



# COMPLAINTS MANAGEMENT POLICY

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Responsible Department: People, Place and Liveability  
Responsible Section: Customer and Community Services  
Responsible Officer: Manager Customer & Community Services  
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## Policy Statement

Walgett Shire Council (Council) is committed to providing quality services to its community and values feedback, including complaints, as an essential part of service improvement and accountability. Council recognises that constructive criticism is fundamental to identifying areas for improvement, ensuring that services meet community expectations, and enhancing the overall effectiveness of Council's operations.

The Complaints Management Policy (the Policy) establishes a clear and accessible complaint-handling framework, guiding staff on managing complaints professionally and impartially. Council aims to resolve complaints promptly, foster a culture of openness, and use complaint feedback to improve its services and processes. By handling complaints fairly and transparently, Council seeks to maintain public trust and accountability, treating each complaint as an opportunity for learning and improvement.

Through this policy, Council ensures that complainants are heard and issues are addressed to promote fairness, transparency, and continuous improvement in service delivery.

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## Definitions

Term	Meaning
<b>Complaint</b>	An expression of dissatisfaction about Council's services, staff, or decisions where a response or resolution is reasonably expected.
<b>Complainant</b>	The individual or entity lodging a complaint.
<b>Feedback</b>	Comments or opinions on Council's services or operations where a specific response is not anticipated.
<b>Unreasonable Complainant Conduct</b>	Behaviour by a complainant that, due to frequency, nature, or content, places substantial demand on Council resources or staff, including persistent, vexatious, or obstructive behaviour.
<b>Vexatious Complaint</b>	A complaint made without sufficient grounds, primarily to harass or subdue Council, often repetitious, and unlikely to be resolved satisfactorily through a reasonable process.

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## 1. Introduction

- 1.1. Council recognises the importance of effective complaint management in maintaining public trust and accountability.
- 1.2. The Policy establishes Council's framework for receiving, investigating, and resolving complaints in a fair, transparent, and consistent manner.
- 1.3. Council is committed to addressing complaints promptly, using them as opportunities to improve services, policies, and procedures to better meet community needs.
- 1.4. The Policy provides a structured approach to ensure that all complaints are managed professionally, with respect for confidentiality, fairness, and impartiality.

## 2. Application

- 2.1. The Policy applies to all Council officers, contractors, and agents responsible for receiving, managing, or responding to complaints from the public regarding Council operations.
- 2.2. The Policy does not apply to:
  - a. Complaints that qualify as public interest disclosures under the *Public Interest Disclosures Act 1994* (NSW), which are managed according to *Council's Public Interest Disclosure Policy*.
  - b. Allegations of breaches of the *Code of Conduct* by Councillors or Council staff.
  - c. Complaints governed by specific legislative requirements, including those involving corruption, maladministration, or privacy breaches, which must be referred to appropriate authorities such as ICAC or the NSW Ombudsman.
  - d. Routine requests for Council services, such as infrastructure repairs or waste collection.
  - e. Feedback, such as general comments or suggestions about Council's services where no formal response is required.
  - f. Employment-related grievances.
  - g. Matters outside Council's jurisdiction, such as those managed by state or federal agencies.
  - h. Complaints related to development applications, which are handled through separate statutory processes.

## 3. Principles of Effective Complaint Management

- 3.1. Walgett Shire Council's complaint management approach is based on the following principles:
  - a. **Accessibility:** Council ensures that information on lodging complaints is readily available through its website, offices, and various accessible formats.
  - b. **Responsiveness:** All complaints are acknowledged within two business days, with a focus on prompt, fair, and thorough responses.
  - c. **Confidentiality:** Personal information about complainants and related parties is handled in accordance with privacy laws and disclosed only as necessary to resolve the complaint.
  - d. **Impartiality:** All complaints are handled fairly and without bias, ensuring objectivity throughout the complaint resolution process.

- e. **Transparency and Accountability:** Council maintains clear and open communication with complainants throughout the complaint handling process, outlining the steps taken and the basis for decisions.

#### **4. Complaint Handling Process**

##### 4.1. Receipt and Acknowledgment:

- a. Complaints may be submitted through various channels, including in person, by phone, via email, online, or in writing.
- b. Anonymous complaints are accepted, though investigations may be limited by the information available.
- c. Complaints should be made within three months of the complainant becoming aware of the matter. Complaints received outside of this period will only be considered at the discretion of the General Manager or their delegate.
- d. Council will acknowledge receipt of all complaints within two working days, providing information about the complaint handling process and estimated timelines for resolution.

