



Complaints Management Policy

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Responsible Officer:	Chief Information Officer
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages

1. POLICY STATEMENTS

- 1.1 We are committed to the timely, efficient, and consistent delivery of quality services which places “Our community at the heart of everything we do” and “Makes Kingborough a great place to live” as highlighted in Council’s 2020-2025 Strategic Plan.
- 1.2 Dealing with complaints is a core part of Council business and we encourage people to contact us when they have a problem with our services, actions, decisions, and policies.
- 1.3 We are committed to:
 - Building a positive culture around complaints and good complaint handling practices and systems.
 - Enabling members of the public to make complaints about the Council.
 - Responding to complaints by taking action to resolve complaints as quickly as possible.
 - Learning from complaints to improve our services and taking steps to ensure the matters do not recur.
 - Engaging better with the community.
- 1.4 We treat every complaint we receive on its individual merits, through clear and consistent processes.
- 1.5 We systematically record, analyse and report on complaint data and outcomes to improve our systems and service delivery.

2. DEFINITIONS

2.1 What is a ‘Complaint’?

2.1.1 A ‘Complaint’ includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- The quality of an action, decision or service provided by Council staff or a Council contractor.
- A delay by Council staff or a Council contractor in taking an action, making a decision, or delivering a service.
- A policy or decision made by the Council, Council staff or a Council contractor.

Complaints regarding decisions made by the Council or Council staff in respect of an enforcement decision are not covered by this policy, however the behaviour of staff in the conduct of their enforcement duties is covered by this policy.

2.1.2 In this policy:

‘the Council’ means the body of elected Councillors.

‘Council Staff’ is any person employed by the Council to carry out the functions of the Council, and the Council’s CEO.

‘Council Contractor’ is any third-party engaged by the Council to carry out functions on the Council’s behalf.

‘Enforcement Decision’ means a decision of the Council or Council staff to undertake enforcement action that is subject to the Council's enforcement policy.

‘Mediation’ means a structured negotiation process in which a suitably qualified person appointed by the General Manager, as a neutral and independent party, assists the parties to the complaint to achieve their own resolution of the complaint.

‘Service Request’ includes a communication (verbal or written) reporting the failure of a Council provided facility or service and/or a request for services or facilities to be provided.

3. OBJECTIVE

3.1 The objective of this Policy is to:

- Provide a standardised approach to managing complaints.
- Provide a framework for the management and review of complaints and feedback with a view to continually improve services, systems, and capabilities.
- Increase the level of community satisfaction by resolving issues in an effective, fair, respectful, professional and objective manner.
- Ensure all statutory requirements are satisfied, and review, mediation, and escalation options for customers are communicated clearly.
- Ensure that the outcomes are communicated effectively.

4. SCOPE

4.1 Our Complaints Management Policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings.

4.2 This policy does not apply to complaints about individual Councillors. See section 6.6

4.3 This policy does not apply to an enforcement decision of the Council and Council Officers to which the Enforcement Policy applies or where a right of statutory review exists - See section 6.6

5. PRINCIPLES

5.1 The following principles underpin this policy:

Commitment

We are committed to resolving complaints and have a culture that recognises an individual’s right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

Accessibility

People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.

Transparency

We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed using evidence-based, objective decision making.

Privacy

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We treat complaints fairly, provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

Acting on, learning from, and using complaint data helps us identify problems and improve services.

Governance

We record complaints systematically, analyse the data regularly, and report on the data and complaints outcomes on a regular basis.

6. COMPLAINT HANDLING PROCEDURE (POLICY DETAIL)

6.1 How to make a complaint

6.1.1 Any member of the public can make a complaint. Complaints can be made by:

- Telephone: (03) 6211 8200.
- Online: www.kingborough.tas.gov.au/contact/ and select 'Complaint' from the Enquiry Type dropdown list.
- Email: kc@kingborough.tas.gov.au
- Post: Kingborough Council Locked Bag 1 Kingston Tasmania 7050.
- In Person: Kingborough Council Civic Centre, 15 Channel Highway Kingston Tasmania.

6.1.2 If you have specific communication needs or barriers, we can assist by using:

- TTY users can phone 13 36 77 then ask for (03) 6211 8200.
- Speak & Listen (speech-to-speech) users can phone 1300 555 727 then ask for (03) 6211 8200.
- Internet relay users can connect to the National Relay Service website www.infrastructure.gov.au/media-technology-communications/phone/services-people-with-disability/accesshub/national-relay-service then ask for (03) 6211 8200. You may need to register for this service.
- Talking with you if you have trouble reading or writing.
- Communicating with another person acting on your behalf if you cannot make the complaint yourself.

