



Complaints and Unreasonable Complainant Policy

Adoption Date:	26 July 2021 by Council
Last Reviewed:	
Next Review Date:	1 May 2023
Division/Department:	Community & Customer Experience/Customer Experience
Responsible Officer:	Manager – Customer Experience
HPE CM Record Number:	HPE 21/76473

1 Policy Statement

Our commitment to being an organisation that provides the best possible customer service experience extends to welcoming feedback that helps us improve. Being open to feedback, suggestions and complaints helps us review and refine our services and assists us in aligning what we do with customer needs and expectations.

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

2 Community Strategic Plan, Delivery Program and Operational Plan

This Policy relates to Themes, Goals and Strategies outlined in Council's Community Strategic Plan *Woollahra 2030* and Priorities outlined in Council's Delivery Program and Operational Plan, specifically:

Theme: Community leadership and participation

Goal: 11 A well-managed Council

Strategy: 11.5 Deliver high quality services that meet customer expectations

Priority: 11.5.1 Provide the best practice customer services in a timely and professional manner.

3 Application

Purpose

Our complaint management system is intended to:

- enable us to effectively respond to issues raised by people making complaints;
- enhance public confidence; and
- provide information that can be used by us to deliver quality improvements in our services, systems, practices, procedures, products and complaint handling.

This policy provides guidance to our staff in the management and handling of complaints.

This policy applies to all staff who are receiving or managing complaints. Staff grievances, Code of Conduct complaints and public interest disclosures are dealt with through separate mechanisms.

4 What is a Complaint?

A complaint is an expression of dissatisfaction with Council's policies and procedures, quality of service, employees, fees and charges or follow-up communication.

A complaint may relate to a specific incident or issue involving Woollahra Council or matters of a more general nature.

The following actions **do not** constitute a complaint:

- a request for service;

- reports of damaged or faulty infrastructure;
- a request for information or explanation of policies and procedures;
- reports of hazards;
- lodgement of an appeal in accordance with legislation, standard procedure or policy;

5. How to lodge a complaint?

We will respond to all complaints. Complaints may be made anonymously. For more complicated and serious matters, Council may request that the complaint be provided in writing. When making a complaint, provide your name, address, contact telephone number and a brief description of the problem.

Complaints can be made:

Email

records@woollahra.nsw.gov.au

By telephone

(02) 9391 7100

On our website: Link below:

https://www.woollahra.nsw.gov.au/council/contact_us/complaints

In person

Visit our Customer Service Centre, 536 New South Head Rd, Double Bay,
Monday to Friday, 8.00am – 4.30pm

By mail

Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

Interpreter Services can be provided for complainants from non - English speaking backgrounds and to people with a disability where possible.

6. Recording Complaints

All complaints will be recorded in Council's Customer Request Management System (CRMS), even if the complaint has been resolved. The Council collects data regarding complaints and analyses it to guide business improvement and identify trends. This is reported to Council annually.

7. Actioning Complaints

Wherever possible, complaints will be resolved at the initial point of contact, responding directly to the individual case of dissatisfaction. If this cannot be achieved and depending on the nature and severity of the complaint, it will be forwarded to the relevant Department

Manager for action and response. Your complaint will also be lodged with our Manager, Customer Experience, who will monitor the matter and make sure you get a timely response.

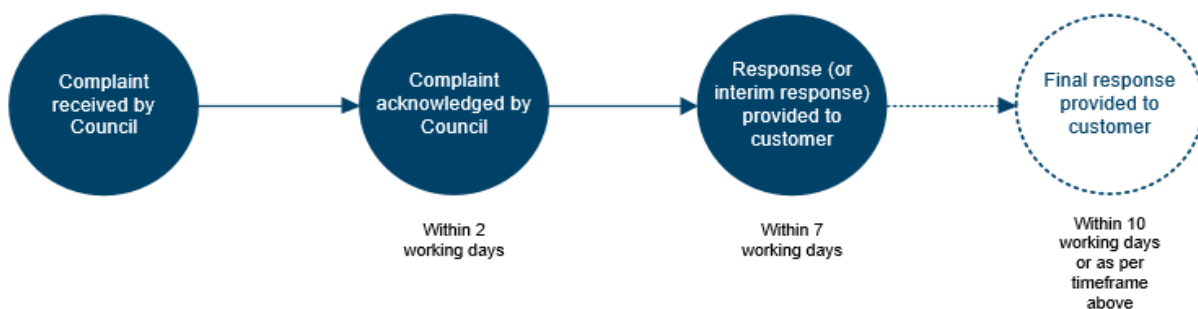
An acknowledgement will be sent within 2 working days of receiving the complaint.

