

Complaints Policy

ORGANISATIONAL POLICY

POLICY REFERENCES

• Sponsor:	Chief Operating Officer
• Effective date:	19 December 2019
• Internal review due:	November 2022
• Legal compliance:	Privacy Act 1993 Local Government Act 2002 Health and Safety at Work Act 2015 Local Government Official Information and Meetings Act 1987
• Associated Documents/References	Public Complaints Against Staff Policy Code of Conduct Customer Services Charter Nuisance and Trespass Policy Managing Risks to Personal Safety at Work
• Policy Number	CS 20
• Approved by Chief Executive	19 December 2019

1. Purpose

The purpose of this policy is to:

- Outline the principles we will apply with dealing with complaints;
- Clarify the definition of a complaint and how it differs from feedback;
- Outline our expectations of the customer experience, their rights and responsibilities.

2. Scope

- This policy applies to all employees of the Tasman District Council;
- It applies specifically to complaints and feedback. LGOIMA, Privacy, Ombudsman and Resource Management¹ requests are managed through separate procedures which comply with the relevant legislation.

¹ Under s 216(2)(e) and (f)

3. Policy Statement

We value our customers' opinions and views. We are committed to providing high quality services to all our communities. We take complaints seriously, will work with our customers to resolve the issue, and will use their comments as an opportunity to learn and to improve our services.

3.1. Principles

The principle of Natural Justice² is core to how we handle complaints. These principles are:

- Freedom from bias on the part of the person making the decision / judgement; and
- Transparency and fairness of the investigation and procedure used.

We will also:

- Be mindful of the need to minimise customer effort;
- Treat complaints with priority and give a timely response;
- Preserve confidentiality where it is appropriate;
- Communicate in a way that is easy to understand; and
- Educate our employees to apply the policy, process and procedures for complaints resolution.

3.2. Definition of a complaint

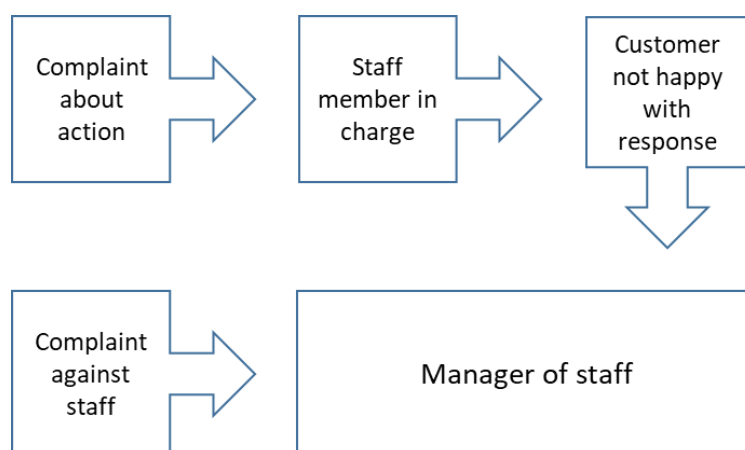
A complaint or feedback can include concerns that a Council service was performed below expected standards or has not met reasonable timeframes. Either can be in relation to:

- Actions or lack of action;
- Decisions; or
- The standard of service from our staff or contractors.

Where they differ is that:

- A **complaint** is an expression of dissatisfaction by a customer where a response or resolution is explicitly or implicitly expected;
- **Feedback** is a communication from a customer where a response or resolution is not expected.

The path to resolving a complaint differs, depending on what it is in relation to:



² NZ Bill of Rights Act 1990, s27

The following are **not considered complaints** under this policy:

- A request for routine services;
- A request for readily available information;
- Feedback as part of a formal consultation process;
- A disputed decision made under and according to statute and where action has been taken to contest this decision through prescribed processes;
- Serious allegations against a contractor or staff member of misconduct such as sexual harassment, fraud, or assault will be dealt with through separate processes, some of which may involve the Police; or
- Complaints from one staff member about another³

3.3. The customer experience when filing a complaint



3.4. If the issue cannot be resolved

Sometimes the Council cannot provide the outcome that the customer seeks.

- If all the Council principles have been adhered to and procedural requirements met, a final response will be provided and the matter closed.
- If the customer thinks that they have been treated unfairly by the Council, they can refer the matter to the Ombudsman who may be able to assist.
- Other solutions are also available specific to the nature and subject matter of the complaints, for example, the Disputes Tribunal, the Parliamentary Commissioner for the Environment, the Privacy Commissioner, or MBIE for determinations under the Building Act.

