

## 1. PROTOCOL OBJECTIVES

- 1.1 Wollondilly Shire Council (Council) is committed to being accessible and responsive to all customers who approach us for assistance and/or with a complaint. This Protocol is intended to ensure that we handle complaints fairly, efficiently and effectively.
- 1.2 Our complaint management system is intended to:
- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
  - boost public confidence in our administrative process, and
  - provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.
- 1.3 This Protocol provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

## 2. BACKGROUND

### 2.1 **Complaint**

A complaint is defined as an expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Protocol can be distinguished from:

- staff grievances or allegations of harassment [see our Grievance and Dispute Procedure or Harassment Protocol]
- public interest disclosures made by our staff [see our Internal Reporting Policy]
- Code of Conduct complaints [see our Code of Conduct and Procedures for Administration of the Code of Conduct]
- responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback']
- service requests [see definition of 'service request' below], and
- requests for information [see our Access to Information Policy].

### 2.2 **Complaint management system**

All policies, procedures, protocols, practices, staff, hardware and software used by us in the management of complaints.

### 2.3 **Dispute**

An unresolved complaint escalated either within or outside of our organisation.

### 2.4 **Feedback**

Feedback is defined as opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

### 2.5 **Service request**

A service request includes:

- requests for approval
- requests for action
- routine inquiries about Council business
- requests for the provision of services and assistance
- reports of failure to comply with Council policies or protocols
- requests for explanation of policies, procedures, protocols and decisions.

### 2.6 **Grievance**

A grievance is a clear, formal written statement by an individual staff member about another staff member or a work related problem.

### 2.7 **Public interest disclosure**

A public interest disclosure is a report about wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

This Protocol has been developed in line with the NSW Ombudsman's Complaint Management Framework and Complaint Handling Model Policy published in June 2015.

## **3. ELIGIBILITY**

- 3.1 This Protocol applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.
- 3.2 Staff grievances, Code of Conduct complaints and public interest disclosures are dealt with through separate mechanisms.

## **4. GUIDELINES**

### 4.1 **Definition of a Complaint**

A complaint is an expression of dissatisfaction with the Council's decisions, policies, procedures, protocols, charges, employees, agents or the quality of the services it provides. A complaint may relate to a specific incident or issue involving the Council or to matters of a more general nature.

Dissatisfaction can be expressed in relation to:

- failure to achieve specified standards of service
- delay in responding
- behaviour or attitude of employees
- a Council decision or policy and/ or
- withdrawal or reduction of service.

**4.2 What is not a complaint for the purposes of this Protocol:**

- a request for works or services to be provided
- request for information or explanations of policy, procedure or protocol
- report of damaged or faulty infrastructure (e.g. road pothole etc.)
- report of hazards (e.g. fallen tree branch)
- report concerning neighbours or neighbouring property (e.g. noise or unauthorised building works)
- complaint about Council’s policies, procedures or protocols that are required by law to be in place
- the lodgement of an appeal or objection in accordance with a standard procedure or policy e.g. objection to a development application, comments on a Policy on Exhibition.

***Other types of complaints that have their own process***

<b>Type of Complaint</b>	<b>Examples</b>
<p><b>Staff Complaints</b></p> <p>A staff complaint is any type of problem or grievance about work or the work environment. A complaint may be about any act, omission, situation, or decision that the employee thinks is unfair, discriminatory, unjustified or unsafe.</p> <p>Covered by the Harassment Protocol and the Grievances and Dispute Procedure</p>	<ul style="list-style-type: none"> <li>• Internal allegation of discrimination</li> <li>• Internal allegation of harassment</li> <li>• Disputed interpretation of an industrial award or instrument</li> <li>• Concerns about fairness natural justice</li> </ul>
<p><b>Code of Conduct Complaints</b></p> <p>Related to public officials such as Council staff reporting suspected corrupt conduct, maladministration or serious and substantial waste. The Chief Executive Officer receives, assesses and refers appropriately reports of wrongdoing.</p> <p>Covered by the Internal Reporting Policy (in accordance with the Public Interest Disclosures Act 1994) and the Procedures for the Administration of the Code of Conduct.</p>	<ul style="list-style-type: none"> <li>• Unauthorised use of Council resources</li> <li>• Breach of confidentiality</li> <li>• Actions inconsistent with the Council’s Code of Conduct</li> </ul>