6.1.3 In the first instance you are encouraged to raise your concerns directly with the Council staff member or contractor involved. If the complaint is not resolved, the complaint can be escalated to a more senior person.

6.1.4 Complaints received by Councillors about Council operations should be referred to the General Manager. The complaint will then be handled in accordance with this policy.

6.1.4.1 The Councillor receiving the complaint should inform the complainant that their complaint has been referred to Council's administration to be dealt with in accordance with this policy.

6.1.4.2 Council staff will inform the Councillor of the outcome of the complaint once it has been finalised.

6.1.5 When making a complaint, help us to deal with your complaint by providing the following information:

- Name and contact details. You can complain anonymously, but this may limit Council's ability to fully investigate the matter and respond to you.
- Identify the action, decision, service, or policy you are complaining about, and why you are dissatisfied.

- The relevant details, such as dates, times, location or reference numbers, third party and/or witness/es contact details, and documents that support your complaint.
- The outcome you are seeking from making your complaint.
- Whether you have any communication needs.

6.2 Complaint management

6.2.1 When you complain to us, we will record and acknowledge your complaint within five business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

6.2.2 After our initial assessment, we may:

- Take direct action to resolve your complaint at the time you first contact us.
- Refer your complaint to the relevant team or manager for investigation. We will tell you who you can contact about the investigation.
- Advise you how to redirect your complaint if you have a right to a statutory review (such as a right of appeal under the *Land Use Planning and Approvals Act 1993* or other legislation).
- Provide information about how to make a complaint or seek a review otherwise dealt with through another process. See section 6.7.

6.2.3 A 4-tiered approach (Annexure 1 flowchart) is used to manage the progress of complaints. Each tier represents an escalation point for complaints that have not been resolved by the previous tier:

- **Tier 1** – The complaint is resolved at first point of contact. For example: your recycle bin was not collected/missed and a Customer Service Officer (CSO) arranges for its collection; or there is a delay in the provision of a service or receiving correspondence, which is resolved by a CSO.

Where your complaint should be dealt with by an external body or through a statutory review process, we will provide guidance on how to lodge your complaint.

If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

- **Tier 2** – Where a complaint requires further investigation, or is of a complex nature it moves to tier 2. The complaint will be investigated by an officer from the area that provided the service. Any third party or witness/es involved will be informed they are now part of a formal process, and provided with a copy of this policy. The officer will gather additional information and make an evidence-based decision.

We aim to complete investigations within 15 working days and will tell you if the investigation will take longer. We will update you every 10 working days about progress until the investigation is completed. We will provide a written outcome of the investigation, and explain our reasons. Annexure 2 shows model response.

- **Tier 3** – Where a complainant believes the Council has made a wrong decision then they can request an internal review. This moves the complaint to tier 3. An independent internal review is undertaken by the General Manager or their delegate who will consider whether the complaint should have been dealt with differently. The review may find that the original decision should be upheld, varied, or overturned.
- **Tier 4** – Where a complainant still believes that the Council has made a wrong decision, they can request an external review by contacting: The Ombudsman, The Anti-

Discrimination Commissioner, or the Director of Local Government. Council contributes to the tier 4 escalation by providing advice on how to seek an external review and by participating and cooperating in the external review process. See Section 6.7 for contact details

6.3 Investigation

6.3.1 As part of the complaint investigation process, we will:

- Assess the information against relevant legislation, policies, and procedures to determine how a complaint is to be managed. For example, a complaint about serious misconduct may need to be dealt with as a Public Interest Disclosure depending on who makes the complaint, or a complaint for which right of statutory review/appeal exists would need to be considered under the provisions of the relevant legislation.
- Refer to relevant Council documents and records and third party/witness statements.
- Meet with affected parties to gain further insights and consider possible solutions.
- The General Manger may initiate independent mediation where the facts or substance of a complaint remain in dispute after all information gathered has been considered, further discussions have taken place with the complainant, and the investigating or review officer is unable to make an objective and fair decision.
- Make an objective and fair decision based on the weight of available evidence and information.
- Advise you in writing of the outcome of the investigation and reasons for the decision made.
- Where mediation is initiated, parties are to comply with the directions of the appointed independent mediator.

