

Service Complaints Handling Policy



City of Ryde

23 July 2008

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1. POLICY STATEMENT

The City of Ryde is committed to providing a quality service to customers. Council welcomes feedback (complaints, compliments, suggestions) as it provides an opportunity for us to identify service improvements; increase customer satisfaction; strengthen customer input into our services; and respond effectively to individual cases of dissatisfaction. This procedure provides the framework for staff to deal with complaints and prevent their recurrence.

2. PRINCIPLES

Council's Vision and Mission Statements and Code of Conduct for Councillors and Staff establish the principles against which Council's standards of quality service may be measured. Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality, and responsiveness will underpin service delivery. When they believe that their expectations have not been met, the Customer has a right to expect that the Council will deal with their concerns in a professional, respectful and timely manner.

3. OBJECTIVES

The objective of this policy is to establish clear guidelines and procedures for handling complaints to enable Council to be in a stronger position to improve services.

An effective complaints handling system will benefit Council in 4 important ways:

- creating a second chance to provide service and satisfaction to dissatisfied residents,
- identifying areas that need improvement,
- providing opportunities to strengthen public support for the Council,
- assisting in planning and allocation of resources.

4. STRATEGIES

We will achieve our objectives by:

- staff and customer awareness of the Complaints Handling Policy and commitment to our procedures
- ensuring customer satisfaction in all areas of our business

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5. RELEVANT LEGISLATION

- Local Government Act
- Freedom of Information Act
- Privacy and Personal Information and Protection Act
- Protected Disclosures Act

6. EXTERNAL CONSIDERATIONS

- Better Services and Communications Guidelines for Local Government – NSW Ombudsman – June 2000
- Effective Complaints Handling – NSW Ombudsman
- The Complaint Handler's Toolkit – NSW Ombudsman

7. RELATED POLICIES

- City of Ryde Code of Conduct
- City of Ryde Code of Good Governance and Code of Behaviour
- City of Ryde Statement of Business Ethics Standards for Contractors, their employers and Business Associates

8. POLICY CONTEXT

This policy addresses all service complaints received by the City of Ryde recognising that Council receives service requests across all areas of operations. It is only after Council has failed to meet the normal request standards that matters would then be treated as a complaint as defined below.

This policy **does not apply** to complaints involving the following issues:

- decisions made by the elected Council;
- competitive neutrality;
- conflicts of interest;
- access to information;
- internal staff complaints which will follow the normal grievance procedures as defined in the Local Government State Award; and
- complaints about third parties (e.g. a neighbour).

This policy **applies** to complaints received by Council from customers and any other external organisation or person.

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Complaints can be classified into two (2) categories:

- service complaints
- formal complaints

A service complaint is an expression of dissatisfaction with the service provided by Council. For example:

- the decision of a staff member
- the advice of a staff member
- the quality and range of services provided;
- failure to meet a service standard;
- a Council policy or procedure not being followed; or
- the conduct of a staff member or agent.

A formal complaint is a complaint of a more serious nature involving allegations of maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests which may require notification or referral to another investigative agency.

A complaint is not:

- an initial request for service*;
- a request for information or explanation of Council's policies or procedures;
- the lodging of an appeal in accordance with legislative appeal provisions;
- an objection; or
- negative feedback in a submission or survey, or dislike of a policy or procedure;

*It is important to acknowledge that when a resident states that they are "making a complaint about something" it is often not a "complaint" against Council but a request for action or help. There is a need to clarify each matter and determine if it falls within the above definition.

9. STAKEHOLDERS

This policy is applicable to all Council staff involved in receiving, investigating and resolving complaints.

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In particular, the policy applies to the following key staff:

- **Frontline & all Operational staff** - requests for service, information, follow up of information and provision of that service.
- **Group Managers & Managers** – complaints where the service request has not satisfied the customer and additional dissatisfaction has been expressed.
- **Public Officer & General Manager** – difficult complaints which are referred through, or formal complaints, usually received in writing which allege maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests or complaints which are of a Protected Disclosures nature for investigation and possible referral to another investigative agency.

10. IMPLEMENTATION

10.1 Lodging Complaints

Complaints may be lodged with Council in the following ways:

- By telephone;
- In person;
- In writing including by facsimile, email or other electronic means

Staff must distinguish between a request for service, complaint, or Formal Complaint. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be managed in accordance with established performance protocols and service level agreements.

All Formal Complaints, whether received in writing or through the Customer Service Centre are to be referred to the Records Section for registration in a TRIM EDRMS file.

