



City of Ryde

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Customer Feedback Procedures

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0.1	12 August 2010	Customer Service	Initial Creation of Document Endorsed by Council
1.0	9 March 2011	Customer Service	Implementation date
2.0	23 April 2021	Communications and Engagement	Document transitioned to new template, revised for plain English and made consistent with current best practices for policies. Policy removed and placed in their own document.

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1. Related Policy

This procedure relates to the Customer Feedback Policy pertaining to the recording, handling and reporting of service and formal complaints.

2. Procedure

This procedure aims to assist staff in resolving, conciliating, and investigating complaints of varying complexity. It also aims to identify performance standards that will be measured and reviewed to help improve Council customer services.

In addition, this procedure aims to ensure that members of the public can be confident that their complaints will be fully assessed internally and where it cannot be resolved, will be referred to an external independent body for assessment and resolution.

Definitions

Competitive Neutrality	The principle that Council businesses should not operate with any unfair competitive advantage.
Complaint	An expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers.
Corrupt Conduct	Deliberate or intentional wrong doing, not negligence or a mistake. It has to involve or affect a NSW Public official or public sector organisation.
Council	The City of Ryde
Grievance	An expression of dissatisfaction by a Council employee, about the way they have been treated by another member of staff (including a supervisor).
Maladministration	Conduct that involves action or inaction of a serious nature that is contrary to the law, unreasonable, unjust, oppressive, improperly discriminatory or based wholly or partly on improper motives.
Protected disclosure	An allegation of corrupt conduct, maladministration, or serious and substantial waste for which protection may be given under the Protected Disclosures Act.
Reportable allegation	Inappropriate behaviour that is detrimental to a child or young person. The victim of the inappropriate behaviour must be aged less than 18 years at the time of the incident.

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Only a reportable allegation in relation to a member of staff constitutes a complaint under this policy.

Reportable conduct Assault, ill treatment or neglect, or exposing or subjecting a minor to behaviour that psychologically harms the child. Only reportable conduct in relation to a member of staff constitutes a complaint under this policy.

Request A request for the provision of services (including the provision of information), a report about damaged or faulty infrastructure, or a report requiring action by Council's Compliance section eg. noise, pollution, dogs, food premises etc. A report of a child at risk, a reportable allegation or of reportable conduct under child protection legislation that is not related to the services that Council provides constitutes a request by virtue of the obligations on Council staff as mandatory reporters.

Serious or substantial waste The uneconomical, inefficient or ineffective use of resources, authorised or unauthorised which results in a loss/wastage of public funds/resources.

Complaints

a) What are complaints?

A complaint is an expression of dissatisfaction with Council's level and quality of service, employee conduct, or the application of policies and procedures affecting an individual customer or group of customers. Complaints can be made by letter, fax or email, verbally (in person or over the telephone) or via Councillor requests and no distinction will be made in the treatment of complaints based on the method in which they are submitted.

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;
- A refusal or desire not to follow an existing documented appeal process;
- 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 customer states that they are "making a complaint about something" it is often not a "complaint" but a request for action or help. There is a need to clarify each matter and determine if it falls within the above definition.

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

- Decisions made by the elected Council;
- Appeals against fines issued by Council officers;
- Internal staff complaints which will follow the normal grievance procedures as defined in the Local Government State Award;
- Complaints about third parties (e.g. a neighbour dispute);
- Complaints relating to Development Applications;

Categories of Complaints

a) Service complaints

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

Examples of service complaints include but are not limited to:

- 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, contractor, consultant or volunteer of Council.

b) Formal complaints

A formal complaint is any complaint that alleges serious wrongdoing by an individual or a group within council.

Examples of formal complaints include but are not limited to:

- Maladministration;
- Serious and substantial waste of public money;
- Corrupt conduct;
- Pecuniary interests;
- Possible breaches of Council's Code of Conduct.

c) Anonymous Complaints

Sometimes people are more comfortable making an anonymous complaint as confidentiality is guaranteed. Council will do its best to review anonymous complaints. However, it can be very difficult to resolve these issues, or enforce legislation, without the ability to thoroughly investigate and gather evidence and witness information.

Where inadequate/insufficient information is provided to investigate a matter, a review will not be conducted.

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Action is taken on anonymous complaints as far as it is possible to do so without being able to consult with the complainant. If there is sufficient information in the complaint, a review will be conducted.

