

3.06 – FORMAL COMPLAINTS MANAGEMENT POLICY

1 POLICY PURPOSE

The purpose of this Policy is to provide for the management of formal complaints submitted to the Norfolk Island Regional Council (Council) on the required **Formal Complaints Form** in relation to Council's operations and staff.

This Policy does not apply to general complaints of a service delivery or other nature as described below.

2 POLICY OBJECTIVE

The objective of this Policy is to:

- Promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to formal complaints received.
- Provide a standardised approach to the way Council processes formal complaints.
- Ensure that members of the community have an easily accessible system in which to submit a formal complaint.
- Inform Council's customers of the process that Council will follow when handling formal complaints.
- Recognise the importance of complaints in providing feedback regarding Council's service delivery performance and to utilise that information to improve the delivery of existing services and service levels and identify training needs as required.

Council has considered the *Commonwealth Ombudsman Better Practice Complaint Handling Guide* in developing this Policy and associated documents.

3 POLICY SCOPE

This Policy applies to all formal complaints submitted to Council regarding its operations and staff.

This Policy does not apply to general service complaints which are general in nature and are considered to include:

- Complaints regarding service performance (unless there was no response to a previous request).
- Reports of hazards or damaged infrastructure (unless there was no response to a previous request).
- Requests for information / explanation of Council policies, decisions, or procedures (unless there was no response to a previous request).
- Appeals or objections regarding development applications.
- Complaints where applicable legislation details an alternate procedure to be followed when lodging a complaint or an appeal against a specific decision.

This Policy does not apply to councillor complaints.

4 DEFINITIONS

TERM	DEFINITION
Complaint (formal)	An expression of dissatisfaction made on the required Formal Complaints Form about a standard of service provided by Council, or the actions taken by Council or its employees.
Complainant	Person or organisation making the complaint.
Council	Norfolk Island Regional Council.
Councillors	Councillors refer to all elected representatives of the Norfolk Island Regional Council.
General Manager	A person who holds an appointment under section 334 of the <i>Local Government Act 1993 (NSW) (NI)</i> . This includes a person acting in this position.
Staff	For the purposes of this Policy includes employees and delegates such as agency staff and contractors.

5 LEGAL AND POLICY FRAMEWORK

Legislation, Policies and Documents:

Legislation:

- *Local Government Act 1993 (NSW) (NI)*
- *Privacy Act 1988 (Cth)*

Policies:

- Conflict of Interest Policy
- Unreasonable Contact Policy

Documents:

- Commonwealth Ombudsman Better Practice Complaint Handling Guide
- Managing Unreasonable Conduct by a Complainant – Ombudsman NSW
- Norfolk Island Regional Council Model Code of Conduct
- Procedures for the Administration of the Model Code of Conduct
- Formal Complaints Management Procedure
- Formal Complaints Process Flowchart
- Formal Complaints Form
- Formal Complaint Case Management Form
- Disciplinary Procedure

6 IMPLEMENTATION

Communication

This Policy is to be communicated to all Councillors and staff and the community via Council's website. A copy of this Policy and associated documents will also be provided to Councillors.

A downloadable form for the purpose of lodging a formal complaint will also be provided on Council's website.

Implementation

Implementation of this Policy will reference the Formal Complaints Management Procedure, and documents and relevant frameworks.

7 POLICY STATEMENT

7.1 Principles

Any person, group, or organisation (or their representative) using Council's services or impacted by Council's decisions, actions, or lack of action/s, has the right to lodge a formal complaint.

- Formal complaints are required to be provided in writing on Council's **Formal Complaints Form** and signed and dated by the Complainant before any investigation is commenced.
- A **Formal Complaints Form** can be submitted at Council Offices, over the phone, or online via Council's website and emailed to customercare@nirc.gov.nf
- When receiving formal complaints presented in person at Council offices or over the phone, staff members will request the Complainant to lodge their complaint in writing on the **Formal Complaints Form** to ensure that the appropriate information is provided. Should the Complainant require assistance, the staff member may be required to initiate the completion of the **Formal Complaints Form** on the Complainant's behalf.
- If the matter falls outside of the scope of this Policy, the appropriate Council staff member will assist in directing the person to the appropriate person or authority or assist with any request for service as warranted.
- Formal complaints received via the Form will be acknowledged within 10 working days from the date that the complaint is received at Council and responded to within 20 working days.
- If Council is unable to resolve the matter to the Complainant's satisfaction, advice will be given as to how they may pursue their complaint further or referred to the appropriate statutory authority.
- Complainants will not be subject to disadvantage or victimisation for lodging of a complaint and any such allegations received will be investigated by the designated Council staff member.
- Council commits to keeping the personal information of the Complainant confidential. The information will only be used for the purposes of addressing the complaint unless the Complainant expressly consents to disclosure.
- Anonymous formal complaints will be accepted, however, Council's ability to investigate will be dependent on the information supplied.
- Reports on the numbers and types of formal complaints received will be monitored by Council's Governance team.