10.2 Anonymous Complaints

Anonymous complaints will be dealt with in a similar manner to complaints where the complainant is known to Council except where there is a statutory requirement for identification of the complainant. If the matter is not considered serious or there is insufficient information in the complaint to enable the investigation to be conducted, the complaint may not be investigated, however, every effort will be taken to explore every available avenue of enquiry before an investigation is closed.

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10.3 Recording of Complaints

Complaints received by Council will be recorded in Council's TRIM Electronic Document Records Management System (EDRMS) and/or Customer Request Management System (CRM) and marked as "complaints" and linked to the complaints workflow for recording, action and analysis. All complaints registered in TRIM, except Formal Complaints, will be integrated into the CRM System and forwarded to the appropriate Business Support Co-ordinator (Investigation Officer) via CRM and managed through this process.

Formal complaints, i.e. those that are of a serious nature, must be made in writing and must be marked "Formal Complaints" in Council's TRIM EDRMS and forwarded to the Public Officer and/or General Manager. All Formal Complaints, are to be managed by the Records Section for registration in a TRIM EDRMS file.

10.4 Complaint Handling

Complaints vary greatly in their level of complexity and seriousness. Where possible, the City of Ryde seeks to resolve complaints in an efficient and effective manner, but if required, investigation officers will escalate complaint handling as set out below:

First-tier Complaints

Investigation Officers will, within the scope of their delegation of authority, endeavour to resolve issues which are the subject of complaints at the first point of contact and record their actions and the resolution of issues in Council's CRM system. This would normally involve verbal discussions and agreed resolutions between all parties.

All complaints which identify a particular member of staff by name shall not be referred directly to that staff member in the first instance. Such complaints will be referred to the immediate Manager or Supervisor of that person, or the Public Officer/General Manager if more serious in nature. This process will **not** only protect the identity of the complainant but provide a mechanism to protect the staff member from the direct emotional effects of receiving a personal complaint, and allow the investigation to be undertaken in a more objective manner. At the appropriate time and in the appropriate manner, the staff member who is the subject of the complaint will be notified of the complaint and asked to respond to any allegations as part of the due process of investigation.

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It will not be the intention of the investigation officer to inform the staff member, who is the subject of the complaint, of the personal details of the person who made the complaint, however, the identity of the complainant may be evident due to the nature of the complaint or the identity of the complainant may need to be disclosed in order to enable the investigation to proceed. The complainant will be informed of these privacy issues in their acknowledgement letter.

Second-tier Complaints

Where complaints cannot be resolved at the first point of contact they will be escalated by the Business Support Co-ordinator to their Group Manager to investigate via the CRM system.

Should the processes undertaken by the Group Manager fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Group Manager will refer the complaint to the General Manager or Public Officer for further review if appropriate.

A “Six-Step Guide to Handling Complaints” is **ATTACHED** at ANNEXURE 1 and provides useful tips for staff when handling a complaint.

The majority of complaints can be dealt with speedily and simply. Where a more substantial inquiry is required, a “Guide to Investigating Complaints” is **ATTACHED** at ANNEXURE 2 and may be helpful for investigating officers to use.

Third-tier Complaints

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, Council will refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman’s Office, the Independent Commission Against Corruption or the Department of Local Government.

Complaints to Contractors

Contractors conducting works on behalf of Council are required to report to the Contract Administrator complaints received by them regarding any aspects of Council’s operations or their work. On request from the complainant, the contractor shall refer the complainant directly to the Contract Administrator to address issues pertaining to the complaint.

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Where a complaint is received and reported by a Council contractor, the Contract Administrator will investigate the complaint in the first instance. Should the processes undertaken by the Contract Administrator fail to resolve the complaint, the complaint will be referred to the appropriate Business Support Co-ordinator for further review and escalated, if appropriate.

Formal Complaints

The processes for managing these complaints are not addressed in this Policy, however, similar principles regarding protection of personal information, confidentiality and procedural fairness are required to be followed. See also Section 10.9.

10.5 Communication with Complainant

A Customer Service Officer will provide acknowledgement of receipt of the complaint to the complainant where a complainant has provided his/her name, address and contact details. Such acknowledgement will be in writing, based on the Standard Acknowledgement Letter template **ATTACHED - ANNEXURE 3** and will be recorded in the CRM.

The investigation officer will contact the complainant within five (5) working days of receipt of the complaint and ensure the complainant is kept informed of progress regarding investigation and resolution of the complaint.