3.5. Inappropriate or unacceptable behaviour

In a very small number of cases, customers may behave out of character in times of distress and may choose to interact with Council in a manner that is inappropriate or unacceptable. A customer's behaviour may be deemed to be inappropriate or unacceptable if, for example:

- They are abusive to Council staff.
- They persistently make the same or similar complaint, despite it having been fully investigated under the complaints policy, or persist in seeking an unrealistic outcome.
- They repeatedly change aspects of the complaint or the desired outcome part way through an investigation.

³ These are managed through the [Code of Conduct](#)

When this happens, the Council will take action to manage any customer conduct that negatively and unreasonably impacts on the organisation and its staff. The Council's action to this may include:

- The opportunity for the customer to re-engage in a more appropriate manner.
- Halt further investigation if the complaint is considered frivolous, habitual or vexatious. If the investigation is halted on these grounds, these reasons will be confirmed in writing to the customer who retains the right to escalate the complaint.
- In very rare occasions where there is a threat to person or property, staff should use standard security processes⁴ or call the Police.

3.6. Monitoring

To enable the Council's policy to be adequately reviewed and revised, monitoring of our compliance with the policy will be undertaken.

The information will be used to:

- Inform process improvement opportunities
- Training and development opportunities
- Populate management information to monitor our performance

The information will be reported to a range of key stakeholders, including Elected Members and the Council's Leadership Team.

4. Complaints Procedure

4.1. How a customer can make a complaint

In person by:

- visiting the Customer Service desk during normal business hours, or
- telephone

In writing by:

- letter,
- email, or
- online via our website.

Inclusion of name and contact details allows a response.

Complaints made by social media will not be treated as a 'complaint' under the terms of this policy.

4.2. Acknowledging customer complaints

All customers' complaints and feedback will be acknowledged within two working days if the customer provides their contact details and requests or invites a response. In the event that a full response can be made within two working days, an acknowledgement will not be sent.

⁴ [Managing Risks to Personal Safety at Work Policy](#)

4.3. Responding to complaints

We aim to resolve issues within 10 working days. We will respond as quickly as possible by the most appropriate method. Where a response or resolution is made by telephone, written records will be kept and written confirmation sent if requested. In this circumstance, the confirmation will cover:

- Details of the investigation
- The outcome e.g. whether the complaint is upheld, action taken, apology, or reason why the Council is unable to assist, if necessary also the reason why it is not upheld
- Information on the right of further redress and escalation if the customer remains dissatisfied.

4.4. Extending complaint response times

Issues of a more complex nature may take longer than the specified time limits to investigate. If this is the case, the customer will be informed of the reasons why the time scales cannot be met and when they can expect to receive a full response.

4.5. Escalating complaints

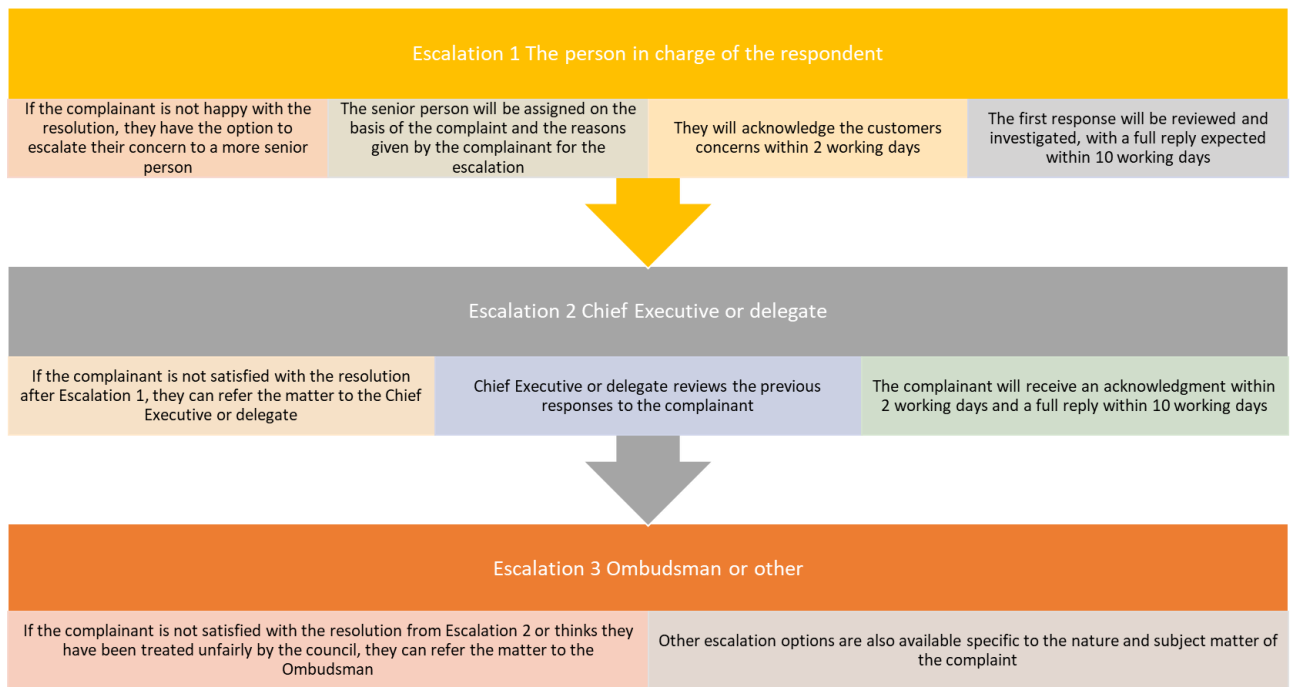
If the complaint is not resolved to the customer's satisfaction, they will be advised they have 28 working days from the date of the full response letter to provide details of why they consider their complaint unresolved. At this point the customer will pass to the next and final stage involving the Chief Executive or their designate.