#### 4.3 How to Lodge a Complaint

We will respond to complaints, including some anonymous complaints, where sufficient information has been provided. It may be necessary to request that a complaint be provided in writing should it proceed to the Tier 2 level of handling.

Interpreter services are provided for complainants from non-English speaking backgrounds and to people with disability where possible.

Complaints can be made:

**By mail**

Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

**By fax**

02 4677 2339

**Email**

[council@wollondilly.nsw.gov.au](mailto:council@wollondilly.nsw.gov.au)

**In person**

At the Council's offices during normal business hours.

**By telephone**

Customer Service 02 467 1100

**On our website**

[www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au)

**Customers who have a hearing or speech impairment**

The Council welcomes calls made through the National Relay Service (NRS). The NRS is a government sponsored initiative that allows people who are deaf or have a hearing or speech impairment to make phone calls in the same way as anyone else. This service is available 24 hours a day, 365 days a year.

**National Relay Service (NRS)**

Tel: 1800 555 677

Web: [www.relayservice.gov.au](http://www.relayservice.gov.au)

▪ **Voice/Text phone users**

To make a call dial: 133 677 (24 hours 7 days per week).

▪ **People who have speech/communication impairment only  
(do not have a hearing impairment)**

Speak and Listen Service (SSR) on 1300 555 727

#### 4.4 Guiding Principles



##### 4.4.1 Facilitate complaints

###### **People focus**

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

###### **No detriment to people making complaints**

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

###### **Anonymous complaints**

We accept anonymous complaints and will carry out an investigation of the issues raised where there is sufficient information provided.

###### **Accessibility**

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

**No charge**

Lodging a complaint is free.

**4.4.2 Respond to complaints**

**Early resolution**

Where possible, complaints will be resolved at first contact with Council.

**Responsiveness**

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

**Objectivity and fairness**

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, when an internal review of how a complaint was managed is necessary, it will be conducted by a person other than the original decision maker.

**Responding flexibly**

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

**Confidentiality**

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

**4.4.3 Manage the parties to a complaint**

**Complaints involving multiple agencies**

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

**Complaints involving multiple parties**

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

**Empowerment of staff**

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

**Managing unreasonable conduct by people making complaints**

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

While the majority of customers who have legitimate concerns genuinely seek resolution, we are aware some customers can demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work.

The Council has developed Administrative Protocols for managing unreasonable customer conduct. We will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

Unreasonable customer conduct (UCC) is any behaviour by a customer which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Council, staff, other service users and customers or the customer himself / herself.

### **Strategies for managing unreasonable customers**

The Council may decide to deal with unreasonable customer conduct in one or more of the following ways:

**Who they contact** - Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).

This staff member will exclusively manage their complaint(s) and interactions with the Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

**What they can raise with the Council** - Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the customer can raise with Council.

**When and how they can have contact** - A customer's telephone, written or face-to-face contact with Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff and it may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when and/or how the customer can interact with Council.

For further information on managing unreasonable customer conduct please see our Unreasonable Customer Conduct Protocol.

### **Privacy and Confidentiality**

Any personal information requested, gathered or provided to Council during the complaint handling process is subject to the *Privacy and Personal Information Protection Act 1998*.



Any staff involved in the handling of a complaint must be discreet and ensure confidentiality by only discussing complaints with persons relevant to the matter.

Except where required by law, the identity of a complainant will not be provided to any person not entitled to that information.

Council will take reasonable steps to ensure people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

#### 4.5 Complaint management system



##### 4.5.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

##### 4.5.2 Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant and
- any additional support the person making a complaint requires.