The investigation officer will provide written or verbal advice to the complainant as to the outcome of investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise chances of the issue(s) underlying the complaint occurring again.

10.6 Confidentiality

Council will ensure that confidentiality is maintained in regard to complaints Received as outlined in Section 10.4. Staff receiving and recording "Formal Complaints" must ensure that all allegations contained therein are not discussed other than with the Public Officer or General Manager. Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation or retribution as a result of the complaint.

10.7 Alternative Dispute Resolution

Council may seek to use alternative dispute resolution methods to resolve the complaint in circumstances where the Public Officer or General Manager deems such a course of action appropriate.

¹Mediation is a widely recognised technique of resolving disputes and may be considered where:

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- the parties will have an ongoing relationship
- the dispute is long-standing or likely to escalate.
- alternative redress (e.g. investigation or litigation) is likely to be costly in time and resources
- public interest is served by having the dispute resolved promptly, efficiently and economically.

¹ *NSW Ombudsman - The Complaint Handler's Toolkit - Public Sector Mediation*

10.8 Options for Redress

There are a number of options for redress that the Council can consider in order to respond to a complainant who has been detrimentally affected by the actions of the Council.

These options are covered in detail in the NSW Ombudsman's The Complaint Handler's Tool Kit - Options for Redress available from the Public Officer. These options include:

- communication
- rectification
- mitigation
- satisfaction; and
- compensation

10.9 Formal Complaints of a Serious Nature

All Formal Complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests, or are of a Protected Disclosures nature, including complaints made verbally or anonymously, are to be referred immediately and directly to the Public Officer and/or General Manager.

Under Section 11 of the ICAC Act 1988, the General Manager must report to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

10.10 Complaints in Relation to Councillor and General Manager Conduct

All complaints alleging misconduct in relation to a Councillor must be reported in writing to the General Manager. A complaint alleging misconduct by the General Manager must be reported in writing to the Mayor.

The provisions contained in the Code of Conduct for Councillors and Staff will be applied to any subsequent investigation and findings. The complainant will be notified in writing of the outcome.

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10.11 Malicious, Frivolous and Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if, following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint.

A decision to take no further action on the complaint will be made by a member of staff at the level of Manager or higher and the complainant will be informed in writing that no evidence was found to support the allegations.

Council management may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Council's General Counsel will arrange for such legal advice. Where the complaints relate to a member(s) of staff, such legal advice will be made available to the affected staff member(s) on request.

The matter may also be referred to the Public Officer or General Manager. The Public Officer or General Manager will determine whether the complainant should be requested to apologise in writing to the employee or offer a full retraction.

Where the staff member believes that the nature of the complaint has impugned their professional or personal reputation, they must seek their own legal advice with respect to any intended actions in seeking damages for defamation.

Where complaints against an individual staff member cause distress to the staff member, the staff member will be supported via the Employee Assistance Program.

10.12 Persistent Complainants

From time to time, the Council will encounter complainants who are persistent and write again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

Under these circumstances details of the number and nature of the complaints will be provided to the Group Manager who will make a recommendation to the General Manager that further correspondence and/or telephone contact is to be restricted. The General Manager will consider all the facts and issues of the individual case prior to acting on any recommendation(s).

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If a decision is made to endorse the recommendation, the General Manager will write to the complainant explaining the Council's intention not to acknowledge or respond to further correspondence on the matter(s) unless new information is provided that the Council considers warrants action. The complainant will be advised that future written material will be filed.

With respect to telephone calls, the complainant may be told that their calls will only be taken during restricted times and then only by a specific person; or that no future phone calls will be accepted or interviews granted about the same matter.

10.13 Difficult Complainants

In cases where a complainant's behaviour is aggressive or threatening, e.g. the complainant:

- is consistently rude or abusive or makes threats to staff or third parties using Council services or on Council premises
- causes damage to Council property or threatens physical harm to staff or third parties

Details of the aggressive or threatening behaviour are to be provided to the Group Manager who will make a recommendation to the General Manager that access to the Council is to be restricted. The General Manager will consider all the facts and issues of each case and may notify the complainant that they are not permitted to enter Council buildings for a period of time, that no phone calls will be accepted and that they may only correspond with council in writing. The General Manager will notify the complainant in writing of the nature and duration of restrictions placed upon them.

All threats of violence will be reported to the NSW Police.

10.14 Reporting on Complaints

The Public Officer will report to Council, when considered appropriate, any details of complaints or Formal Complaints received.