All personal and health information collected by the City in connection with a complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the complaint.

d) Complaints covered by other policies

In addition, there are some complaints that may need to be dealt with and resolved, that are covered under separate policies or legislation.

If at any point in the management or investigation of a complaint it becomes apparent that the complaint involves any of the following issues then the procedures for the management of that type of issue will supersede standard procedures for complaint handling.

- Public Interest Disclosures (PID)

Complaints made under the Protected Disclosures Act are to be handled in accordance with Council's Public Interest Disclosure Internal Reporting - Council Policy.

- Complaints concerning Councillors

Complaints concerning Councillors, including allegations in relation to the Code of Conduct, are to be referred to the General Manager and dealt with in accordance with the provisions of Council's Code of Conduct.

- Allegations under the Child Protection legislation

Complaints relating to Child Protection are to be referred to Council's Child Protection Officer and managed in accordance with the relevant Policy.

- Competitive Neutrality Complaints

Complaints are to be referred to the Chief Financial Officer. Any complaints are required to be reported in Council's Annual report.

- Allegations of breaches of the Trade Practices Act

Complaints relating to breaches of the Trade Practices Act are to be referred to the Manager, Risk and Audit.

- Privacy and Personal Information Protection Act

Complaints relating to privacy and breaches of the Privacy and Personal Information Protection Act are to be referred to the General Counsel.

- Breaches of the Code of Conduct by Council Staff

Complaints that entail, or are substantially based on, an allegation of a breach of the Code of Conduct by a Council staff member, will be managed in accordance with the procedures outlined in this document. At the conclusion of the complaint investigation, the Coordinator Feedback and Business Improvement will review the alleged breach and provide a report to the Director/ Manager and notify the General Manager. The Director/ Manager must determine

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whether the complaint constitutes a breach of Council’s adopted Code of Conduct and if so, what subsequent course of action is to be taken.

Staff responsibilities

All staff are responsible for:

- Assisting complainants as much and as quickly as they can;
- Clarifying and confirming the details of the complaint;
- Registering all ‘expressions of dissatisfaction’, disputes or complaints with the Feedback and Business Improvement Coordinator;
- Attempting to resolve complaints unless it is of a serious nature;
- Acting to resolve the complaint where possible including apologising where appropriate;
- Advising the complainant of complaint resolution procedures and escalating complaints appropriately.

The *Manager Communication and Engagement* is responsible for:

- The review of this policy;
- The Manager Communication and Engagement will arrange the provision of training and support to staff in the implementation of this policy, particularly the Investigating Officer.

Directors are responsible for:

- Accepting and responding to any complaints that are referred to them in an appropriate and timely manner;
- Ensuring they reinforce compliance by Managers with the complaint management process;
- Identifying any improvements or changes that may be needed to improve customer service.

Managers/supervisors are responsible for:

- Accepting and responding to any complaints that are referred to them in an appropriate and timely manner;
- Ensuring they reinforce compliance by Managers with the complaint management process;
- Identifying any improvements or changes that may be needed to improve customer service;
- Recording and updating actions on complaints.

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Feedback and Business Improvement Coordinator will coordinate:

- Investigation of complaints by the responsible Director/Manager in accordance with the process set out in this procedure;
- Advising the complainant of the expected timeframe to address the complaint and agree on when the next update will be provided in relation to the complainant;
- Reporting of findings and provide recommendations regarding complaints;
- Maintaining data in relation to complaints and reporting this information to the Executive Team (number of complaints, details of resolutions and highlighting any patterns or trends);
- Communication with the complainant in cases where complaints are referred to an external body or agency in conjunction with the Manager Risk and Audit;
- Provision of feedback to the General Manager, Director and relevant Service Unit Managers as well as the complainant on the outcome of any external investigation;
- The facilitation of training staff in complaint handling as part of their induction as well as a component of their regular learning and development. The Feedback and Business Improvement Coordinator will also ensure our Managers are trained to analyse and respond to complaint types to promote a culture of continuous improvement;
- Implementation of Council’s Managing Unreasonable Customer Conduct Policy.

Mayor is responsible for

- Receiving and appropriately forwarding complaints about the General Manager.

General Manager is responsible for

- Receiving and appropriately forwarding complaints about the Mayor, Senior Staff and Councillors.

