



COFFS HARBOUR

**CITY
COUNCIL**



www.coffsharbour.nsw.gov.au

Complaints and Other Feedback Policy

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1 Purpose

Coffs Harbour City Council is committed to delivering quality services that are responsive to the needs of our community. This includes building an organisational culture that recognises the benefits of effective complaint handling, as well as the importance of receiving customer feedback to improve the work we do.

An effective complaints and other feedback handling system is an essential part of providing quality service. It is a measure of customer satisfaction. It provides positive feedback about aspects of the service that work well and is a useful source of information for improvement.

This policy details Council's commitment to:

- Improving service delivery
- Effective complaint handling
- Improving the capacity of Council officials to manage and resolve internal and external complaints

This Policy also aims to assist Council to appropriately respond to complaints and other feedback so that we can better identify the needs of our community and improve our overall performance.

2 Objectives

The objective of Council's Complaints and Other Feedback Policy is to:

- Improve the capacity of Council to manage and resolve complaints and other feedback in a fair, efficient and consistent manner.
- Increase community confidence in Council's commitment to service delivery and effective complaint and other feedback handling.
- Identify opportunities to improve Council performance through complaint and feedback information, as well as through any issues identified in the response to or investigation of the complaint or feedback matter.

3 Principles

Council's Complaints and Other Feedback Policy is underpinned by the following principles:

3.1 Access

- Public access to information about making a complaint or providing other feedback will be through Council's website, www.coffsharbour.nsw.gov.au. Hard copy information will also be available from Council's libraries and Customer Service Centre.
- Reasonable assistance will be available to complainants with special needs, including complainants who are unable to lodge a complaint in writing.

3.2 Responsiveness and Accountability

- All complaints and other feedback will be recorded in Council's records management system, and distributed to relevant officers in Council.
- Complaints will be resolved in a timely manner, in the context of Council's resource constraints.
- Relevant parties to a complaint will receive information that explains how and why a decision was made. Information may include:
 - the results of any investigation
 - any action already taken by Council
 - any action scheduled to be taken by Council

- reasons for no action
- any further options available to the complainant if they are dissatisfied with the outcome
- Where complaints do not progress to formal investigation, complainants will be provided with reasons in writing.
- Where complaints progress to formal investigation and are complex or lengthy, relevant parties will receive regular progress reports wherever practicable or reasonable.
- Where process or performance improvements are identified in the course of investigating or responding to a complaint, such feedback and recommendations will be provided to the General Manager and/or Director of the relevant Council Group/Business Unit, as appropriate.
- Information on the complaint — including the date of the complaint, any action taken, the status, outcome and advice/information provided to the complainant — will be recorded by the relevant Council officer in Council's records management system with security classifications as deemed appropriate.
- All relevant documentation submitted as evidence in support of a complaint must also be registered by the relevant Council officer in Council's records management system with security classifications as deemed appropriate.

3.3 Privacy and Confidentiality

- The privacy of the complainant and any Council official named in a complaint will be maintained wherever possible, subject to any legal or legislative requirements, or overriding principles of natural justice and procedural fairness.
- The principles of Council's Privacy Management Plan will be applied to the handling of all complaints and other feedback.
- Any personal information you supply will only be used by Council to investigate your complaint and to allow Council to respond to you.
- Your personal information will only be disclosed to those areas within Council that may have information relevant to your complaint so that it can be managed fairly.
- None of the information you provide to Council will be disclosed outside of Council without your permission, unless we are required by law to do so.
- Wherever possible, and subject to any legal or legislative requirements, Council will maintain confidentiality in complaint handling processes.
- Council asks complainants to maintain confidentiality in complaint processes.

3.4 Natural Justice and Procedural Fairness

- The principles of natural justice and procedural fairness will be applied to the handling of all complaints and investigations.
- The rules of natural justice and procedural fairness relate to the procedure adopted by a decision maker to enable a fair decision to be made. This includes the principle that a person against whom allegations are made should have —
 - advance notice of the allegations and evidence
 - the opportunity to challenge allegations and evidence before decisions are reached
 - the right of appeal against any decision taken
- Details of complaints or other feedback will be communicated promptly to the Council official concerned, except in circumstances where confidentiality is required to protect the integrity of an internal or external investigation.