4.6. Escalation stages and response standards

4.6.1 The standard process for managing a response is covered in steps 1 to 6 of the customer experience process map:



4.6.2 If the customer is not satisfied with the investigation decision (at step 5 of the process diagram above) they have the option to have their complaint escalated.



4.6.3 Escalation 1

An appropriate person, more senior to the initial respondent, is assigned to review the first response to the customer. They will review and investigate the complaint, responding to the customer with an acknowledgement within two working days and a full reply within 10 working days.

4.6.4 Escalation 2

If the customer is not satisfied, the complaint can be escalated to the Chief Executive or designate, who will review the previous response to the customer. If all the Council principles have been adhered to and procedural requirements met, a final response will be provided and the matter closed. The customer will receive an acknowledgement within two working days and a full reply within 10 working days where possible. If more than 10 working days is required, the complainant will be advised of an expected timeframe.

This is the final stage of the procedure from the Councils perspective.

4.6.5 Escalation 3

If the customer is not satisfied with the response from the Chief Executive they can refer the matter to the Ombudsman, or another appropriate agency specific to the subject matter of the complaint.

4.7. Complaints involving more than one service or business unit

Generally, issues involving more than one unit will be managed by the first unit receiving the complaint. This unit will co-ordinate and agree a response on behalf of any other units concerned.

4.8. Misdirected complaints

If any complaint is misdirected, the receiving unit will acknowledge the complaint, inform the customer which unit is responsible and pass the issue immediately to the correct group for action.

4.9. Complaints against an individual staff member

The Council is committed to ensure that complaints are dealt with fairly and impartially. If a complaint is received about a staff member, the appropriate Manager will be responsible for the management and resolution of the issue.

Where a complaint is about an employee's conduct, the complaint must be treated confidentially (i.e. only involve those necessary to investigate and respond to the complaint). Information will only be shared with those involved in the investigation or the final decision making.

The policy on Public Complaints Against Staff should be followed in this circumstance.

4.10. Complaints against the Chief Executive

Any complaint against the Chief Executive will be referred to the Mayor, who will determine the most appropriate means of investigation and resolution. The procedures and timescales for any such complaint may fall outside the normal standard, and, should this be the case, this would be formally advised to the customer.

4.11. Complaints against elected members

Elected Members must comply with the Councillors' Code of Conduct. This Code describes the high standards of conduct required from Councillors in carrying out their duties. Complaints regarding the conduct of a Councillor should be referred to the Mayor, who will manage such complaints in conjunction with the Chief Executive, in accordance with the procedures prescribed in the Code of Conduct.

4.12. Anonymous complaints

Complaints made anonymously will be given consideration and dealt with as appropriate depending on the information given. This includes any issues that may be laid anonymously under the Protected Disclosure (whistle-blower) legislation.



Chief Executive

Authorised by

Date of approval: 19.12.19