##### 4.5.3 Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly, and preferably within seven (7) working days.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

#### 4.5.4 **Initial assessment and addressing of complaints**

##### **Initial assessment**

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

##### **Addressing complaints**

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

#### 4.5.5 **Providing reasons for decisions**

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

**4.5.6 Closing the complaint, record keeping, redress and review**

We will keep comprehensive records about:

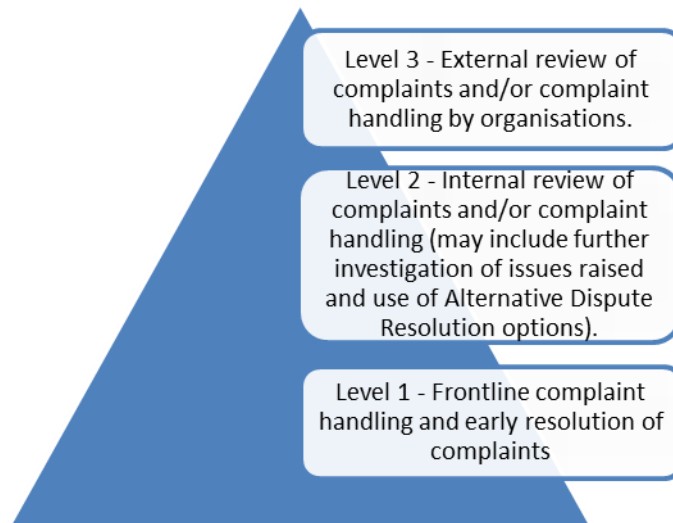
- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

**4.5.7 Alternative avenues for dealing with complaints**

We will inform people who make complaints to or about us about any internal or external review options available to them (including the NSW Ombudsman, the Independent Commission Against Corruption, the Privacy and Information Commission – see Section 5 for contact details).

**4.5.8 The three levels of complaint handling**



We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or;
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Council review of their complaint, they may seek one internal review and/or an external review of our decision.

## **5. RESPONSIBILITY/ACCOUNTABILITY**

### **5.1 Responsibility**

#### **5.1.1 Chief Executive Officer**

The Chief Executive Officer will be responsible for ensuring:

- the establishment of a complaints handling system within Council.
- the complaints handling system is maintained, monitored and where necessary improved.
- adequate resources are available to operate an effective and efficient complaints handling system.
- the promotion of the complaints handling system throughout Council and the community.
- there is a process for rapid and effective notification to executive management of any significant complaints.

#### **5.1.2 Directors**

The Directors will be responsible for ensuring:

- promotion of Council's complaint handling system and the need to focus on customer service.
- staff actively involved in complaint management, comply with all requirements of Council policy.
- the monitoring of actions taken to rectify any problems identified and processes to reduce likelihood of reoccurrence.
- the conduct of a customer-requested review of decision is undertaken.
- regular reporting of the complaint management to Executive.

#### **5.1.3 Managers**

All Managers will be responsible for ensuring:

- they demonstrate their commitment to Council's complaint handling system.
- employees within their area of responsibility comply with Council's complaint handling system.
- promotion within their area of Council's complaint handling system and the need to focus on customer service.
- staff within their area actively involved in complaint management, comply with all requirements of Council policy.
- Ensuring their Director is aware of any significant complaints they are managing.
- effective and efficient action is taken to rectify any problems identified and implement appropriate processes to reduce the likelihood of reoccurrence.

#### **5.1.4 Manager Corporate Business Improvement**

As the Manager responsible for customer service, the Manager Corporate Business Improvement will ensure:

- the effective and efficient operation of Council's complaint handling system.
- Council employees are adequately trained with respect to the role they are expected to fulfill within Council's complaint handling system.
- the reporting requirements of Council's complaint handling system are met.
- all complaints received are acknowledged within the specified timeframes.
- all complaints received are managed in accordance with Council's policies and procedures.