11. EVALUATION AND REVIEW

The resolution of a complaint is to be viewed by staff as an opportunity to prevent a recurrence of any problem which was identified in the investigation. Where significant resources would be required to resolve a complaint or prevent a recurrence of the problem, the investigation officer is required to report the matter to the appropriate Manager for discussion with the Group Manager so that consideration can be given to resourcing the problem.

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The Public Officer will conduct a review of Council's complaint handling processes on a two-yearly basis to ensure that such processes are responsive to complainants and are appropriate in addressing issues underlying complaints received by Council.

12. RESOURCE IMPLICATIONS

All staff are required to comply with the provisions of this Policy.

The General Counsel is responsible for organising legal advice as required under this Policy.

13. AUTHORISATION

This Policy has been approved by the Executive Team on 23 July 2008.

14. OWNERSHIP

The Public Officer is responsible for implementing and reviewing this policy.

15. FURTHER INFORMATION

For further information on this Policy, the following staff should be contacted –

- Manager Councillor Services – 9952 8066
- Public Officer – 9952 8080

16. REFERENCES

- Ashfield Council – Complaints Handling Policy
- Lane Cove Council – Complaints Handling Guidelines
- Manly Council – Complaints Management Policy
- North Sydney Council – Complaints Handling Policy
- Practice Note No. 9 – Complaints Management in Council's – NSW Ombudsman

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ANNEXURE 1

SIX-STEP GUIDE TO HANDLING COMPLAINTS

Step 1

UNDERSTAND what the complainant wants. They want:

- To feel secure
- To be listened to (patiently)
- To be heard but not judged
- To have their point of view understood (for some complainants, this may involve acknowledgements that allow them to 'save face')
- To be treated with respect and courtesy, and as an individual
- To be provided with an explanation
- To be given an apology
- To have corrective action taken as soon as possible, and while action is taken, to be kept up to date
- To be treated fairly, and
- To make sure the problem never happens again

Step 2

TAKE RESPONSIBILITY (for this customer, I am the organisation). Don't pass the matter on to someone else or avoid dealing with the matter.

Step 3

SEPARATE THE PERSON FROM THE PROBLEM

In addition to the actual problem, there will usually be an emotional component to a complaint. It is your job to identify each and to separate them. Recognise that dissatisfaction caused through any of the reasons listed earlier will engender a variety of emotional responses. Such emotions are quite understandable. Show that you believe that they and their complaint are legitimate.

Step 4

DIFFUSE EMOTIONS

In order to deal with the substantial part of a complaint it is often necessary to diffuse the emotion involved. A most important aspect of this is ensuring the customer feels they have been heard.

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ANNEXURE 1

Step 5

ENCOURAGE ACCURATE AND USEFUL INFORMATION

You can obtain more accurate information when you encourage the customer to complain. Complaints must be encouraged in order to reduce them.

Methods to get better information:

- ***Open-ended question – getting them to open up***

Open-ended questions open up communication and prompt the customer to tell you about the problem. The questions are part of active listening.

Examples of open-ended questions are:

- *Tell me more about how you see this...*
- *How did it happen that...*
- *Help me understand the situation...*
- *Can you tell me more about it...*
- *What are the alternatives that could help you...*
- *What do you mean by...*
- *How can I help you do something about that...*
- *In what way is this important to you...*
- *What other possibilities are there for you...*
- *Tell me more about the steps leading up to this...*
- *Explain this to me again...*
- *Sorry, I am having some trouble understanding...*
- *What would you like to happen now...*

To ensure that you have the facts and that other information is accurate use closed questions to which the answer is “yes” or “no” or a fact.

Examples of closed questions are:

- *What is your name?*
- *On what date did the Council contact you?*
- *How often has this happened?*

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ANNEXURE 1

You can defuse emotions by using:

- ***Active Listening***

Active listening requires that as you listen to a complainant, you provide brief verbal and physical feedback to show you are listening. You must be able to summarise back to the speaker what they have just said.

- ***Reframing***

Reframing is that aspect of active listening that makes it “active”. Summarising back to the speaker what they have just said, but without adding or subtracting, without judging or blaming and without emotion that will establish empathy and ensure that you have been correctly understood.

Step 6

IDENTIFY A SOLUTION AND TAKE ACTION

This will often be the most difficult element of addressing a complaint. It is, however, the most rewarding. We should all aim to have people say “thank you”, no matter how unhappy they were when you first spoke to them.