3.5 Unreasonable Complaints

There are a number of reasons that Council may determine that a complaint is unreasonable. These can include (but are not limited to) Actions/complaints that are:

- Trivial
- Frivolous
- Baseless
- Unreasonable
- Vexatious
- Excessive
- Intended to:
 - Harass
 - Annoy
 - Delay, or
 - cause detriment

If a complainant is considered to be behaving unreasonably in their dealings with Council, we may take action to limit or reduce a complainant's access to certain council services. For more information, refer to Council's Unreasonable Complainant Conduct Policy.

3.6 Integrity, Dignity and Respect

- Council takes complaints seriously and will deal with them in a positive, expedient and confidential manner.
- Council officials will demonstrate fair and consistent decision-making, and complaints will be investigated without prejudice.
- Council treats complainants with courtesy and respect, and asks that complainants treat Council officials with courtesy and respect.
- Council will not tolerate rude or aggressive behaviour towards Council officials in complaint handling or other processes. In such circumstances, Council officials are entitled to terminate phone calls, meetings or social media access as appropriate.
- Wherever possible, Council officials will provide the complainant with initial warning that their conduct is inappropriate before communication is terminated.

4 Compliments and suggestions

Council has a Customer Service Charter that details our commitment to excellent customer service. When you have a positive experience with Council staff or services, Council encourages your feedback to ensure that relevant staff are commended for providing quality service to the community. Compliments are an important way that Council can identify what is working well.

Council also encourages your suggestions on ways that we can improve the effectiveness and efficiency of our service delivery. Suggestions are an important way Council can identify areas for improvement and innovation.

5 What is a Complaint

For the purpose of this policy, a **complaint is an expression of dissatisfaction with Council's:**

5.1 Policies and Procedures

- service charges and fees
- policy decisions
- an agreed practice covered by a policy or procedure
- Council's decision making process.

5.2 Quality of Service

- the quality of the finished job or service provided (e.g. not up to an expected standard, poor workmanship)
- the length of time taken to complete the job/provide the service (e.g. outside of service standards).

5.3 Employees/ officials

- actions or behaviour of employees/ officials
- dissatisfaction with decision or omission of a Council official that is not resolved at the point of service

Complaints must be about previously made decisions or actions of Council or its officials, and you must indicate how this has adversely affected you.

6 Complaints Excluded Under this Policy

While complaints are a valuable organisational tool for Council to improve service delivery, it is recognised that Council has limited resources to pursue complaints over which it has no jurisdiction, or which have otherwise been adequately addressed. Therefore, certain types of complaints have been excluded from this Policy. These include complaints concerning:

- a request for works or services – unless it is a second request and there has been no response to the first request or where, the customer believes the response was unsatisfactory
- reports of damaged or faulty infrastructure
- a complaint about an event, service or business for which Council is not responsible
- reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of Council's service.
- a request for information or an explanation of policies or procedures
- disagreement with a Council resolution.
- disagreement with Council's policy or a lawfully made decision
- disagreement with the approval or refusal of an application i.e. DA.
- the lodging of a submission, appeal, or objection in accordance with a standard procedure or policy e.g. a complaint about a draft policy or plan
- dissatisfaction with matters before, or the decision of a Court or Tribunal in relation to Council officials, business, services or facilities.
- the conduct of a councillor outside of their role as a Council official.
- dissatisfaction with the decision of a Code of Conduct Committee or of Council (responding to a Code of Conduct Committee investigation or recommendation).
- denied access to information applications under the GIPA Act 2009 (as there is a review and external appeal mechanism).

Many of the issues above are called 'complaints' because a customer is unhappy about the situation and wants something done. To Council, however, the 'complaint' is a request for action. This does not reduce the importance of the issue, nor does it change the actions Council will take.

All complaints about employees must be in writing to ensure confidentiality of the complaint.

All complaints about Council's assessment and regulatory processes must be in writing as certain aspects of statutory assessment and regulatory processes may involve court action.

Council may refuse to deal with complaints that relate to a pre-existing issue that has already been reviewed, resolved or decided upon by Council, its representatives or an external agency — the outcome of which has been communicated to the complainant.

Finally, council may exercise its prerogative not to deal with complaints that are trivial, vexatious, baseless, unreasonable, frivolous or constant. However, you are entitled to pursue such complaints with an appropriate external agency or authority, as identified in section 15 below - *Complaints to other Agencies*.

7 Anonymous Complaints

Anonymous complaints will be accepted however Council's ability to investigate complaints of this nature will be dependent on the information supplied.