8 Formal Complaints Handling Approach

Council staff involved in receiving formal complaints must be familiar with this Policy and the Formal Complaints Management Procedure.

Council will apply the following approach to handling formal complaints that fall within the scope of this Policy.

8.1 Initial Receipt, Registration and Acknowledgement of a Formal Complaint

- The relevant staff member is to advise the Complainant that a completed **Formal Complaints Form** is required to enable their complaint to be appropriately investigated.
- On receipt of the necessary Form, the relevant staff member is to email the completed Form to the Governance Coordinator - Corporate and Finance to ensure the Form is appropriately registered with Governance and recorded in Council's records management system.
- The Governance team will acknowledge receipt of the Form with the customer within 10 working days from the date that the complaint is received.

8.2 Investigation of a Formal Complaint

- On receipt of the **Formal Complaints Form** the Governance team will add the complaint to Council's Formal Complaint Register.
- Governance is responsible for maintaining a Formal Complaints Register.
- The Governance team will then triage the formal complaint to decide what investigative action is required by the relevant Council department. This includes whether the formal complaint needs to be prioritised for action.
- The Governance team will then liaise with the relevant departmental Manager to ensure the formal complaint is investigated and finalised within the 20-working day period.
- Once the formal complaint has been investigated and resolved, the outcome and reasons for the decision will be communicated to the Complainant by the relevant departmental Manager.
- A copy of all correspondence and response to the Complainant are to be forwarded to the Governance team for record keeping purposes with a digital record to be retained in Content Manager.

8.3 Internal Review of Complaint

Where the Complainant remains unsatisfied with the outcome, the matter is to be further reviewed by the Governance team, and every endeavour will be made to resolve the issues. The review may involve consulting with the General Manager, Manager and other key staff.

If warranted, the General Manager will also consult with the Mayor and/or report to Council.

8.4 Independent Review Options

If the complaint cannot be resolved within Council's complaints management process, the Complainant will be referred to the appropriate outside agency, the Ombudsman.

An alternate dispute resolution process involving mediation may be considered in some circumstances.

There may be cases where Council is unable to resolve the issue to the satisfaction of the Complainant (after all the relevant processes have been followed) and is not reasonably able to take any further action on the matter.

Whilst the Complainant can still pursue the matter legally or with other agencies, Council may, in certain circumstances (as determined by the General Manager or Council) consider imposing a limit on communication with the Complainant if the same issue continues to be raised.

This also applies to vexatious complaints or instances of unreasonable Complainant conduct.

9 Methods of Lodging Formal Complaints

Formal complaints can be made to Council in any of the following way:

- | | |
|-------------|--|
| In writing: | General Manager
Norfolk Island Regional Council
PO BOX 95
NORFOLK ISLAND 2899 |
| Phone: | +6723 22001 |
| Email: | customercare@nirc.gov.nf |
| In person: | Norfolk Island Regional Council Office
Bicentennial Complex
39 Taylors Rd |

10 Formal complaints made to Councillors

In many instances formal complaints are made directly to Councillors rather than to Council staff members. In such cases the **Formal Complaints Form** needs to be completed and dealt with in accordance with the above processes.

Councillors are requested to encourage the Complainant to contact Customer Care if they have not previously made the complaint to Council, so that the matter can be recorded and actioned.

11 Contacting External Agencies

If the Complainant is not satisfied with Council's response, they can contact the Commonwealth and ACT Ombudsman:

In writing: Commonwealth and ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Phone: 1300 362 072

Further information can be obtained by visiting the Ombudsman website www.ombudsman.gov.au.

12 MONITORING AND REPORTING

This Policy will be monitored and reviewed as required by the Responsible Officer.

13 REVIEW AND VERSION CONTROL

Policy Number:	3.06	Responsible Officer:	Manager Corporate and Finance
Next Review Date:	June 2026		
Version:	Resolution Number:	Effective Date:	Description:
1.0	2017/57	19 April 2017	Developed and adopted
2.0	2024/52	10 May 2024	Reviewed and adopted