



Complaints Handling Policy

Adopted 5 December 2006

POLICY NAME	Strathfield Council Complaint Handling Policy
COUNCIL ADOPTION	5 December 2006
REF	Minute 256/06
RELEVANT LEGISLATION	<ul style="list-style-type: none">• Local Government Act 1993• Privacy and Personal Information Protection Act 1998• Independent Commission Against Corruption Act 1988
RELATED POLICIES/DOCUMENTS	<ul style="list-style-type: none">• Strathfield Council Business Ethics Policy• Strathfield Council Code of Conduct• Strathfield Council Customer Service Charter• Strathfield Council Privacy Management Plan

1.0 Introduction

1.1 Title and Commencement

This policy is titled Strathfield Council Complaint Handling Policy. This policy was adopted by Council on 5 December 2006 and is operational from this date.

1.2 Purpose of the Policy

The purpose of the policy is provision of guidelines for dealing with complaints and internal review of complaint handling.

1.3 Objectives and Coverage of the Policy

The objective of this policy is to provide guidelines for dealing with complaints submitted or referred to Strathfield Council concerning level or quality of Council service. This policy also includes a process for internal review of Council's complaint handling.

Council's complaint handling process is designed to ensure that concerns are treated seriously and that complaints are addressed promptly and fairly.

This policy concerns complaints about Strathfield Council's service delivery as distinct from matters such as reporting corruption or misconduct of elected officials. Strathfield Council has adopted the *Strathfield Council Code of Conduct*, which includes procedures for reporting and investigation of breaches of conduct of Councillors and Council staff.

The General Manager has a duty to notify suspected corruption under Section 11 of the *Independent Commission Against Corruption (ICAC) Act 1988*. This policy does not override this obligation.

2.0 Policy and Procedures

2.1 Introduction

Strathfield Council is committed to providing and maintaining a high standard of customer service and welcomes customer feedback, which can include either complaints or

compliments. Efficient management of complaints enables Council to identify problems and continuously improve service standards and delivery.

2.2 Defining Complaints

Members of the public may be dissatisfied or have concerns about the level or quality of service provided by Council and may wish to lodge a complaint. A valid complaint is one where Council may appear to have failed to respond appropriately to a request for service or a report.

This policy operates primarily in circumstances where there is no statutory scheme covering the making of a complaint. For example statutory schemes cover:

- The making of protected disclosures under *the Protected Disclosures Act 1994*
- The making of applications for internal review of alleged breaches of privacy under the *Privacy and Personal Information Act 1998*
- The making of applications for internal review of refusals of access to or amendment of documents under the *Freedom of Information Act 1989*, and
- The making of complaints to a 'watchdog' body under its enabling legislation.

Information on the above procedures is available from Council's Public Officer.

Matters concerning corrupt conduct, which is defined as 'dishonest or partial exercise of any official functions by a public official', which includes Councillors and Council staff is dealt with under the *Independent Commission against Corruption (ICAC) Act 1998*.

Section 12 of Strathfield Council's Code of Conduct provides complaint handling procedures for investigating suspected breaches of conduct by Councillors and staff. Strathfield Council operates a Conduct Committee to investigate reports of alleged breaches of conduct.

A complaint does not include:

- A request for Council services
- A request for information or explanation of policies or procedures or decisions of Council.
- Reports of damaged or faulty infrastructure (eg damaged footpath, potholes in the road)
- Reports of hazards (eg tree branch that has fallen)
- Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works).
- The lodging of an appeal in accordance with procedure or policy.

Requests for Council service are made through Council's Customer Service Centres. The contact details for lodging service requests are contained in Appendix A.

Requests for information such as documents, policies, Council minutes and reports can be made to Council by completing an Access to Information application form, which is available on Council's website or from Customer Service Centres. Council provides viewing of documents, subject to consideration of relevant legislation such as privacy, without charge.

2.3 Lodging a Complaint

Complaints may be lodged with Council by:

- Telephone
- In person
- In writing, including fax, letter or email.

Complaints must include the name, address and contact number of the complainant and a brief description of the problem.

Any members of Council staff can receive a complaint and must follow the procedures set out in this policy to record and action the complaint.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the General Manager in accordance with Council's Code of Conduct.

2.4 Complaints that will not be investigated

Council may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal
- Where a matter is subject to a existing mediation process
- Relates to a decision made by a meeting of Council
- Relates to conduct before a court, coroner or tribunal
- Relates to matters under investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or Government Department or the NSW Police Service
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issues
- Relates to a decision, recommendation, act or omission which is more than one year old
- Relates to a matter awaiting determination by the Council
- Relates to actions or conduct of private individuals
- Involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Council.