8 Competitive Neutrality Complaints

8.1 About Competitive Neutrality

The National Competition Policy is aimed at increasing consumer and business choice by ensuring competitiveness in goods and services. The Competition Principles Agreement, formed under the National Competition Policy, encourages efficient service provision by requiring government business functions to be open to competition, where appropriate.

Under the Competition Policy, non-regulatory service functions should operate under similar competitive pressures to those experienced in the private sector. This helps ensure that Council services remain relevant, cost-effective and operationally efficient.

Further information on competitive neutrality is available from the National Competition Council website at www.ncc.gov.au. You can also access the National Competition Policy and the Competition Principles Agreement on this website.

8.2 Council Businesses Subject to Competitive Neutrality

The following Council owned and operated activities have been categorised as Category 1 Businesses, and are subject to competitive neutrality principles:

- Coffs Harbour City Council Water Supply
- Coffs Harbour City Council Sewerage
- Coastal Works
- Coffs Harbour City Council Airport

Each business activity has an annual gross operating income over \$2 million per year.

8.3 What Isn't a Competitive Neutrality Complaint?

Competitive neutrality complaints do not include complaints about:

- Levels of service (e.g. inadequate water quality, garbage bin collection, condition of roads or footpaths etc.)
- Cost of Council services (unless Council has not costed the service to take competitive neutrality into account)
- Trade practices laws and their application to Council's businesses or services.

8.4 Making a Competitive Neutrality Complaint

The Competition Principles Agreement requires Council to deal with complaints concerning Council business activities that are not competing in the market (against private business) on a level playing field.

Complaints concerning competitive neutrality should be addressed in writing to the Public Officer, Coffs Harbour City Council.

For further information on framing a competitive neutrality complaint, please see the National Competition Council website at www.ncc.gov.au.

9 Complaints about Pecuniary Interests

A ‘pecuniary interest’ is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to that person or another person with whom they are associated.

The *Local Government Act* 1993 requires that:

“pecuniary interests of councillors, Council delegates and other persons involved in making decisions or giving advice in Council matters be publicly recorded and requires councillors and staff to refrain from taking part in decisions on Council matters in which they has a pecuniary interest”(s.441 – 459).

Special provisions have been made under the Act to investigate and resolve complaints concerning pecuniary interests (s.460 – 490).

The Chief Executive of the Office of Local Government is responsible for assessing and investigating pecuniary interest complaints. If you have a complaint regarding an alleged breach of the pecuniary interest provisions, please contact the Office of Local Government via [http://www.olg.nsw.gov.au/](http://www.olg.nsw.gov.au) or in writing addressed to the General Manager, Coffs Harbour City Council who will forward the complaint on your behalf.

10 Public Interest Disclosures

The *Public Interest Disclosures Act* (NSW) 1994 sets out a comprehensive framework for protecting public officials who disclose wrongdoing in accordance with the Act.

Under the *Public Interest Disclosures Act*, it is an offence to take detrimental action against a person who makes a public interest disclosure, which can be made about:

- **Corrupt conduct:** the dishonest or partial exercise of official functions by a public official.
- **Maladministration:** 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.
- **Serious and substantial waste in local government:** the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.
- **Government information contravention:** a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act).
- **Local government pecuniary interest contravention:** a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These

include obligations to lodge disclosure of interest returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

Within Council, Public Interest Disclosures can be made to the General Manager, Disclosures Coordinator, Disclosure Officers or the Mayor (if the report is about the General Manager).

For more information about Public Interest Disclosures, please refer to Council's Public Interest Disclosures Policy available at www.coffsharbour.nsw.gov.au

11 Complaints about Corrupt and/or Criminal Conduct

Council is committed to maintaining high ethical standards. It is everyone's responsibility to act honestly and to report any instances of possible criminal conduct, (serious) corruption, maladministration or serious and substantial wastage.

If you are concerned that the conduct of Council or a Council official is criminal, please contact your Local Area Command of the NSW Police.

If you are concerned that the conduct of Council or a Council official is corrupt, please contact the Independent Commission Against Corruption (ICAC), or write to the General Manager or Public Officer of Council.

The General Manager of Council is a Principal Officer under the *Independent Commission Against Corruption (ICAC) Act 1988*, and has a positive obligation to report to the Commission any suspected incidences of corruption in Council or concerning Council officials (s.11).