#### **5.1.5 Frontline Staff**

Frontline staff will:

- liaise with all parties involved in a complaint.
- manage complaints in accordance with Council's Protocol.
- take necessary action to resolve the complaint.
- review work practice to prevent reoccurrence of similar instances.

#### **5.1.6 All Staff**

All Council staff have a responsibility to:

- be aware of their role and authority in respect to complaints.
- be aware of the procedures to follow and the information to give to complainants.
- report complaints which have a significant impact on Council.

#### **5.1.7 Councillors**

All Councillors have a responsibility to:

- be aware of this Protocol and the information to give to complainants
- refer all complaints received in accordance with this Protocol

#### **5.1.8 Complainants**

- provide accurate and relevant information at the outset.
- ensure they do not provide any information that is intentionally misleading or knowingly wrong.
- identify the result or outcome they want.
- co-operate with Council's complaint handling process.
- treat Council staff with the same level of courtesy and respect they expect to be treated with.

5.1.9 The following table demonstrates the officer responsible for different types of complaints received.

<b>Type of Complaint</b>	<b>Officer Responsible</b>
Straightforward/informal complaint that can be dealt with quickly with no need for further investigation	Frontline staff take immediate action to speedily resolve the complaint to the satisfaction of the resident.
Complaint received that requires further investigation or research	Frontline staff to refer the complaint to their supervisor or appropriate manager for investigation to resolve the complaint to the satisfaction of the resident.
A Code of Conduct complaint e.g. corruption, serious or substantial waste, pecuniary interests, staff misconduct or an unresolved complaint i.e.: complainant is still dissatisfied with the outcome of a complaint	Refer the complaint to the Public Officer or Chief Executive Officer. In the case of a complaint about the Chief Executive Officer refer to the Mayor. The Chief Executive Officer determines if the matter should be referred to the Conduct Review Committee/Reviewer as per the Code of Conduct. The Chief Executive Officer has reporting responsibilities to external agencies such as Office of Local Government and Independent Commission Against Corruption (ICAC)
Council supports the principles of competitive neutrality by ensuring that Council business operates without any net competitive advantages over other businesses as a result of its public ownership	Council will receive and consider any complaint alleging that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.  Any Complaint of this nature received by Council will be managed in accordance with this policy and associated procedures.
Complaint not resolved to the satisfaction of the complainant	Refer to relevant Director for review.
Complaint is still not resolved to the satisfaction of the complainant	Refer complainant to an external agency e.g. NSW Ombudsman.

## 5.2 Accountability

### 5.2.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to the Chief Executive Officer and senior management for review.

### 5.2.2 Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.
- Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

### 5.2.3 Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

## 5.3 Review of Decision

There is an opportunity for one review by the relevant Director, if a customer is dissatisfied with the determination of their complaint.

## 5.4 Referral to External Agencies

There are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints:

The **Office of Local Government** can investigate pecuniary interest matters, political donations disclosure matters, councillor misbehaviour and protected disclosures relating to serious and substantial waste. The Office also deals with complaints that indicate a serious breakdown in council operations or serious flaws in council processes.

The **NSW Ombudsman** has jurisdiction to investigate complaints alleging maladministration by councils, Councillors and council staff.

The **Independent Commission Against Corruption (ICAC)** has jurisdiction to investigate complaints alleging corrupt conduct by councils, Councillors and council staff.

The **Information and Privacy Commission** can investigate and review council determinations made under NSW Privacy legislation. You can make a complaint to the Information Commission about the way council acts (or fails to act) when exercising its functions under the GIPA Act.

The **NSW Small Business Commissioner** is an independent statutory officer. The role of the Office of the Small Business Commissioner in helping small businesses is laid out in the Small Business Commissioner Act, 2013. The Office offers a service to help small business talk to Councils about their problems, and work towards a solution through negotiation, communication and mediation, rather than litigation.

#### 5.4.1 **Statutory Obligations to Refer to External Agencies**

The Council has a statutory obligation to refer certain matters to external agencies.