If Council decides not to investigate a complaint, the complainant will be advised of the reason for the decision.

2.5 Anonymous Complaints & Confidentiality

Strathfield Council can not fully investigate anonymous complaints as Council can not determine the validity and nature of the complaint when the source of the complaint is unknown nor seek additional information when investigating the complaint. An anonymous complainant can not be provided with reasons for any decision made about their complaint.

Council encourages complainants to provide full contact information when lodging complaints.

Council will not disclose the identity of complainant(s), should the complainant request their details remain confidential at the time the complaint is lodged. Strathfield Council manages personal and private information collected by Council in accordance with Council's *Privacy Management Plan*.

In the event that an anonymous complaint is received Council will note the issues raised and, where necessary, try and resolve them appropriately. However, for the reasons outlined above, issues raised in anonymous complaints may not be fully actioned.

2.6 Principles for Managing Complaints

1. Complainants should be resolved in a timely and cost effective manner and, where possible, without recourse to the courts.
2. Staff should seek to resolve difficulties, disagreements or disputes by discussion, negotiation, mediation or conciliation wherever appropriate.
3. Complainants have the following rights:
 - Any member of the public has the right to lodge a complaint
 - Council should inform members of the public that they have the right to lodge complaint if they are unsatisfied with service
 - Any complaint lodged will be assessed and investigated in a timely manner.
 - The person who lodges a complaint has the right for their privacy to be maintained, if requested.
 - Complainants will not be subjected to any form of prejudice or harassment in reprisal of their complaint

2.7 Process for Lodging Complaints

Council staff members are expected to either manage complaints or refer complaints to the appropriate person to resolve as soon as complaints are received. Most complaints can be satisfactorily and expediently resolved at the level the complaint is lodged.

The process for handling lodging and handling complaints is:

1. The staff member receiving a complaint should deal with the complaint at that time or refer it immediately to the appropriate staff member who may be able to resolve the problem on the spot. Staff should record the complaint and record the action taken to resolve the matter. A copy must be placed on the relevant file.
2. A complaint of a more serious nature or where the above has not been satisfactorily resolved, should be referred to the appropriate Manager for investigation, action or response to the complainant.
3. The Manager investigating the complaint will determine what, if any, remedial action will be taken and must ensure that all details of the investigation and remedial action taken or offered to the complainant are recorded and placed on the relevant file.
4. If complaints have not been satisfactorily resolved at this stage or the complaint is a complex matter requiring investigation across a number of work or service areas, the complaint should be referred to the relevant Director to resolve.
5. All complaints should be resolved within ten (10) working days from lodgement of the complaint.

3.0 Review Processes

3.1 Reviewing Process of Complaint Handling

Council's complaint handling policy requires the finalisation of complaints by the relevant Council department.

If complaints have not been actioned or resolved in accordance with the above process, Council's Public Officer will investigate the matter and review how the complaint has been actioned and the steps taken to resolve the issue.

The Public Officer will provide a report to Council's General Manager, detailing the history of the complaint and actions taken to resolve the issue. The General Manager will determine the appropriate resolution of the outstanding complaint and the review of the complaint handling process.

APPENDIX A**STRATHFIELD COUNCIL CONTACT DETAILS**

Mail:	Strathfield Council PO Box 120 STRATHFIELD NSW 2135	Phone:	(02) 9748 9999
Email:	council@strathfield.nsw.gov.au	Fax:	(02) 9764 1034
Website:	www.strathfield.nsw.gov.au		
In person:	Customer Service Centre Strathfield Council 65 Homebush Road Strathfield NSW 2135	In person:	Customer Service Centre Strathfield Library & Information Centre 65-67 Rochester Street Homebush NSW 2140

OTHER RELEVANT PROCESSES/POLICIES/PROCEDURES

Information is available on Council's website on related topics as:

Access to Information & Freedom of Information	Accessing Council documents including request forms.
Privacy	Council's Privacy Management Plan including application forms.
Code of Conduct	Council's Code of Conduct for Councillors and Council staff.

EXTERNAL REVIEW ORGANISATIONS

There are various external agencies, which are concerned with reviewing complaints.

Agency	Issue
NSW Ombudsman Phone: (02) 9286 1000 Website: www.nswombudsman.nsw.gov.au	Maladministration or child abuse
Independent Commission Against Corruption (ICAC) Phone: (02) 9318 5999 Website: www.icac.nsw.gov.au	Corrupt conduct
Privacy NSW Phone: (02) 9268 5588 Website: www.lawlink.nsw.gov.au	Breaches of the Privacy and Personal Information Act 1998
Anti-discrimination Board Phone: (02) 9268 5555 Website: www.agb.nsw.gov.au	Discrimination, disability and harassment