Corrupt conduct is defined under section 440A of the *Local Government Act 1993* as:

"serious corrupt conduct" means corrupt conduct (within the meaning of the *Independent Commission Against Corruption Act 1988*) that may constitute a serious indictable offence, being:

- (a) in the case of conduct of the holder of a civic office-conduct in connection with the exercise or purported exercise of the functions of the civic office, or
- (b) in the case of conduct of a member of staff of a council-conduct in connection with exercise or purported exercise of the duties of the member of staff.

12 Code of Conduct Complaints

All Council officials must comply with the provisions of the Code of Conduct. If you believe there has been a breach of the Code of Conduct, by Councillors, members of staff or council officials you can make a complaint in writing to the General Manager.

If your complaint concerns the conduct of the General Manager, then it should be addressed in writing to the Mayor.

The process for handling Code of Conduct complaints is clearly outlined in the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW available from www.coffsharbour.nsw.gov.au.

For more information on complaint handling processes, please refer to Council's Code of Conduct available from www.coffsharbour.nsw.gov.au.

You can also obtain a copy of the *Model Code of Conduct to Local Councils in New South Wales* and related Guidelines from <http://www.olg.nsw.gov.au/>.

13 Who do I make my Complaint to?

Wherever possible, complaints to Council should be resolved directly with the Council official involved. This can be done verbally or in writing. The officer involved will attempt to resolve your complaint without referring it to another party. However they may record the details of your complaint or feedback for Council records.

If you wish to progress the matter further, a complaint should be made to the relevant Council official identified below:

- Complaints concerning the conduct of Council staff, representatives or councillors should be made in writing to the General Manager.
- Complaints concerning the conduct of the General Manager should be made in writing to the Mayor.
- Complaints concerning the provision of Council services should be made in writing to the Group Leader Customer Services.
- Complaints concerning corrupt conduct can be made in writing to the General Manager, Public Officer or directly to the ICAC.
- Protected Disclosures should be made to the ICAC, Ombudsman, Auditor-General or Council's Protected Disclosure Officers.
- Complaints concerning Competitive Neutrality should be made in writing to the Public Officer.
- Complaints concerning criminal activity should be directed to your Local Area Command of the NSW Police and made in writing to the General Manager.

Reasonable assistance will be available to complainants with special needs, including complainants who are unable to lodge a complaint in writing.

Remember that complaints can also be made to other agencies, see Part 16 below.

14 What do I include in the Complaint?

Formal complaints must:

- be in writing
- be about a specific issue to do with the decision or action of Council or its officials
- outline how that decision or action has adversely affected you
- include your contact details so that we can provide a response or seek further information.

You can help us resolve your complaint more quickly by:

- treating our staff with courtesy and respect
- supplying as much relevant information as possible, as quickly as possible
- supplying the necessary details as accurately as possible
- including details of any letters that you have sent or received from Council, and the details of any phone calls or other discussions you have had with Council officials about the issue
- tell us what you would like us to do to fix the problem
- keep a copy of any letter, e-mail or fax you send.

15 Timeframes for Complaint Handling

15.1 Serious, Complex or Urgent Matters

- Serious, complex or urgent matters may require detailed or lengthy investigation. Complex complaints may involve multiple issues, parties or business units. In some instances, a formal investigation may be necessary.
- Serious and urgent matters should be internally referred to the appropriate Council official as soon as practicable but not more than three (3) working days after Council's receipt of the written complaint.
- Written response to or acknowledgement of the complaint to the complainant should occur no later than five (5) working days after Council's receipt of the written complaint.
- Complaints should to be responded to and resolved as efficiently and cost effectively as possible.

15.2 Routine or Standard Matters

- Routine or standard matters are complaints that usually involve a single issue or concern. Standard complaints do not require the level of detailed investigation as in other complaints, and can often be resolved by reviewing an action or activity.
- Routine matters should be internally referred to the appropriate Council official as soon as practicable but not more than three (3) working days after Council's receipt of the written complaint.
- Written response to or acknowledgement of the complaint to the complainant should occur no later than five (5) working days after Council's receipt of the written complaint.
- Complaints are to be responded to and resolved as efficiently and cost effectively as possible.

16 Complaints to Other Agencies

If you think your complaint has not been handled well by Council, you may refer your complaint to the NSW Office of Local Government (OLG) and/or the NSW Ombudsman for further review.