The Three Tier Structure – Handling Complaints

Customers have the right to complain. Where possible, Council will invite and encourage feedback on all services and information provided. That feedback can be provided in a variety of forms such as verbally, fax, mail, email or survey. Where required, customers will be provided assistance to lodge complaints.

Below is information regarding the three tier structure for service and formal complaints.

a) Tier One Complaints - Frontline complaint handling.

All Council staff will, within the scope of their role, endeavour to resolve issues which are the subject of complaints at the first point of contact. This would normally involve verbal discussions between the complainant and the staff member and agreed resolutions between all parties. On occasion the staff member receiving the complaint may need to involve or

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consult with an immediate supervisor or another staff member in order to resolve the complaint. Details of all complaints that are resolved at this level must be provided to the Feedback and Business Improvement Coordinator for record and analysis purposes.

The Coordinator Feedback and Business Improvement will ensure that staff are aware of methods to record complaints, including detailing the outcome in Council's Record Management System or Customer Request Management System. The integrity and accuracy of the data we keep is crucial to the effectiveness of our work and our ability to monitor our performance.

In some cases staff will not be able to resolve the complaint at this level, in these cases the complaint should be escalated to the Feedback and Business Improvement Coordinator for review as a Tier Two complaint.

Examples of situations which might classify a complaint as Tier Two:

- The nature of the complaint necessitates a semi-formal enquiry;
- The complexity of the matter precludes it from being resolved without a more substantial enquiry;
- The complaint involves an allegation of deliberate wrongdoing;
- Questions of precedent for the Council may be involved;
- Significant disciplinary action is a possible outcome; or,
- The complaint is identified as a formal complaint.

All complaints that identify a particular member of staff by name will be escalated to the Feedback and Business Improvement Coordinator for classification and appropriate referral.

In all cases where the complaint is escalated as a Tier Two complaint, the complainant should be told that this is the case.

b) Tier Two Complaints - Internal review or investigation

Where complaints cannot be resolved at the first point of contact they will be referred to the Feedback and Business Improvement Coordinator for review as a Tier Two complaint. In these cases the Feedback and Business Improvement Coordinator will record the complaint, refer it to the appropriate Manager/Director and contact the Complainant to inform them of how their complaint will be investigated. The level of investigation that will be undertaken will depend on the seriousness of the complaint and the resources available to undertake the investigation.

Tier Two complaints will be referred to the appropriate Director. Where the complaint relates to the conduct of a staff member to whom the complaint would normally be referred it should be redirected to their supervisor.

The Manager to whom the complaint is referred will appoint an investigation officer who will formulate an investigation plan and carry out the investigation (the process for investigating complaints is set out below under Investigating Complaints).

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At the end of the investigation, the investigation officer will provide a report to the relevant Manager/Director and to the Feedback and Business Improvement Coordinator. The report will examine the issues and outline the actions taken including the outcomes of the complaint and any recommendations for systemic improvement or policy review.

The Feedback and Business Improvement Coordinator will inform the Complainant of the outcome of the investigation and any actions that will be undertaken in response to the complaint. Whilst it is understood that Complainants may not always be happy with the outcome, the Feedback and Business Improvement Coordinator will obtain feedback to ensure that the Complainant is satisfied with the process, if not the outcome.

In cases where the Complainant is not satisfied, they will be informed of their rights to refer their complaints to external sources of review.

Council will not refer a complaint to an external agency unless:

- There is a compelling reason to believe that an internal investigation is not capable of providing a fair and equitable resolution; or,
- There is an obligation to refer the matter to an external agency.

Decisions to refer a complaint to an external agency require the approval of the General Manager on advice from a Director, General Counsel or the Manager Risk and Audit.

c) Tier Three Complaints - Independent review.

In circumstances where a complaint cannot be resolved through these internal processes 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, the Division of Local Government or an independent investigating group or individual.

For all Tier 3 complaints and where the complaint is one of a more serious nature involving allegations of maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interests it will be referred to the Manager Risk and Audit or General Counsel in consultation with the General Manager to appoint an external reviewer.

