



# NAMBUCCA VALLEY COUNCIL REQUESTS AND COMPLAINTS POLICY NO: CS 03

## *Our Vision*

Nambucca Valley ~ Living at its best

## *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

### 1.0 Policy objective

1.1 To demonstrate Council's commitment to an effective complaint and request handling system, which:

- Helps to resolve customer dissatisfaction
- Increases satisfaction and reduces complaints/requests in the future
- Provides Council with the opportunity to improve customer services
- Assists decisions regarding particular instances of dissatisfaction
- Assists Council in its strategic planning
- Assists Council with management of unreasonable complainants
- To utilise feedback/reports generated to improve services and systems.

### 2.0 Definitions

2.1 A **request** is a request for the provision of a Council service. A request may be lodged in person, by phone, email or in writing.

2.2 A **complaint** is an expression of dissatisfaction with the Council's policies, procedures, charges, agents or quality of service. Complaints may be lodged in person, by phone, email or in writing.

2.3 Council does not regard the following as complaints:

- Requests for service (although it may become a complaint if the customer believes there has been no response to a request or an inadequate response)
- Reports of damaged or faulty Council infrastructure
- Requests for information
- Explanation of policies, procedures and decisions of Council
- Concerns about neighbours or neighbouring property or unauthorised building work

2.4 A **1<sup>st</sup> tier** complaint is the initial registration of the complaint and its attempted resolution by frontline staff.

2.5 A **2<sup>nd</sup> tier** complaint is where a customer is still dissatisfied, his or her complaint is reviewed or investigated by an identified complaints officer or simply by someone who is more senior and the results of the review reported to the customer.

2.6 A **3<sup>rd</sup> tier** complaint is where a complaint cannot be resolved within Council, and the complainant is referred to an outside agency such as the Ombudsman, or to some alternative dispute resolution procedure or, as a last resort, any legal remedy.

### 3.0 Policy

### **3.1 Receiving requests and complaints**

- 3.1.1 All requests and complaints, including those received anonymously, will be recorded in Council's request management system (MERIT) and document management system respectively. At the time of registration of the request or complaint front line staff will attempt to resolve the matter.
- 3.1.2 Staff will ask in a positive manner how they can help; use good listening skills; seek clarification if required; show empathy; treat people respectfully, pleasantly and professionally; inform the customer of the action to be taken, if known. All we can advise them is that it is Council policy to investigate all Requests within three (3) days, with the action to be taken, if any, to be documented in Council's Request Management System.
- 3.1.3 Frontline staff will be provided with clear delegations to resolve requests and complaints wherever possible at first contact.
- 3.1.4 Who is responsible for dealing with the request or complaint will be clearly defined with the Customer Service Request System, MERIT. MERIT will assign correctly.
- 3.1.5 Often a request or complaint will not be resolved at the point of lodgement. This is because the request or complaint has to be investigated. The customer will be advised of the period required for investigation. (See 3.1.2). The customer will be given the MERIT request number for their reference for future contact.
- 3.1.6 Requests or complaints to Committees of Council (ie Section 355 Committees) are accepted in writing or by email provided the author of the correspondence provides additional contact details such as phone number and/or address.

### **3.2 Internal investigation - requests**

- 3.2.1 All requests will be investigated within 3 days of receipt. The action to be taken, if any, will be documented in Council's Request Management System.
- 3.2.2 The action to be taken in response to the customer request to be emailed to the customer (if they have provided an email address) only if requested by the customer. Council has insufficient staff to provide written or telephone responses to customers as to the action taken in response to every request received. However, if asked, notes will be made in MERIT advising responsible officer that follow-up contact is required.

### **3.3 Internal investigation – complaints – 1<sup>st</sup> tier**

- 3.3.1 1<sup>st</sup> tier complaints will be investigated within 2 weeks of receipt.
- 3.3.2 The action to be taken, if any, in relation to the complaint is to be documented in a written (letter or email) response to the complainant issued within 2 weeks of receipt of the complaint.

### **3.4 Internal investigation – complaints – 2<sup>nd</sup> tier**

- 3.4.1 All complaints will be documented in Council's document management system, including 2<sup>nd</sup> tier complaints expressing dissatisfaction with the 1<sup>st</sup> tier response.
- 3.4.2 If the complainant is dissatisfied with the response provided at the 1<sup>st</sup> tier, a second tier review will be undertaken by a more senior officer to the officer who provided the first tier response.
- 3.4.3 2<sup>nd</sup> tier complaints will be investigated within 2 weeks of receipt with the action to be taken, if any, to be documented in a written (letter or email) response to the complainant issued within 2 weeks of receipt of the complaint.

