

# External Complaints Handling

Policy

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# 1. Policy statement

The Greater Cities Commission (Commission) is committed to addressing and resolving any enquiries and complaints that may be raised regarding its operation. This External Complaints Handling Policy (Policy) aims to promote an accessible, fair and equitable complaints handling process. To this end, the Commission:

- welcomes complaints from members of the public or stakeholders who are dissatisfied with the Commission's decisions, actions or services in order to resolve any issue;
- proactively seeks feedback and suggestions for improvement;
- provides accessible, transparent and accountable processes;
- recognises feedback and complaints as opportunities to build knowledge and improve services; and
- provides courteous, professional and quality services.

From time to time members of the public and stakeholders may complain about the Commission's performance or the performance of its staff. Complaints made to external bodies such as the NSW Ombudsman and the Independent Commission Against Corruption (ICAC) that are about the Commission may also be referred to the Commission for handling in accordance with this Policy and the External Complaints Handling Procedure.

# 2. Who does this Policy apply to?

This Policy applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Policy, "staff" refers to all people to whom this Policy applies.

In this Policy, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

# 3. Key responsibilities

## Senior executive managers and managers

A senior executive manager or manager responsible for supervising or managing an individual or group of staff, is responsible for:

- ensuring compliance with this Policy and the External Complaints Handling Procedure;

- promoting awareness of the complaints handling process and the need for their workareas to maintain a focus on members of the public and stakeholders;
- ensuring staff report complaints to the Director, Governance and Legal;
- dealing with and resolving complaints relevant to their work areas;
- advising members of the public and stakeholders about their rights to take a complaint to an external agency, if so desired;
- counselling, supporting, and representing their staff to the Executive Director, People and Corporate Services in relation to allegations of unreasonable complainant conduct;
- giving complainants the option of a further review arranged by the Executive Director, People and Corporate Services; and
- treating all people with respect, including people who make complaints.

### **All staff**

All staff have a responsibility to:

- comply with this Policy and understand their rights and responsibilities in relation to recording complaints and dealing with unreasonable complainant conduct;
- treat members of the public and stakeholders in a courteous manner and respond to their complaints or direct them to an appropriate individual promptly;
- help members of the public and stakeholders to make a complaint, if needed;
- actively seek to resolve complaints directly, where possible;
- report complaints to the Director, Governance & Legal;
- advise and where necessary request the support of senior managers if a member of the public or stakeholder is considered to be acting unreasonably;
- stay informed about approaches to complaint handling by participating in training, as required;
- provide feedback to their manager on issues arising from complaints and ways to improve the Commission's complaints management system; and
- implement changes arising from individual complaints and from the analysis of complaint data as directed.

### **Director, Governance and Legal**

The Director, Governance and Legal is responsible for managing the Complaints Register and overseeing the Commission's responses to complaints by:

- advising the Executive Director, People and Corporate Services on any complaint when received and actions that need to be taken in relation to individual complaints;
- maintaining the Complaints Register ;
- overseeing the handling of complaints and ensuring that responses are provided in a timely fashion;
- ensuring stakeholder-focused responses, and the systems to implement these, remain central in the Commission's management of complaints;
- providing regular reports to Executive Director, People and Corporate Services on the performance of the complaints management system and issues arising from complaints;
- proposing improvements to the complaints management system;
- encouraging staff managing complaints to provide suggestions on ways to improve the Commission's complaints management system; and

- encouraging all staff to be alert to complaints and to assist those responsible for handling complaints resolve them promptly.

## 4. What are complaints and allegations?

A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of the business of the Commission or the conduct of a staff member. Generally, complaints can be about:

- failure to act, as well as not responding to an issue;
- dissatisfaction with decision-making processes;
- performance in relation to how a decision was made;
- unexplained or unreasonable delays in the making of a decision or responding to a concern;
- communication problems;
- incorrect or misleading advice; and/or
- staff behaviour such as being rude, abrupt or aggressive.