The Manager Risk and Audit, with support from the General Counsel as required, will manage and monitor the outsourcing of these complaints and provide fortnightly reports to the General Manager regarding their progress

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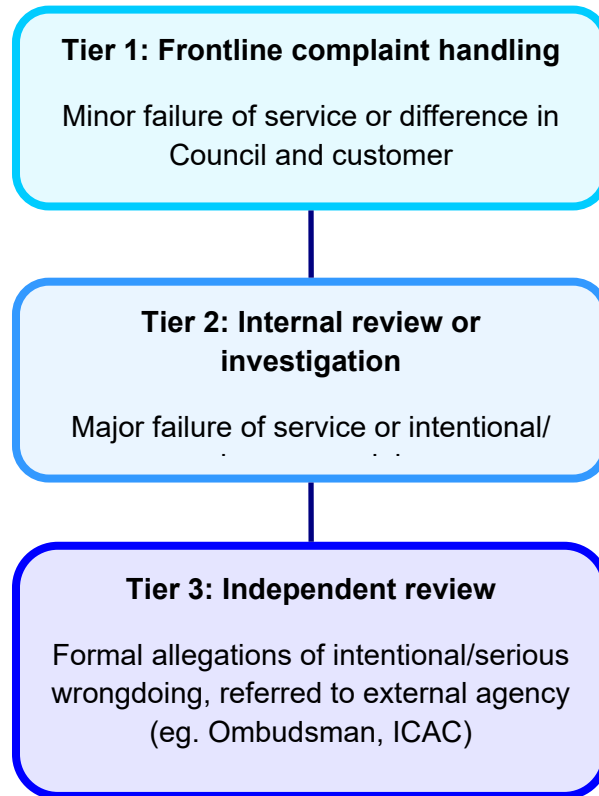
Three Tier Model:

The customer wants:

- a user friendly complaints system
- to be heard
- to be understood
- to be respected
- an explanation
- an apology
- efficient action

Council needs:

- a user friendly system for accepting customer feedback;
- clear delegations and procedures for staff to deal with complaints and provide remedies;
- clear internal and external referral procedures if complaint is not resolved at frontline;
- recording system to capture complaint feedback;
- performance standards including timeframes for response and quality response;
- to systematically review complaint data to identify problem areas and analyse trends;
- to act to improve service deliver in identified areas.



Recording, monitoring and reporting on complaints

Any staff member that is receiving a complaint or dealing with a complainant should keep records of these interactions. The following information will be recorded, as a minimum, for all complaints:

- The nature of the complaint (including classification)
- The form of the complaint (eg: phone, email)
- The address or location to which the complaint relates
- Conduct, services or practices identified in the complaint
- Suggested improvements/changes
- Where the complaint is about an individual – the name of that individual
- Group and Unit
- Action taken
- Total response time

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All Staff are responsible for ensuring that complaints received by them are recorded in Council's Record Management System or Customer Request Management System and are updated to reflect any changes in circumstances or new developments that they become aware of. The keeping of accurate records on complaints will assist us in responding promptly and accurately to complainants.

Accurate records will also allow us to analyse and report trends. Specifically, we will be looking to see whether issues are systemic or recurring to allow us to improve our processes and reduce future complaints. Collection of data regarding analysis of complaints will guide future business improvement. Recurring or system wide problems will be identified and the action or service that has been the source of the complaints can be addressed. This may be through the use of corrective or preventative actions and innovative improvements.

The Feedback and Business Improvement Coordinator will follow up on all investigated complaints for quality assurance. This will involve contacting the complainant following the resolution or closure of the complaint to obtain feedback regarding the process and to ensure the complainant is satisfied with the process, if not the outcome.

A report will be generated by the Feedback and Business Improvement Coordinator on a quarterly basis and referred to the Executive Team for information. The report will include complaint classification by Tier, Unit, and Group and will also include complaint resolution timeframes, in addition to process improvement recommendations.

In addition, a register of all complaints will be held by the Feedback and Business Improvement Coordinator, including complaints covered by other policies (see below). All complaints not covered under this policy are the responsibility of the relevant Director/ Manager in accordance with the structure set out in this procedure, as defined under 'Categories of Complaints' (section d - complaints covered by other policies). It is the responsibility of the relevant Director/ Manager to provide report data to the Feedback and Business Improvement Coordinator on a quarterly basis for the purpose of this register.

A statement regarding Council's performance in relation to handling complaints will be included in the Annual Report. This will include the total number of complaints received and the percentage classified as formal complaints.