**Duty to refer corrupt conduct to ICAC** - under section 11 of the Independent Commission against Corruption Act 1988, the Chief Executive Officer must report to ICAC a matter where there is a reasonable suspicion that corruption has occurred.

**Obligation to refer pecuniary interest matters to the Office of Local Government** - the Pecuniary Interest Guidelines, issued by the Office of Local Government in June 2006, make it clear that the Chief Executive Officer has an obligation to refer allegation of breaches of the pecuniary interest provisions of the Local Government Act to the Office.

**Obligation to refer political donations matters to the Office of Local Government** - under section 328B of the Local Government Act 1993, where a Chief Executive Officer reasonably suspects that a councillor has not complied with the provisions of the code of conduct relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the Chief Executive Officer is to refer the matter to the Director-General of the Office of Local Government.

**Obligation to refer allegations of child abuse** - under section 25C of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, the Chief Executive Officer is required to notify the NSW Ombudsman within 30 days of being made aware of a disclosure or allegation of child abuse or a conviction against a current employee.



The Ombudsman advises that child abuse means:

- assault (including sexual assault) of a child;
- ill treatment or neglect of a child; or
- exposing or subjecting a child to behaviour that psychologically harms the child.

#### 5.4.2 **Council's Statutory Complainant Handling Obligations**

##### **Complaints under the Code of Conduct**

The Council has a Code of Conduct applicable to Councillors, staff and delegates of Council.

Complaints relating to alleged breaches of the Code of Conduct by a Councillor, member of staff or delegate of the Council must be dealt with in accordance with the procedures prescribed under the Code of Conduct.

All Council staff receive training in relation to their obligations and responsibilities under the Code of Conduct.

##### **Complaints about Privacy Breaches**

Council is a public sector agency for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA). Under that Act, a person may seek an internal review by a council of the following conduct:

- a breach of any information protection principles applying to the council;
- a breach of the Privacy Code of Practice for Local Government;
- disclosure of personal information held on a public register in a manner inconsistent with that permitted under the Privacy Code of Practice for Local Government;
- a breach of a health privacy principle under the Health Records and Information Privacy Act 2002 (HRIPA) that applies to the council;
- a breach of a health privacy code of practice that applies to the council.

The Council will conduct internal reviews in response to allegations of breaches in accordance with the PPIPA and HRIPA, and with strict adherence to the process/checklist prescribed by the Privacy Commissioner. The Privacy Commissioner will oversight internal reviews conducted by the Council and can resolve complaints about the Council's response to allegations.

The Council has a Privacy Management Plan that includes detailed information about how the Council will respond to an allegation that there has been a breach of PPIPA or HRIPA.

##### **Competitive Neutrality Complaints**

Competitive neutrality seeks to ensure that competition between public and private businesses happens on a fair basis. Competitive neutrality requires that public sector business activities that are in competition with the private sector should not have competitive advantages or disadvantages simply by virtue of their government ownership or control.

Under the principles of national competition policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business. Complaints regarding competitive neutrality must be referred to the Executive Director Community Services and Corporate Support.

#### 5.4.3 **Statutory Obligation to Provide Access**

Councils have specific statutory obligations to provide access, these obligations are described below:

##### **Requesting Access to Documents**

Members of the public have the right to request access to certain information held by the Council identified in the *Government Information (Public Access) Act 2009*. While there is a presumption of disclosure by the Council in providing Council information, the Council may decide not to provide access if there is an overriding public interest against the disclosure. This is generally when the information would reveal an individual's personal information.

Further information can be found on the Access to Information page of the Council's website.

##### **The Right to Attend Council Meetings**

Members of the public have a right under section 10 of the Local Government Act 1993, to attend Council meetings and Committee meetings (unless the meeting has been closed to the public under section 10A).

The right of members of the public to attend Council and Committee meetings does not confer a right to address the meeting; however, Council allows public participation in certain meetings and has rules that guide the exercise of this discretion. Further information can be found on Council's website.

