



Premier & Cabinet  
Division of Local Government

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Department of Premier and Cabinet

# **Managing Complaints About Local Councils Policy**

November 2012

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## **Purpose**

The purpose of this Policy and associated Procedures is to provide guidance in relation to the management of complaints received by the Division of Local Government (the Division) about local councils, including complaints made about councils under the *Public Interest Disclosures Act 1994* and those referred to the Division by the Minister for Local Government.

This Policy and associated Procedures will:

- provide a framework for dealing with complaints received by the Division about local councils,
- provide guidance to the Division's staff who may be required to receive and respond to complaints about local councils, and
- ensure all staff are aware of their responsibilities regarding handling complaints.

## **Background**

The Division receives complaints about the performance of local councils from a range of sources. These complaints can range from an expression of dissatisfaction with a council service, function or activity to concern about the performance of the council overall. This also includes concern about the action or inaction of individual council officials.

The quality of our response to complaints has an impact on our reputation.

We are committed to ensuring that complaints received are handled in a manner which is fair, courteous and respects the privacy of the person making the complaint. We are also committed to ensuring that reasons are provided for decisions made in relation to any complaint received. This Policy will ensure that complaints are managed consistently with our corporate values.

By capturing, classifying and analysing complaint data, systemic and recurring problems in local councils can be more easily identified and rectified. Systems for aggregating complaints data and performing trends analysis are central to our aim of continuous improvement in local government standards.

## **Coverage/Scope**

This Policy applies to all Division staff who may receive, manage and/or investigate complaints about local councils.

This Policy should be read together with the Division's Procedures for Managing Complaints About Local Councils.

## Risk Management

Following the Complaints About Local Councils Policy will minimise the following risks:

- inefficient and untimely handling of complaints;
- damage to the reputation of the Division;
- inability to meet corporate objectives including the Guarantee of Service timeframes;
- unfair, discourteous handling of complaints and breaches of complainant privacy;
- decisions made without transparency and impartiality, and
- failure to detect maladministration, misconduct or poor administrative practices.

## Key Responsibilities for implementation of Policy

**Chief Executive** is responsible for:

- approving the Policy, and
- referring a complaint to an external agency such as the ICAC or the NSW Ombudsman.

**Deputy Chief Executive** is responsible for:

- coordinating the implementation of the Policy, and
- conducting a regular review of the Policy and Procedures.

**Group Managers and Leaders** are responsible for:

- ensuring the Policy is implemented,
- participating in the review process as required,
- ensuring the Division's Guarantee of Service timeframes are met,
- ensuring complaints are effectively managed and responded to in accordance with this Policy and Procedures,
- working in a constructive manner to address and identify opportunities to resolve complaints as promptly as possible and avoid their escalation, and
- ensuring appropriate records are maintained.

**Communications Coordinator** is responsible for:

- ensuring all complaints and correspondence are entered into the Electronic Document and Record Management System,
- ensuring complaints are assessed in a timely manner and referred to the appropriate Team for action, and
- ensuring the Division's Guarantee of Service timeframes are monitored.

**Ministerial Liaison Officer** is responsible for:

- ensuring Ministerial correspondence timeframes are monitored.

**All Staff** are responsible for:

- complying with the Policy and Procedures, and
- dealing with all complaints/complainants professionally, promptly and courteously; and providing assistance and information where appropriate.

## **Policy Statement**

The Division uses complaints about local councils to assist in meeting its corporate goal to monitor the performance of local government in NSW. In dealing with complaints about councils the Division will ensure:

- transparency – information about how and where to complain about local councils will be placed on the Division’s website;
- responsiveness – complaints are addressed in accordance with their urgency (*as defined by the nature of the complaint, Minister’s office or Division’s assessment*); complainants are informed of the progress of their complaint;
- objectivity – complaints are addressed in a fair, transparent, equitable, appropriate, professional and impartial manner through the complaint handling process;
- confidentiality – complaints are managed by respecting complainants’ privacy; complaints are managed confidentially wherever possible to avoid prejudicing any investigation; however government information is subject to the provisions of the *Government Information (Public Access) Act 2009*;
- improvement – using complaints to identify areas of council operations where the Division can take action to assist in improving the performance of councils and to improve the Division’s practices;
- standards – procedures are used which are in line with the NSW Ombudsman’s Effective Complaint Handling Guidelines (2010); clear roles and responsibilities are provided for staff managing complaints; accurate records of complaints are kept and complaint data is stored responsibly in line with obligations under the *State Records Act 1998*.

## **Definition of complaint**

A complaint about local councils is considered to be any expression of dissatisfaction with:

- a council, including an allegation of maladministration,
- the action or inaction of a council official, including an allegation of misconduct.

Council official means a councillor, member of staff of a council or a delegate.

A complainant is a person, or organisation, who has made a complaint to the Division about a local council issue.

In accordance with the Division's Correspondence Management Policy, we will not respond to the following:

- emails "cc'd" to the Division's corporate email address,
- form letters, and
- correspondence, including complaints, that is sent "for information only" where it is clear that a response is not sought or expected.

## **Procedures for Managing Complaints**

This Policy is supported by Procedures in relation to:

- managing complaints about the local government sector,
- managing unreasonable complainant conduct, and
- managing public interest disclosures about the local government sector.

The Procedures provide information on understanding complainant behaviour, defining a complaint, complaint handling model, delegations and controls, the general complaint handling processes, timeframes for responding to complaints, assessment practices, business rules and key responsibilities.

## Policy Details

**Approved by:** Chief Executive, Local Government

**Date approved:**

**Effective from:** November 2012

**Next review date:**

Two years from approval date.

**Responsible Officer:**

Deputy Chief Executive

**Key references/further info:**

[DLG Procedures for Managing Complaints About Local Councils](#)

[DLG Pecuniary Interest Guidelines](#)

[DLG Misbehaviour Guidelines](#)

[DLG Guarantee of Service](#)

[DLG Correspondence Management Policy](#)

**Other useful references for use with this Policy**

[DLG Precedent Text Bank](#)

[Correspondence Briefing Guide](#)

[NSW Ombudsman's Effective Complaint Handling Guidelines \(2010\)](#)

[NSW Ombudsman's Managing unreasonable complainant conduct \(June 2009\)](#)

[NSW Ombudsman's Managing unreasonable complainant conduct \(May 2012\)](#)

[NSW Ombudsman/Department of Local Government – Complaints Management in Councils \(July 2009\)](#)

**Note:** This policy and/or associated procedures may be varied, withdrawn or replaced at any time.