Allegations are complaints alleging misconduct or corruption on the part of a staff member which may involve issues of probity or other matters which have the potential to seriously compromise the Commission's professional reputation. Examples include.

- theft or misuse of resources;
- corrupt behaviour;
- undeclared conflicts of interest; and
- public behaviour which is detrimental to the reputation of the Commission.

This Policy does not cover complaints and allegations about:

- decisions of the Commission for which there is an established or formal right of review or reconsideration; or
- a statutory right of appeal to the Information Commissioner or the Administrative Decisions Tribunal in relation to decisions under the *Government Information (Public Access) Act 2009*; or
- grievances lodged by staff about the actions of other staff, or protected disclosures - these issues are dealt with through other departmental and Government policies.

## 5. Who can make a complaint?

Any person can make a complaint to the Commission - for example, a member of the public, local council staff and councillors, developers, interest groups, and any other person who has contact with the Commission.

Complaints can also be made by a complainant to an external body such as the NSW Ombudsman and the ICAC, which may refer the matter to the Commission.

## 6. Outcomes of complaint process and procedural fairness

When considering complaints, the Commission will adhere to the principles of procedural fairness. The person considering the complaint will:

- where the complaint is against a staff member, inform the person of the complaint made against them and give that person a right to be heard;
- where the complaint is about a policy or piece of work, liaise with the appropriate Senior Executive Manager;
- not have a personal interest in the outcome or have been involved in handling the complaint; and

## 7. Obligations of complainants

For the Commission to provide an accessible, fair and equitable complaints handling process, complainants have the following obligations:

- to not make complaints that are frivolous, vexatious, not in good faith or concerning a trivial matter;
- to provide adequate and accurate details about the complaint;
- to make, provide information and respond to a request in line with the Commission's policy and with the assistance of Commission staff in order to resolve the complaint within specified timeframes; and
- to provide the person considering the complaint with suggestions or views as to any actions or outcomes they believe will assist in resolving the issue.

## 8. Confidentiality

Confidentiality is a very important issue when dealing with complaints. There may be a need for confidentiality in relation to some or all of the following:

- the fact that a complaint has been made;
- the nature of the allegations;
- the identity of the complainant;
- the identity of any persons the subject of a complaint;
- the identity of any witnesses; and
- any evidence gathered.

In some instances, confidentiality may be maintained for a finite period or it may be important that it is maintained absolutely.

In making decisions about confidentiality, the person handling the complaint is obligated to consider a range of circumstances where it would, or may be, inappropriate to disclose information. These circumstances may include;

- to minimise detrimental impacts on individuals, and current or future investigations;
- to minimise prejudice to the future supply of information to an agency or government;
- to minimise or prevent substantial adverse impact on the management or assessment of the Commission's or another agency's personnel;
- in various circumstances (in relation to complaints by third parties) whether there are specific considerations such as disciplinary proceedings and child protection;
- to comply with privacy requirements under the Privacy and Personal Information Protection Act 1998; and
- to maintain confidentiality and complying with obligations under the Public Interest Disclosures Act 1994.

## 9. Register of complaints

The Commission is required to maintain a register of complaints including the following information:

- date the complaint was made;
- the nature of the complaint including the issues or allegation by the complainant and the names of any persons the subject of the complaint;
- summary of any comment from the people who are the subject of the complaints;
- whether the complaint was referred on and if so, to whom;
- how it was dealt with and by whom;
- the time taken to resolve the complaint; and
- the outcome of the complaints handling process.

Requests to access the register of complaints should be directed to the Governance and Legal team and handled in accordance with the Public Access to Information (GIPA) Procedure.

## 10. Breaches of the External Complaints Handling Policy

Failure to adhere to this Policy can lead to reputational damage and consequences for individual staff members. If staff members are unsure about part of this Policy, they should seek guidance from their manager or the Director, Governance and Legal.