Amongst other functions, the OLG and Ombudsman's role is to investigate and review actions taken by local government. Contact details and information on progressing your complaint through the OLG and the Ombudsman is available from <http://www.olg.nsw.gov.au/> and www.ombudsman.nsw.gov.au, respectively.

Where you believe that corruption or serious maladministration has affected Council's handling of your complaint, or these form the subject of your complaint, you may also contact the Independent Commission Against Corruption (ICAC), who may investigate the matter or Council's conduct. The ICAC can be contacted via www.icac.nsw.gov.au.

Where your complaint concerns competitive neutrality, in addition to the above agencies, you may also contact the Australian Competition and Consumer Commission (ACCC), on www.accc.gov.au.

If criminal conduct is involved, you are encouraged to contact your Local Area Command of the NSW Police.

17 Definitions

Code of Conduct Complaint: A complaint about the conduct of a Council official that alleges a breach of Council’s Code of Conduct or the Model Code of Conduct for Local Councils in NSW.

Competitive Neutrality Complaint: A complaint made in relation to the National Competition Policy and Principles.

Complainant: Person, group, organisation or other entity making a complaint or providing feedback.

Complaint: For the purpose of the policy see sections 5 and 7

Compliment: An expression of praise, commendation or admiration.

Corrupt Conduct: Conduct as defined under section 440A of the Local Government Act 1993 and the provisions of the Independent Commission Against Corruption (ICAC) Act 1988.

Council Official: Councillors, members of staff, Administrators (appointed under section 256 of the Act), members of Council committees, conduct reviewers and delegates of Council.

Criminal Conduct: Conduct that breaches the provisions of the Crimes Act 1900.

Natural Justice: Concerns the basic or fundamental judicial rights extended to a person with rights at issue.

Pecuniary Interest: Concerns an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to that person or another person with whom they are associated.

Procedural Fairness: Is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

Public Interest Disclosure: A disclosure or notification made under, and in accordance, with the provisions of the Public Interest Disclosures Act 1994.

Public Officer: The Council officer appointed by the General Manager under section 34 to the Local Government Act 1993.

Suggestion: An idea, proposition or plan presented for consideration or possible action.

18 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with, this Policy and Operational Guidelines, and to manage Code of Conduct complaints about the General Manager.
General Manager (“Principal Officer”)	Executive	<p>To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Operational Guidelines.</p> <p>To refer all pecuniary interest complaints with the assistance of the Complaints Coordinator to the Office of Local Government.</p> <p>To report all instances of suspected corruption to the ICAC (as required under section 11 of the <i>Independent Commission Against Corruption Act 1988</i>).</p> <p>To approve resources to develop, implement and review this Policy and Operational Guidelines.</p>

Public Officer		To receive and manage all complaints, except complaints made pursuant to the Code of Conduct, pecuniary interest or under public interest disclosure legislation (unless acting in the capacity of Public Interest Disclosures Officer). To refer complaints as necessary to the General Manager or appropriate external authority.
Complaints Coordinator		To coordinate code of conduct complaints about councillors, staff and delegates of Council.
Public Interest Disclosure Officers		To receive and manage all complaints made under public interest disclosure legislation. To provide information to staff on public interest disclosures and processes for making complaints.
Directors	All Directorates	To communicate, implement and comply with the Policy and Operational Guidelines.
Director of Business Services	Corporate Business	To ensure (directly or through delegation) the registration of complaints/other feedback and the meeting of timeframes for the referral of complaints to relevant Council officials.
Group and Section Leaders	All Directorates	To implement this policy, operational guidelines and related procedures. To lead staff in their understanding of, and compliance with, the policy and operational guidelines.
All Council officials	Council	To comply with this policy, operational guidelines and related procedures.

19 References

Related Legislation

- Local Government Act (NSW)1993
- Public Interest Disclosures Act (NSW) 1994
- Independent Commission Against Corruption (ICAC) Act (NSW) 1988

Codes and Guidelines

- Model Code of Conduct for Local Councils in NSW, Office of Local Government
- Guidelines for the Model Code of Conduct for Local Councils in NSW, Department of Local Government, 2008
- Relevant NSW Ombudsman Guidelines and Manuals

20 Details of Approval and revision

- **Approval date: 22/06/2017**
- **Responsible Section: N/A**
- **Superseded policies/procedures: N/A**
- **Next review date: 22/06/2021**

Table of amendments

Amendment	Authoriser	Approval ref	Date
Updated in new temple, minor rewording of sentences.			