Complaints received via social media are acknowledged within 24 hours and referred to customer service or the relevant Department for action.

We aim to investigate and respond to customer complaints within 7 working days of receipt.

If the matter is complicated and a final response cannot be provided within the above time frame, an interim response is to be provided within 10 working days, detailing the anticipated timetable for the final response and the name of the staff member responsible for resolving the complaint.

The diagram provides a general overview of the Woollahra Municipal Council complaint process:



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An overview of the complaint process.

Confidentiality

All personal information collected by Woollahra Council in connection with a complaint will be handled in accordance with all applicable privacy laws and will only be used for investigating the complaint.

8. Remedies and Outcomes

If a 'process and service' complaint is well founded, one or more of the following remedies may be available:

- Offer of an apology;
- Provision of an explanation of Council's action;
- Review/amendment of existing policy and procedures; and
- Rectification of the problem.

The remedies available for breaches of the Council's *Code of Conduct* (the Code) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures) are listed in Part 5 and Part 6 of the Procedures. The General Manager is

responsible for the management of Code of Conduct complaints about members of staff of Council

Links to the Code of Conduct and Procedures for the Administration of the Code of Conduct for Local Councils in NSW are provided below:

- [Code of Conduct](#)
- [Procedures for the Administration of the Code of Conduct for Local Councils in NSW](#)

9. Unreasonable Complainant Behaviour

Woollahra Municipal Council acknowledges that the majority of our customer complaints have legitimate concerns and genuinely seek a resolution. A small proportion of customers may demonstrate unreasonable concerns and unreasonable and uncooperative behaviour. In the unlikely event of unreasonable Complainant Behaviour, it will be managed in accordance with the guidelines issued by the NSW Ombudsman.

What is unreasonable complainant Conduct?

The NSW Ombudsman has identified five distinct kinds of unreasonable conduct as follows:

“Behaviour which, because of the nature or frequency of a customer’s contact with the Council, negatively impacts upon our ability to deal effectively with their or other people’s complaints”

1. **Unreasonable persistence:** occurs when a complainant persists with their complaint, even though the complaint has been addressed, by refusing to accept the final decision and/or sending excessive amounts of correspondence.
2. **Unreasonable demands:** occur when a complainant insists on outcomes that are unattainable, moves the goal posts or demands to have their complaints dealt with in particular ways.
3. **Unreasonable lack of cooperation:** occurs when a complainant provides disorganised, excessive or irrelevant information, is unwilling to consider other valid viewpoints, or refuse to define the issues of complaint, when they are capable of doing so.
4. **Unreasonable behaviour:** includes extreme anger, aggression, threats or violent conduct.
5. **Unreasonable arguments:** occur when a complainant points to cause and effect arguments where there are clearly none, holds conspiracy theories, unsupported by evidence, irrationally interprets facts or law and refuses to accept other more reasonable interpretations.

10. Abusive or threatening behaviour

Two verbal warnings will be provided, where possible, to complainants exhibiting abusive or threatening behaviour. On the third instance, the complainant will be advised that communication will be terminated. Threatening behaviour is to be referred to the NSW Police.

Details of abusive or threatening behaviour are recorded and referred to the General Manager who may determine to restrict access of the complainant for a period of time. Complainants will be informed of restricted access and the date on which this decision will be reviewed.

11. Determining unreasonable complainant conduct

The General Manager will determine whether to restrict, withhold or withdraw the provision of services to a complainant who is behaving unreasonably. In making any such determination, regard will be given to:

- whether the complaint process been correctly implemented; confirmation that no material element of the complaint been overlooked and/or inadequately addressed
- whether the complainant demonstrated one or more of the behaviours identified as unreasonable complainant conduct
- whether the behaviour of the complainant constitutes an unreasonable demand on Council resources
- the impact on staff of the behaviour of the complainants behaviour
- whether the decision recognises the complainants right to access Council to seek advice, a statutory right to inspect Council documents and to make certain complaints
- recognition that a complainant should not be unconditionally deprived of the right to have their concerns addressed.

12 Dealing with unreasonable complainant conduct

Limitations may be imposed on an unreasonable complaint in regards to their contact with Council, these may include:

1. **Who the customer can contact within Council:** where a complainant demonstrates excessive persistence or demands, Council may restrict their communication to a dedicated member of staff.