- Once you have all the necessary information, you can diagnose the problem and decide on appropriate action. The cause of the problem is likely to be one which you will understand so ensure that your action at least addresses that cause.
- An apology and / or explanation is often the best start to a resolution.
- Explore solutions with the customer using your knowledge of Council to define what is appropriate and reasonable. What do they need?
- Often a customer may be concerned about a decision Council has made – such as refusing their DA / BA. In this circumstance you should seek to explain why Council made that decision and advise how they can seek a review. In the situation of a decision based on policy, the purpose of the policy should be explained as well as the advantages of Council making consistent decisions and thus treating all people the same.
- Discuss a timetable with the customer
- Take action

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ANNEXURE 2

GUIDE TO INVESTIGATING COMPLAINTS

The following points may be a helpful guide for officers who are required to undertake a more substantial inquiry of a complaint –

- Check if the resident has previously complained
- Contact the complainant to:
 - clarify the complaint
 - clarify the outcome sought
 - check whether they need support of any kind, whether they have poor sight, hearing, or a language difficulty, and what they need to understand the discussion properly
 - explain the investigation procedure
- Investigators need to brief themselves on the relevant legal and administrative background of the complaint
- Assess whether the complaints procedure is the most appropriate way of handling this complaint. If it is not, discuss some alternatives (such as appealing to tribunals, legal action or Police involvement) with the complainant
- Consider whether the complaint could be resolved without further investigation
- If the complaint is about proposed action by the Council, consider whether the action could be deferred while the complaint is investigated
- Obtain all relevant documents:
 - these may include files, log books and time sheets
 - get copies of all documents needed but the originals should be sighted
- Establish the relevant sequence of events from the files and also the names of officers or staff members most directly involved in the complaint
- Where the document trail alone does not enable resolution, identify the people with relevant knowledge that you need to speak to:
 - prepare a line of questioning for each person to be interviewed
 - use open, not leading, questions
 - don't express opinions either in words or by body language
 - ask single not multiple questions
- Arrange the order of interviews so that witnesses are interviewed first, and the officers most directly involved in the complaint are interviewed last
- Inform those to be interviewed that they can be accompanied by a person of their choice eg: a friend or union representative, provided the person is not in a supervisory position over the interviewee and explain the complaint clearly to them

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- Consider whether the investigator needs a witness for a particularly difficult interview
- Conduct interviews in an informal and relaxed manner wherever possible:
 - questions should be persisted with if necessary, even if this means asking the same question twice
 - notes should be made of each answer
- Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact
- At the end of the interview, summarise the main points covered by the interviewee and ask if he or she has anything to add
- If appropriate, a formal record of the interview should be made from the written notes as soon as possible after the interview while memory is fresh:
 - this should never be left longer than the next day
- Identify any facts or conflicts of evidence that need to be checked and validated
- Deal with conflicts of evidence by seeking corroborative evidence
- A report should be drafted, setting out the evidence obtained and conclusions:
 - if adverse comment is intended about any person, provide an opportunity for the person to comment on the draft report before finalizing it and making your recommendation
- Suggest a remedy for the complainant wherever possible

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ANNEXURE 3

STANDARD ACKNOWLEDGEMENT LETTER

<title> <full name>
 <postal address>
 <SUBURB STATE postcode>

<day month year>

Our ref: <CRM reference number>

Dear <title> < last name>

Complaint regarding <details>

I refer to your recent correspondence <telephone conversation> in relation to your complaint regarding <details>.

I wish to confirm that your complaint has been formally referred for investigation and has been assigned to the Business Support Co-ordinator - <Group>, <name> for investigation in accordance with the City of Ryde **Service** Complaints Handling Policy. You should receive contact from this officer within the next 5 working days. The Complaint Reference Number for your reference is <insert #>.

In accordance with the rules of procedural fairness, it will be necessary for the investigating officer to establish further facts from either you or from the officer/s who may be the subject of the complaint. At this stage the officer/s involved have not been informed of this matter and are not aware of your identity. At no stage during the investigation will it be our intention to make your identity known to the officer/s of Council, however, your identity may become apparent due to the circumstances of the complaint or it may be necessary to disclose your identity if it is required to progress the investigation. If you have any concerns about your personal details being disclosed please contact the **Business Support Co-ordinator** on 9952 **8XXX** within 3 days of the date of this letter. If we do not hear from you by this time it will be assumed you have no objection to your identity being disclosed, if required.

If you have any further enquiries about the investigation process, please contact <Business Support Co-ordinator> on 9952-XXXX.

Yours sincerely

<title> <full name>
 Customer Service Officer