##### 4.2. Assessment and Classification:

- a. Upon receipt, complaints are assessed based on factors like urgency, complexity, and potential risk to the community or Council operations.
- b. This assessment determines the appropriate course of action and escalation, particularly for complaints involving urgent health, safety, or legal concerns.
- c. If the complaint involves urgent safety or security concerns, an immediate response will be prioritised and escalated as appropriate.
- d. Council will aim to address routine complaints within 28 days. Complex issues may require additional time, and regular updates will be provided to the complainant if the resolution timeline exceeds 28 days.

##### 4.3. Investigation and Resolution:

- a. A designated Council officer will conduct an impartial investigation, ensuring adherence to principles of fairness, natural justice, and procedural integrity.
- b. Investigations will involve gathering relevant information, consulting involved parties, and identifying a suitable resolution path.
- c. After the investigation, Council will inform the complainant of the outcome and reasons for the decision.
- d. Where no review is sought, the complaint will be deemed finalised.
- e. Where a complaint has been finalised, Council will not accept any further complaints regarding the same matter or a matter that is substantially similar from the same complainant or a related party of the same complainant unless there is:
  - i. A substantial change in circumstances;
  - ii. Significant new evidence;
  - iii. Significant new facts; or
  - iv. Other extenuating circumstances warranting reinvestigation.

#### **5. Internal Review**

- 5.1. If a complainant is dissatisfied with the outcome or handling of their complaint, they may request an internal review.

- 5.2. This process allows for a reassessment of the original decision by a more senior or independent Council officer who was not involved in the initial handling of the complaint.
- 5.3. Requests for an internal review must be submitted in writing within 14 days of the original decision.
- 5.4. The complainant should clearly state their reasons for dissatisfaction and include any new information if applicable.
- 5.5. Upon receipt of a review request, the General Manager or their delegate will reassess the complaint, reviewing all relevant documentation, evidence, and the basis of the initial decision.
- 5.6. Council aims to complete the internal review within 28 days of the request. If additional time is required, the complainant will be informed of the delay and provided with an updated timeframe.
- 5.7. The complainant will receive a formal written response detailing the findings of the review, the final decision, and any changes to the original outcome or actions taken as a result of the review.

## **6. External Review**

- 6.1. Where a complainant remains dissatisfied following the internal review process, they may escalate their complaint to an appropriate external body for independent review.
- 6.2. Council is committed to cooperating fully with external agencies to ensure complaints are thoroughly and impartially examined.
- 6.3. Depending on the nature of the complaint, complainants may refer their case to:
  - a. NSW Ombudsman for complaints related to Council's administrative practices, service standards, or procedural fairness.
  - b. Independent Commission Against Corruption (ICAC) for complaints involving potential corruption or serious misconduct within Council.
  - c. Any other appropriate complaint body in accordance with NSW legislation.

## **7. Unreasonable and Vexatious Complainant Conduct**

- 7.1. Council is committed to handling all complaints fairly and impartially while ensuring the efficient use of resources and the wellbeing of its staff.
- 7.2. Some complainant behaviour, however, may be deemed unreasonable or vexatious, including:
  - a. Repeatedly raising the same issue despite previous responses or decisions, often with no new evidence or grounds for review.
  - b. Excessive demands on time, resources, or specific outcomes, including frequent, lengthy, or overlapping communications.
  - c. Withholding essential information, refusing to identify the nature of the complaint, or providing intentionally misleading or incomplete information.
  - d. Complaints based on conspiracy theories, irrational assertions, or unfounded allegations that have no basis in fact or are disproportionate to the issue at hand.
  - e. Vexatious in nature, submitted with the intent to harass, annoy, or burden Council, often without substantive grounds or with the primary aim of disrupting Council operations.

- 7.3. To effectively manage unreasonable or vexatious complaints, Council may adopt one or more of the following strategies, proportionate to the nature of the conduct:
- a. Restricting communication to certain hours, specific staff members, or particular channels (e.g., written correspondence only).
  - b. Informing the complainant that further correspondence on the matter will not be acknowledged unless new, relevant information is provided.
  - c. Setting clear limits on acceptable behaviour and specifying the steps Council will take if unreasonable conduct persists.
  - d. In cases of abusive, threatening, or highly disruptive behaviour, Council staff are empowered to terminate calls or in-person interactions and document the incident.
- 7.4. The authority to designate a complainant as unreasonable or vexatious rests with the General Manager or their delegate.
- 7.5. If this designation is made, the General Manager or delegate will notify the complainant in writing, if an address is available, outlining the restrictions placed on further communication and the reasons for such action.
- 7.6. Council will document all incidents of unreasonable complainant conduct, including details of actions taken and restrictions applied.

## 1. Related Policy/Procedure

- 1.1. Code of Conduct
- 1.2. Public Interest Disclosures Act 1994 (NSW)
- 1.3. Public Interest Disclosures Policy

### History

Minute Number	Meeting Date	Description of Change
R-12-11-2024	26 November 2024	Placed on Public Exhibition