

# RICHMOND VALLEY COUNCIL POLICY REGISTER

**Policy No:** 1.1.14

**Reference:** Community Relations - Procedures; Customer Service - Procedures, Public Reaction; Corporate Management - Procedures

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<b>POLICY:</b>	<b>COMPLAINTS MANAGEMENT</b>
<b>FUNCTION:</b>	Governance
<b>OBJECTIVE:</b>	To provide a complaints management framework for the effective handling of complaints and to ensure that complaints are dealt with in a consistent, systematic and appropriate manner so that Council's Governance processes can be enhanced.
<b>DIRECTORATE:</b>	<b>CORPORATE SERVICES</b>

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## POLICY

Richmond Valley Council aims to be responsive to "complaints" raised by the community. For this to be effective, a defined and readily understood system for the management of "complaints" needs to be in place. The Policy is a tool, which will enable dissatisfied residents, non-residents or any authority/organisation to make a complaint to Council and have the complaint managed effectively within Council.

A major outcome of this Policy will be the improvement in Council's efficiency and effectiveness in handling complaints, improved service delivery and strengthening public support.

### **Complaint Definition**

#### ***What is a Complaint***

- A Complaint is an expression of dissatisfaction, made in respect to a Council Officer's role and/or Council in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not.

#### ***What is Not a Complaint***

- A request for service is an action request. Examples are reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.
- A request for information or an explanation of a policy or procedure.
- Objections to a development application before Council determination.
- Objections/dissatisfaction in regard to regulatory notices that are challengeable/reviewable via Court or other processes (reference should be made to Council's Enforcement - Unlawful Activity Policy on these matters).

A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.

If a complaint has been made to Council that alleges conduct that, if proven, would represent a breach of Council's Code of Conduct, it should be dealt with under the Code regardless of whether or not the complainant has requested that the complaint be dealt with under the Code of Conduct.

## **Sourcing of the Policy**

The Policy and Procedure are available on:

- Council's Internet [www.richmondvalley.nsw.gov.au](http://www.richmondvalley.nsw.gov.au)
- Council's Intranet under Policies and Procedures
- At Council's Casino and Evans Head Offices

## **How to Lodge a Complaint**

### Council's Preferred Action

- In writing to:  
The General Manager  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470
- By email to:  
[council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au)

### Other Forms of Lodgement

- Telephone Council on (02) 6660 0300 to a Council officer
- In person at either of Council's Offices at Casino or Evans Head.

## **Recording of Complaints**

Council will record all complaints received in the Records Management System. The principal benefit for recording complaints is that it provides a valuable tool for identifying trends and organisational weaknesses. Further, the information will be utilised as part of a program of continuous improvement.

Council's Governance Section will analyse and report to Council on complaints received by type and outcomes/actions on a quarterly basis.

## **How Complaints are Reviewed**

Complaints will be reviewed in accordance with Council's Complaints Handling Procedure, which provides an efficient, fair and accessible mechanism for resolving complaints. It recognises, promotes and protects the rights of individuals or organisations to comment and complain.

The Complaints Handling Procedure is located on Council's web site and outlines the actions which Council Officers will implement at each of the three levels of complaint review handling.

### **Dealing with Anonymous Complaints**

Anonymous complaints will not be rejected, however, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.

Due to anonymity, Council will be unable to provide reasons for any decision of actions taken.

### **Dealing with Difficult Complainants**

Council recognises and accepts members of the public will sometimes display frustration or other behaviour. Council staff are to ensure difficult complainants are not unreasonably denied rights.

### **Protecting Complainants**

Council acknowledges the rights of members of the public to make a complaint. Council will ensure that people who complain are not subjected to victimisation, harassment, discriminated against or prejudged.

Disciplinary action will be taken against any member of staff who breaches this policy.

### **Protected Disclosures**

Councillors and Council staff are 'public officials' for the purposes of the *Protected Disclosures Act 1994*. That Act, amongst other things, allows public officials to make protected disclosures to the General Manager of a Council or to any other person authorised to accept protected disclosures under Council's Internal Reporting Policy. To be protected under that Act, the disclosure must relate to certain types of conduct, namely corrupt conduct, maladministration or serious and substantial waste of public money by the Council or any of its officers and must be made in accordance with the established procedures for dealing with such disclosures.

Council has a separate Internal Reporting Policy to meet its obligations under the *Protected Disclosures Act*.

### **Complaints about Privacy Breaches**

Councils are public sector agencies for the purposes of the *Privacy and Personal Information Protection Act 1998*. 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* that applies to the Council
- a breach of a health privacy code of practice that applies to the Council.

The Act imposes certain obligations on Councils on how they conduct internal reviews. Council is also obliged to notify the Privacy Commissioner of internal reviews and report their findings. Council is also required to report certain information about internal reviews in its annual reports. Accordingly, Privacy Breaches are dealt with separately by Council.

### **Competitive Neutrality Complaints**

Competitive neutrality is one of the principles of National Competition Policy. Competitive neutrality is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. 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.

The framework for the application of National Competition Policy to Councils is contained in the State Government's *Policy Statement on the Application of National Competition Policy to Local Government*, issued in August 1996. Under the *Policy Statement*, Council is required to apply a number of different elements of competitive neutrality to its business activities depending on the size of the business. Even where Council is not required to apply a particular element, it is expected to abide by the principle of competitive neutrality in the conduct of the business, namely, "*where Councils compete in the market place they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor*" (*Policy Statement*, paragraph 4.30).

The *Policy Statement* sets out the framework that applies to competitive neutrality complaints concerning Council businesses. Under the *Policy Statement*, Councils are responsible for resolving competitive neutrality complaints at first instance, with review by the Department of Local Government where warranted.

A competitive neutrality complaint is:

- a complaint that a Council has not met its obligations under the *Policy Statement or Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality* issued by the Department of Local Government in July 1997. This includes a concern that a Council has not established an effective complaints handling mechanism.
- a complaint that a Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- a complaint regarding the level of service provided by a business activity
- a complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account
- a complaint regarding the trade practices laws and their application to Councils.

Complaints that do not concern competitive neutrality should be dealt with under the Council's normal complaint handling processes.

### **Complaints Handling Responsibilities**

Council's General Manager is responsible for ensuring that Council's management of complaints is carried out in accordance with the Complaints Handling Policy and Procedures.

The General Manager will monitor policy and procedure compliance and arrange/undertake independent investigations of complaints.

### **VARIATION**

Council reserves the right to review and/or vary this Policy from time to time.