Behaviour that is clearly contrary to this Policy will be dealt with appropriately, in a manner that is proportionate to the seriousness of the matter. It may be that a discussion between the staff member and their manager is enough to clarify the responsibilities of the staff member.

Staff should be aware that the Government Sector Employment Act 2013 (GSE Act) provides for disciplinary action to be taken in circumstances where there is a finding of “misconduct”, in accordance with rules made under that GSE Act. Action, under section 69 of the GSE Act, may range from a caution to the termination of employment.

## 11. Further information and resources

### 11.1. Internal Policies and Procedures

- External Complaints Handling Procedure
- Code of Ethics and Conduct – Staff
- Grievance Resolution Policy
- Information Access Policy
- Privacy Management Plan
- Public Access to Government Information (GIPA) Procedure
- Public Interests Disclosure Procedure
- Public Interests Disclosures Policy
- Records Management Policy

## 11.2. Legislation

### NSW

- [Crown Employees \(Public Service Conditions of Employment\) Award 2009](#)
- [Crown Employees \(Planning Officers\) Award 2016](#)
- [Government Sector Employment Act 2013](#)
- [Government Sector Employment Regulation 2014](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Ombudsman Act 1974](#)
- [Industrial Relations Act 1996](#)
- [Public Interest Disclosures Act 1994](#)
- [Civil Liability Act 2002](#)
- [State Records Act 1998](#)

## 11.3. Other resources

[NSW Government Personnel Handbook](#)

[NSW Public Service Commission, Behaving Ethically: a guide for NSW government sector employees](#)

## 11.4. Support and/or advice

Employee Assistance Program – (AccessEAP) 1800 818 728

[info@accesseap.com.au](mailto:info@accesseap.com.au)

# 12. Document management

|                           |   |
|---------------------------|---|
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# Appendix

Form/Template/Info/Guide

Appendix 1 - Definitions

# Appendix 1: Definitions

|                                    |   |
|------------------------------------|---|
| <b>Complainant</b>                 | means a person, organisation, or their representative (including clients, consumers, service users, customers, etc.) making a complaint.  |
| <b>Complaint</b>                   | means an expression of dissatisfaction made to or about the Commission, related to its products, services, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.  |
| <b>Complaint management system</b> | means the policies, procedures, practices, staff, hardware, and software used by the Commission for the management of complaints, including the Complaints Register.  |
| <b>Complaints Register</b>         | means the Complaints Register, which records all complaints the Commission receives, as outlined in this policy.  |
| <b>Corrupt conduct/behaviour</b>   | <p>has the same meaning as in the <a href="#">Independent Commission Against Corruption Act 1988</a> which states that it may involve:</p> <p>“any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials, or any public authority.”</p> <p>It could include any of the following matters: official misconduct, bribery, blackmail, theft, obtaining or offering secret commissions, embezzlement, or forgery.</p> <p>Conduct does not amount to corrupt conduct unless it could constitute or involve: a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the service of, or otherwise terminating the services of a public official.</p> |
| <b>Feedback</b>                    | means opinions, comments, and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about the Commission, its products, services, staff or its handling of a complaint, where a response is not explicitly or implicitly expected or legally required.  |
| <b>Grievance</b>                   | means a complaint made or an objection raised (written or verbal) by a staff member about an act, behaviour, omission, situation, or decision in the workplace they think is unfair or unjustified.   |
| <b>ICAC</b>                        | means the Independent Commission Against Corruption.  |
| <b>Personal information</b>        | <p>means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.</p> <p>Note: this is based on the definition of “personal information” in the <a href="#">PPIP Act</a>.</p>   |

|   |  |
|---|--|
| <b>Public interest disclosure</b>       | means a disclosure of wrongdoing made by a public official in NSW that meets the requirements of the <a href="#">PPIP Act</a> .  |
| <b>Unreasonable complainant conduct</b> | means any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource, or equity issues for the Commission, its staff, other service users and customers, or the customer him/herself. |

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