This staff member will exclusively manage the complainant and any future complaints or interaction with Council. This will ensure a consistent approach to complaint management.
2. **What issues they can raise with Council:** in circumstances where a complaint has been comprehensively reviewed and unreasonable conduct continues, Council may determine that no further response will be provided on the matter.
3. **When, where, how the customer is able to make contact with Council:** in circumstances where a complainant's behaviour imposes an unreasonable demand on Council resources restrictions may be imposed which limit when, where or how they interact with Council.

The complainant will be given prior notice in writing of the grounds on which the limitation is being imposed, the nature and duration of the restriction, including details of the review period. Their response will be considered when determining the imposition of limitations.

13 Appealing a decision to restrict access

The complainant is entitled to appeal this decision and will be notified in writing of the outcome.

14 Review of restrictions

The applicable Director will review the effectiveness and need for limitation of access on a 6 monthly basis from the date on which the restriction was imposed. Complainants will be invited to participate in the review process. The invitation and review will be carried out in line with access restrictions.

The review will consider:

- any information put forward by the complainant
- any contact with staff and the conduct of the complainant, during the restriction period
- any other relevant information

The complainant will be notified of the outcome of the review in writing.

15 Taking your complaint further

Most complaints will be satisfactorily resolved, however if a customer is dissatisfied with the response provided on their initial complaint, you can request a review in writing and detail what aspects of the complaint has not been resolved. This review will be undertaken by a different investigation officer, as nominated by the General Manager.

The customer also has the right to have the matter considered by any of the following State Government organisations:

1. NSW Office of Local Government

The NSW Office of Local Government (OLG) ensures local councils act fairly and reasonably by receiving complaints on the conduct and management of councils, including pecuniary interest matters.

Address: 5 O'Keeffe Avenue, Nowra NSW 2541
Phone: (02) 4428 4100
Facsimile: (02) 4428 4199
Email: olg@olg.nsw.gov.au

Further information can be found on the OLG website at <https://www.olg.nsw.gov.au/>

2. Anti-Discrimination NSW

The Anti-Discrimination NSW investigates actions or decisions of NSW public or private organisations, including local councils, in relation to breaches of the *Anti-Discrimination Act 1977*. Such actions or decisions might relate to discrimination or harassment because of a person's sex, pregnancy, race, colour, nationality or ethnic background, marital status, disability, homosexuality, age or gender.

Address: Level 7, 10 Valentine Avenue, Parramatta NSW 2150
 Phone: (02) 9268 5544
 Toll free: 1800 670 812
 Email enquiries: adbcontact@justice.nsw.gov.au
 Email complaints: complaintsadb@justice.nsw.gov.au

Further information can be found on the Anti-Discrimination NSW website at <https://www.antidiscrimination.justice.nsw.gov.au/>

3. NSW Ombudsman

The NSW Ombudsman handles complaints dealing with a council's failure to follow proper procedures, act on unauthorised work, enforce development consent conditions or reply to correspondence. The NSW Ombudsman will also investigate unreasonable, discriminatory or inconsistent treatment, but does not have the power to amend or cancel development consents.

Address: Level 24, 580 George Street, Sydney NSW 2000
 Phone: (02) 9286 1000
 Toll free: 1800 451 524
 Email: nswombo@ombo.nsw.gov.au

Further information is available on the NSW Ombudsman website at the address <https://www.ombo.nsw.gov.au/>

4. Independent Commission Against Corruption (ICAC)

The Independent Commission Against Corruption (ICAC) principal functions are:

- to investigate and expose corrupt conduct in the NSW public sector;
- to actively prevent corruption through advice and assistance; and
- to educate the NSW community and public sector about corruption and its effects.

Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000
 Phone: (02) 8281 5999
 Toll free: 1800 463 909
 Email: icac@icac.nsw.gov.au

More information can be found on the ICAC website at <https://www.icac.nsw.gov.au/>

16. Our Commitment

Woollahra Municipal Council is committed to investigating and handling all complaints fairly, efficiently and effectively.

17. Related Policies and Procedures

Related Policy or Procedure	HPE CM Reference
Code of Conduct (based on Model Code of Conduct 2020)	18/209692
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW	19/4041

18. Policy Amendments

This Policy will be reviewed every two years or in accordance with legislative requirements. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to this Policy must be by way of a Council Resolution.

Date	Responsible Officer	Description