6.4 Resolution

6.4.1 In finding a solution to your complaint we are committed to a range of options which may include:

- An acknowledgement and apology for an error
- An explanation of a decision or action
- A change of decision
- A change to policy or procedure
- Repair / rework / replacement / refund
- Counselling or disciplining of staff
- Mediation to resolve disputes arising from a complaint investigated under this policy

6.5 Internal Review

6.5.1 Where the complainant believes the Council has made a wrong decision in dealing with their complaint then they can request an internal review. The review will be undertaken independently of the person who took the action, the person who made the decision and the person who provided the action, decision or service. This will usually be a member of the Executive Management Team or the General Manager.

6.5.2 The internal review will evaluate the complaint process and associated evidence collected to date and determine whether the outcome of the initial investigation decision should be upheld, varied, or overturned.

6.5.3 We aim to complete a review of an internal complaint within 10 working days and will tell you if the review will take longer. We will provide a written outcome of the internal review and explain our reasons.

6.5.4 You can request a review of the complaint decision by replying to the officer who dealt with your complaint or by any of the methods listed in sections 6.1.1 and 6.1.2, quoting your complaint reference number and reasons why you believe the wrong decision was made.

6.6 Complaints about specific matters – alternative procedures

6.6.1 Complaints relating to the conduct of a Councillor are handled in accordance with the Code of Conduct for Councillors. A complaint form is available on Council's web site at www.kingborough.tas.gov.au/wp-content/uploads/2017/05/Local-Government-Code-of-conduct-Template-complaint-form.pdf.

6.6.2 Complaints made by a Public Officer or Contractor relating to the conduct of a Council officer or Council are handled in accordance with the [Public Interest Disclosures Policy & Procedures](#).

6.6.3 A complaint regarding the failure of Council, a Councillor or the General Manager to comply with the requirements of the *Local Government Act 1993* or any other Act; or a complaint that a Councillor, the General Manager or an employee of Council may have committed an offence under the *Local Government Act 1993* may be made to the Director of Local Government under section 339E of the *Local Government Act 1993*. See section 6.4 for contact details.

6.6.4 A complaint made against the General Manager not relating to matters defined in 6.6.3 are to be directed to the Mayor. The Mayor may elect to refer the complaint to the Director of Local Government for investigation.

6.6.5 Complaints for which statutory review processes exist (including enforcement decisions), are dealt with in accordance with the relevant legislation, such as application for withdrawal, appeal or review provisions in the *Land Use Planning and Approvals Act 1993*; *Dog Control Act 2000*; *Building Act 2016*; *Monetary Penalties Enforcement Act 2005*, *Traffic Act 1925*, *TASCAT*, Magistrates Court of Appeals, or decisions made under the *Right to Information Act*. This list is not exhaustive.

6.6.6 While enforcement decisions are dealt with under existing statutory review processes, matters relating to the behaviour of staff in the conduct of their enforcement duties will be dealt with under this Policy.

6.6.7 A disagreement with a policy or the direction of the Council may also be directed to the Mayor and/or individual Councillors.

6.6.8 Vexatious or misconceived complaints will only be considered if issues relating to health or safety are raised.

6.7 Contact for external review

6.7.1 A customer who remains dissatisfied with the outcome of a review is entitled to seek external review from:

- The Ombudsman:
NAB House, Level 6
86 Collins Street
Hobart
GPO Box 960
Hobart Tas 7001
T 1800 001 170 (free call in Tasmania)
Email: ombudsman@ombudsman.tas.gov.au
www: www.ombudsman.tas.gov.au/home

- The Office of the Anti-Discrimination Commissioner:
Level 1
54 Victoria Street
Hobart
GPO Box 197
Hobart Tas 7001
T 1300 305 062
Email: office@equalopportunity.tas.gov.au
www: [www: www.equalopportunity.tas.gov.au/home](http://www.equalopportunity.tas.gov.au/home)
- The Director, Local Government Division:
GPO Box 123
Hobart Tas 7001
T 03 6232 7022
Email: lgd@dpac.tas.gov.au
www: [www: www.dpac.tas.gov.au/divisions/local_government](http://www.dpac.tas.gov.au/divisions/local_government)

A complaint made to the Director under section 339E of the *Local Government Act 1993* must be:

- In writing; and
- identify the complainant and the person against whom the complaint is made; and
- give particulars of the grounds of the complaint; and
- be verified by a statutory declaration.

