



LEETON SHIRE COUNCIL
Preserving the Past, Enhancing the Future

LEETON SHIRE COUNCIL POLICY

COMPLAINTS HANDLING

PREAMBLE

Leeton Shire Council's primary charter as a service organisation is to assist its customers and stakeholders consistent with the common good, and legal and statutory responsibilities.

In observation of this charter, 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.

Leeton Shire Council regards all complaints with the utmost seriousness. Council will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by complainants.

ELIGIBILITY

This policy applies to all Council staff, Councillors and contractors working on behalf of Council.

DEFINITIONS

1 *Complaint*

A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

2 *Contract Administrator*

The Contract Administrator is any member of Council's staff who is responsible for letting and overseeing the completion of contracts on behalf of Council. Contracts may be for the provision of goods and/or services to Council.

3 *Public Officer*

The Public Officer is a member of Council's senior staff, appointed under the Local Government Act 1993. The functions of the Public Officer include provision of assistance to the public in accessing Council documents, representation of Council in legal and other matters, receipt of submissions made to Council and to assist with requests from the public regarding Council's affairs.

PROVISIONS

1 Lodging Complaints

Complaints may be lodged with Council in the following ways:

- By telephone;
- In person;
- In writing including by facsimile, email or other electronic means.

2 Anonymous Complaints

Anonymous complaints will be dealt with if they are assessed as having some substance, and sufficient information is contained in the complaint to enable the allegations to be investigated.

3 Recording of Complaints

All complaints received by Council will be recorded in Council's documents management system.

4 Complaint Handling

Complaints received by Council concerning Council affairs will be referred to the appropriate staff member at Director, Manager or Supervisor level to investigate in the first instance.

Should the processes undertaken by the Director, Manager or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Director, Manager or Supervisor will refer the complaint to the General Manager for further review.

If the complainant still remains dissatisfied with Council's response a formal letter from Council's General Manager should be forwarded outlining the following:

- The offer of alternative dispute resolution (if deemed appropriate)
- The fact that the complainant may raise the matter with an external agency such as the NSW Ombudsman, the NSW Department of Local Government or the Independent Commission Against Corruption
- The complainant has the option to seek advice in the matter with their own legal adviser.

Where a complaint is received and reported by a Council contractor, the Director responsible for administration of the contract will investigate the complaint in the first instance, and may then refer the complaint to the General Manager for formal resolution if required.

Council may seek to use alternative dispute methods to resolve the complaint in circumstances where such a course of action is deemed appropriate.

5 *Communication with Complainant*

Within 7 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.

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.

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.

6 *Confidentiality*

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and reporting 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. 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.

7 *Special Categories of Complaints*

1 *Complaints involving Allegations of Maladministration or Corrupt Conduct*

All complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position, including complaints made verbally or anonymously, are to be referred immediately and directly to the Public Officer and/or General Manager.

Under Section 11 of the ICAC Act 1988, the General Manager must report to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

2 *National Competition Policy (NCP) Complaints*

A complaint regarding competitive neutrality, the basis of which must be:

- i) A complaint that Council has not met its requirements under the “Code Statement of Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality”. This includes a concern that council has not established an effective complaints handling mechanism, and / or
- ii) A complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity

is to be referred to the Public Officer or General Manager for investigation.

Complaints made under 7.1 and 7.2 will receive the highest Council priority.

8 *Malicious, Frivolous and Vexatious Complaints*

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. A decision to take no further action will be made by a member of staff at the level of Manager or higher and the complainant will be informed of the decision in writing.

9 *Complaints Review*

The Senior Management Team regularly monitors reports outlining any overdue complaints.

10 *Regular Review of Complaints Handling by Council*

The Public Officer will conduct a review of Council's complaint handling processes on a four-yearly basis to ensure that such processes are responsive to complainants and are appropriate in addressing issues underlying complaints received by Council. This review, along with any findings and recommendations, will form the basis of a report to Council.

RESPONSIBILITY/ACCOUNTABILITY

Under the Local Government Act 1993, Council's Public Officer is responsible for overseeing the handling of all complaints received by Council concerning Council's affairs.

All staff are required to be aware of, and must comply with the content of this policy and the attached information on dealing with complaints, as contained in the NSW Ombudsman's Good Conduct and Administrative Practice – 'Complaint Handling'.

Related Policies

- Internal Reporting Policy
- Code of Conduct

Policy History:

Date of Adoption/Amendment	Resolution Number
22 September 2010	10/338
26 June 2013	13/136
22 February 2017	17/018