### **3.5 Independent review – complaints – 3<sup>rd</sup> tier**

- 3.5.1 All complaints will be documented in Council's document management system, including 3<sup>rd</sup> tier complaints expressing dissatisfaction with the 2<sup>nd</sup> tier response.
- 3.5.2 3<sup>rd</sup> tier complaints will be investigated within 4 weeks of receipt with the action to be taken, if any, to be documented in a written (letter or email) response to the complainant issued within 4 weeks of receipt of the complaint.
- 3.5.3 At this level, alternative dispute resolution techniques, such as mediation, should be considered. Referral of the complaint to an external body such as the NSW Ombudsman is one option. Where rights of appeal exist to an outside tribunal or other legal remedies exist, dissatisfied complainants should be advised of these avenues of redress after all others have been exhausted.

### **3.6 Complaints alleging pecuniary interest**

- 3.6.1 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 or another with whom the person is associated. Chapter 14 of the Local Government Act 1993 requires that "pecuniary interests of councillors, council delegates and other persons involving 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 have a pecuniary interest. The Chief Executive of the Office of Local Government is responsible for assessing and investigating pecuniary interest complaints.

### **3.7 Complaints alleging corrupt conduct**

- 3.7.1 The Independent Commission Against Corruption (ICAC) Act 1988, defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:
- A criminal offence under NSW law or any other law which could apply in the particular circumstances; or
  - A disciplinary offence which could lead to disciplinary action under any law including regulations; or
  - Reasonable grounds to dismiss or terminate the services of a public official.
- 3.7.2 The Act requires the Council's General Manager to report suspected cases of corrupt conduct to the ICAC.

### **3.8 Non-disclosure of complainant's identity**

- 3.8.1 In investigating complaints, Council staff are invariably asked the name of the complainant. Council's staff will not disclose the name or source of a complaint as to do so is contrary to privacy laws.

### **3.9 Reporting of complaints**

- 3.9.1 A report on requests and complaints will be considered by Council's senior management group every quarter.
- 3.9.2 A report on requests and complaints will be reported to Council every quarter.

### **3.10 Making a request or complaint**

- 3.10.1 Any person can make a request or complaint by the following methods:

In person: Visit Council's Administration Centre, 44 Princess Street, Macksville between the hours of 8.30 am and 4.00 pm.

Telephone: 02 6568 2555 during normal business hours.

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

By letter: Address correspondence to:  
General Manager  
Nambucca Valley Council  
PO Box 177  
MACKSVILLE NSW 2447

#### **4.0 References**

“Good Conduct and Administrative Practice – Guidelines for state and local government (3rd edition)” – NSW Ombudsman

“Effective Complaint Handling” – NSW Ombudsman

Customer Service Charter Policy No CS 02

#### **5.0 Other authorities dealing with complaints**

##### **NSW Ombudsman**

Investigates complaints about the conduct of State public authorities, including State Government departments and local councils. Complaints should be made in writing. Before making a formal complaint, please call an enquiry officer on the number below for advice.

The Ombudsman has discretion on how to deal with complaints and does not always exercise the power to investigate particular complaints fully or at all. They will not normally investigate complaints which can and should be resolved by a Council under this policy. The Ombudsman will always consider for investigation complaints which cannot be resolved, as well as a failure by a public authority to deal satisfactorily with a complaint.

The Office of the Ombudsman  
Level 24  
580 George Street  
SYDNEY 2000

Telephone: 02 9286 1000  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

##### **Office of Local Government (OLG)**

The OLG receives complaints concerning the conduct and management of Councils.

The OLG encourages complainants to resolve issues with the Council concerned. Where issues remain unresolved, the Office will review the matter including the Council’s handling of the complaint.

The OLG deals with complaints alleging pecuniary interest.

Office of Local Government  
Locked Bag 3015  
NOWRA 2541

Telephone: 02 4428 4100  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

##### **Independent Commission Against Corruption (ICAC)**

A principal objective of ICAC is investigate, expose and prevent corruption involving or affecting public authorities or public officials.

ICAC  
GPO Box 500  
SYDNEY 2001

Telephone: 1800 463 909 (toll free)  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

## 6.0 History

<b>Department:</b>	Corporate Services	<b>Last Reviewed</b>	<b>Resolution Number</b>
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<b>Policy Owner</b>	AGMCS	11 Oct 2022	By AGMCS
<b>Contact Officer</b>	AGMCS		
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<b>Resolution No:</b>			
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