6.8 Complaint analysis and reporting

- 6.8.1 Complaints from people who use or who are affected by our administration or delivery of services provide us with valuable feedback about how we are performing.
- 6.8.2 We regularly analyse our complaint data to identify trends and potential issues that require further attention. We use this information to come up with solutions about how we can improve our administration and delivery of services.
- 6.8.3 Complaint information will be recorded using Councils Enterprise Content Management system and be uniquely categorised to enable retrieval, analysis and reporting of complaints.
- 6.8.4 Complaint details recorded include items listed in 6.1.5 and further categorised by Service Type, Issue Type, Department/Officer, How complaint was dealt with, Outcome, Remedy, Complaint Handling Officer, Review Outcome.
- 6.8.5 We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data quarterly, including in our annual report.
- 6.8.6 The number of complaints publicly reported will be summarised by: Service Type, Issue Type, Resolution/investigation Type, Outcome and any service improvements made.
- 6.8.7 The following Key Performance Indicators are used to measure our complaint management performance:
 - Number of complaints upheld, partially upheld, not upheld
 - Number of changes made to services as a result of complaints
 - Customer satisfaction with the complaint handling system
 - Number of complaints referred for external review by Council or Complainant.
 - Number of officer breaches of legislation and policy.

6.9 Your Privacy

- 6.9.1 We keep your personal information secure in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*.
- 6.9.2 We use your information to respond to your complaint and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.
- 6.9.3 Where we publish complaint data, personal information is removed.

6.10 Responsibilities

6.10.1 General Manager

- Promoting positive behaviours and continual improvement practices relating to enabling, recording, responding to, and learning from complaints.
- Supporting service and administrative improvements that arise from complaints.
- Reviewing and publishing complaint data.

6.10.2 Managers and Coordinators

- Training staff to use the complaints management system to record complaint information consistently, audit the data quality, and ensure errors are corrected.
- Managing conflicts of interest in the complaint process.
- Reporting on and identifying improvements from complaint data.
- Supporting staff who deal with complaints.

6.10.3 All Council Staff

- Familiarising themselves with this policy and the Council's complaint process.
- Assisting members of the public to make a complaint.
- Treating members of the public respectfully and professionally.
- Raising suggestions to continuously improve complaint systems and administration.

6.10.4 Councillors

- Familiarising themselves with this policy and the Council's complaint process.
- Referring complaints to Council staff to be dealt with in accordance with our processes.
- Monitoring performance of complaints management and reporting.

6.10.5 Contractors

- Familiarising themselves with this policy and the Council's complaint process.
- Cooperating with the Council's complaint handling processes

7. COMMUNICATION

7.1 Internally:

- 7.1.1 Accessible by all staff via intranet.
- 7.1.2 Included in the staff induction procedure.

7.2 Externally:

- 7.2.1 Accessible on the Kingborough Council website at www.kingborough.tas.gov.au.
- 7.2.2 Available in soft copy to be emailed upon request.

7.2.3 Available in hard copy to be mailed upon request.

8. LEGISLATION

8.1 [Local Government Act 1993](#)

8.2 [Personal Information Protection Act 2004](#)

8.3 [Public Interest Disclosures Act 2002](#)

