, are not discussed other than with the Public Officer and/or General Manager.
- c) Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimization or retribution as a result of the complaint.

Malicious, Frivolous and Vexatious Complaints

- a) All complaints received by Council will be treated with the utmost seriousness. However if, following investigation, a complaint is found to be malicious, frivolous, or vexatious, Council will take no further action on the complaint.
- b) A decision to take no further action will be made by a member of staff at the level of Director or General Manager and the complainant will be informed of the decision in writing.

SPECIFIC TYPES OF COMPLAINTS

- a) Policy 1.18 Public Interest Disclosures and Reporting System provides a clear procedure for Councillors and staff of Lockhart Shire Council to follow so that corrupt conduct, and maladministration, serious and substantial waste of public money and government information contravened can be revealed, investigated and dealt with by appropriate corrective action.
- b) 'Corrupt conduct' is defined in the Independent Commission Against Corruption Act (s.8). The definition used in the Act is intentionally quite broad – corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.
- c) 'Maladministration' is defined in the Public Interests Disclosures Act as conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
- d) 'Serious and Substantial waste' is the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which could result in a loss/wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of council.
- e) A 'government information contravention' is a failure to properly fulfil functions under the Government Information (Public Access) Act.
- f) Policy 1.18 Public Interest Disclosures and Reporting System also outlines how these types of complaints can be reported internally within Lockhart Shire Council or externally to the relevant agencies as outlined below.
 - Independent Commission Against Corruption (ICAC) — for corrupt conduct
 - Ombudsman — for maladministration
 - Office of Local Government — for serious and substantial waste in local government
 - Information and Privacy Commissioner — for disclosures about a government information contravention.

RELATED DOCUMENTS

This Policy should be read in conjunction with the following documents:

- Policy 1.4 Code of Conduct
- Policy 1.5 Privacy Plan and Privacy Code of Practice

3.14 Complaints Management (cont'd)

- Policy 1.6 Statement of Business Ethics
- Policy 1.7 Fraud Control Policy
- Policy 1.18 Public Interest Disclosures and Reporting
- Policy 1.24 Bribes, Gifts and Benefits Policy
- Policy 3.3 Bullying and Harassment

*Adopted by Council – 19 February 2024
Refer Minute No. No. 26/24*

*Adopted by Council – 15 February 2021
Refer Minute No. No. 17/21*

*Confirmed by Council 17 August 2009
Refer Minute No. 283/09*

*Adopted by Council – 19 February 2001
Refer Minute No. 22516*