#### 5.5 **External Agencies**

##### **NSW Ombudsman**

Level 24,580 George Street, SYDNEY NSW 2000

Phone: 02 9286 1000 or 1800 451 524

Fax: 02 9283 2911

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

##### **NSW Office of Local Government**

Locked Bag 3015, NOWRA NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

##### **The Independent Commission Against Corruption**

GPO Box 500, SYDNEY NSW 2001

Phone: 02 8281 5999 or 1800 463 909

Fax: 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

**The Information and Privacy Commission NSW**

GPO Box 7011, Sydney NSW 2001

Phone: 1800 472 679

FAX: (02) 8114 3756

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

**The Office of the Small Business Commissioner NSW**

GPO Box 5477, SYDNEY NSW 2001

Phone: 1300 795 534 or (02) 8222 4800

Fax: 1300 795 644

E-mail: [we.assist@smallbusiness.nsw.gov.au](mailto:we.assist@smallbusiness.nsw.gov.au)

## 6. RELATED POLICIES

- 6.1 Code of Conduct
- 6.2 Customer Service Charter
- 6.3 Risk Management Policy
- 6.4 Privacy Management Plan
- 6.5 Internal Reporting Policy
- 6.6 Procedures for Administration of the Code of Conduct

## 7. RELATED PROCEDURES/PROTOCOLS

- 7.1 Managing Unreasonable Customer Conduct Protocol
- 7.2 Grievance and Dispute Procedure
- 7.3 Harassment Protocol

## 8. RELATED LEGISLATION

- 8.1 [Government Information \(Public Access\) Act 2009](#)
- 8.2 Local Government Act 1993 and Regulations
- 8.3 Privacy and Personal Information Protection Act 1998
- 8.3 Health Records Information Privacy Act 2002
- 8.4 Independent Commission Against Corruption Act 1988
- 8.5 Public Interest Disclosures Act 1994
- 8.6 Ombudsman Act 1974
- 8.7 Work Health and Safety Act 2011

## 9. ATTACHMENTS

9.1 Nil

## 10. RESOURCES

10.1 NSW Ombudsman's – Complaint Handling Model Policy – June 2015

10.2 NSW Ombudsman's – Complaint Management Framework – June 2015

## 11. IMPLEMENTATION STATEMENT

11.1 Council expects staff at all levels to be committed to fair, effective and efficient complaint handling.

11.2 The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

WHO	COMMITMENT	HOW
Chief Executive Officer	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p>

<p>Manager Corporate Business Improvement</p>	<p>Establish and manage our complaint management system.</p>	<p>Provide regular reports to the Chief Executive Officer and Executive on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with Chief Executive Officer and Executive and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
<p>All staff</p>	<p>Understand and comply with Council's complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

11.3 To ensure this Protocol is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at staff and Council representatives and will involve:

- Briefing for all Councillors and inclusion on new Council induction program.
- Development of training material and Staff Guidelines to be delivered to front-line staff via face-to-face training and inclusion on Council's intranet.
- Review of Protocol at induction with all new staff and volunteers.
- Communication of Protocol to existing staff via e-mail or hard copy.
- Inclusion of this Protocol on Council's intranet and web site.

## 12. POLICY HISTORY

12.1 Date First Endorsed	11 November 2015
12.2 Most Recent Endorsement	11 November 2015
12.3 Next Review Date	31 October 2018
12.4 Responsible Officer	Manager Corporate Business Improvement
12.5 Responsible Department	Community & Corporate



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Luke Johnson  
**CHIEF EXECUTIVE OFFICER**

Wollondilly Shire Council  
PO Box 21 Picton NSW 2571  
62-64 Menangle St Picton NSW 2571  
Tel: 02 4677 1100 Fax: 02 4677 2339  
Email: council@wollondilly.nsw.gov.au  
Rural Living www.wollondilly.nsw.gov.au