9. RELATED DOCUMENTS

9.1 Policy 9.14: Code of Conduct – Employees

9.2 Policy 1.8: Code of Conduct – Councillors

9.3 Policy 1.6: Customer Service Charter

9.4 Policy 9.20: Workplace Behaviour Administrative Policy

9.5 Policy 1.9: Privacy

9.6 Policy 9.12: Employee Disciplinary Administrative Policy

9.7 Policy 4.16 - Enforcement

9.8 Risk Management Framework

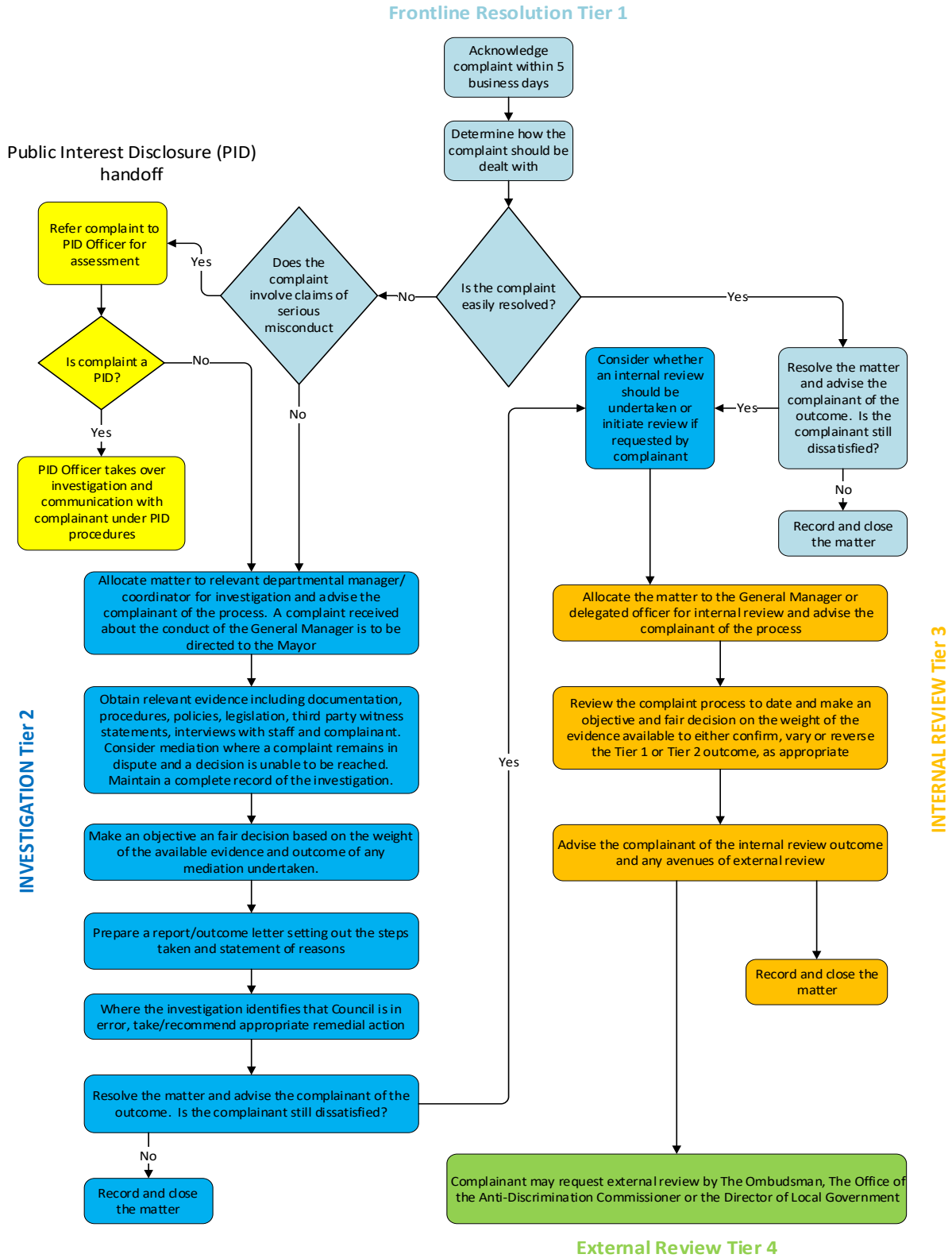
9.9 Kingborough Council Strategic Plan 2020-2025.

10. AUDIENCE

10.1 Public Document

Annexure 1

Kingborough Council Complaint Handling Flowchart



Annexure 2

Complaint Investigation Outcome Template on Kingborough Council Letterhead

Date:

Ref:

Complainant

Address Block

[COMPLAINT ISSUE]

Dear *[Complainant]*

Thank you for your complaint of *[Date]*, and for discussing your concerns with me.

As you are aware, I have investigated your complaint about *[Include summary and confirmation/understanding of complaint issue]*

My investigation involved *[Include what steps were taken as part of the investigation. For example, the policies (including service levels), procedures and legislation that are relevant to the complaint; the outcome the complainant would like; broader impact on service levels, community as a whole and cost.]*

As a result of my investigation, I have decided that *[Include the evidence and statement of reasons to support the decision. If the Council is taking remedial action, explain what it is and how it addresses the issue, including an apology for the issue/s that caused the complaint.]*

If you are dissatisfied with the outcome of your complaint, you can request an internal review of the handling of your complaint by contacting us on *[Include appropriate contact methods]* and outlining how you believe the decision was wrong.

[If this communication relates to the outcome to an internal review, include information about external review options such as The Ombudsman]

If you would like to discuss your complaint further, you are welcome to contact me by calling *[Officer number]* or emailing *[Email address]*

Yours sincerely

[Name of responsible officer and title]