Classification

No.	Area	Referred for more information/assistance to:
1	Policies and Procedure	Coordinator Feedback and Business Improvement
2	Quality of Service	Coordinator Feedback and Business Improvement
3	Staff Conduct	Human Resources Manager
4	Public Interest Disclosures (PID)	Public Interest Disclosure Coordinator

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5	Child Protection	Child Protection Disclosure Coordinator
6	Privacy	Privacy Contact Officer
7	Competitive Neutrality	National Competition Policy Complaints Handling Officer
8	Trade Practices	Manager Risk and Audit
9	Government Information Public Access (GIPA)	Right to Information Officer
10	Fraud and Corruption Prevention	Fraud and Corruption Prevention Officer
11	Mayor and Councillor Conduct	General Manager
12	General Manager Conduct	Mayor

Service Standard

Complaints will be dealt with quickly, courteously, fairly and within established timelines.

Complainants will be advised of how long it will take to deal with their complaint in accordance with the complaint handling timelines and will be kept informed of the progress. If additional time is required to resolve the issues the complainant will be kept informed by the Feedback and Business Improvement Coordinator and advised of the additional time required and the reasons for the delay.

The City of Ryde delivers a wide range of services and products and consequently the type of complaints we receive also varies widely. Many complaints can be resolved quickly and easily. Other complaints will have complex issues which require further investigation.

a) Acknowledgement

All complaints will be acknowledged in writing within 5 working days.

Acknowledgements for Tier 2 and 3 Complaints will detail:

- the name and contact number of the Coordinator Feedback and Business Improvement
- the estimated length of time it may take to resolve the complaint
- a unique reference number for the complaint.

b) Response

Staff will aim to complete and respond to:

- all Tier 1 Complaints within 5 business days
- all Tier 2 and 3 Complaints within 21 days (15 business days)

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Where this is not possible, the Coordinator Feedback and Business Improvement will advise the complainant of the following within 21 days:

- the estimated length of time it may take to resolve the complaint
- a timeframe for when they can expect a further update.

c) Update

The Coordinator Feedback and Business Improvement will advise the complainant of the expected timeframe to address the complaint and agree on when the next update will be provided in relation to the complainant.

Investigating Complaints

The investigator is responsible for ascertaining all relevant facts pertaining to a complaint. At the conclusion of the fact-finding exercise, the investigator must report his or her findings and, if appropriate, make relevant recommendations. This task must be conducted in an impartial, independent and objective manner.

The investigator (nominated by the Director), should not be conducted by anyone with direct involvement with the person or matter the subject of the complaint. The investigator will prepare an investigation plan that will form the basis of a report. The investigation plan will:

- Summarise the information provided about the complaint so as to make clear what exactly has been complained about;
- Consider the purpose of, or what is hoped to be achieved by, investigating the complaint;
- Identify, as far as possible, the information that needs to be gathered in order to achieve the objectives of the investigation;
- Determine the action that needs to be taken to gather this information, and determine a timeframe for these tasks. In particular, identify whether any of the information requires specific skills to access and/or interpret (technical);
- Consider conciliation, mediation or further direct negotiations to remedy the complaint.
- Anticipate possible problems and plan for them. In particular, identify whether all of the information can be obtained; and
- Prioritise tasks according to their urgency and the resources necessary to achieve them.
- Identify any possible budget impact

Investigators must abide any confidentiality requirements applying to the investigation, including impressing upon all witnesses their obligation to keep details of the investigation confidential.

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Due process must be observed in every investigation, ensuring adherence to procedural fairness (natural justice) requirements. Procedural fairness ensures that decision making is fair and reasonable and include giving a fair hearing, not being biased and acting on the basis of logically probative evidence.

During interviews, the subject of the investigation and witnesses are permitted the presence of a third party. Having a person of their choice present can make the subject/ witness feel more comfortable and this will make the interview easier to conduct. The investigator must make sure that any third party permitted to be present understands they are an observer and may not take part in the discussion or interview, is not a potential witness, has not agreed to assist any other witnesses to the investigation, and undertakes to respect the confidentiality of the issues discussed in the interview.

a) Investigation Report

At the end of the investigation, the investigator will provide a report to the relevant Director/General Manager and to the Feedback and Business Improvement Coordinator. The report will examine the issues and outline the actions taken including the outcomes of the complaint and any recommendations for systemic improvement or policy review.

The recommended action should focus on options to resolve the complaint and, if relevant, to avoid a recurrence of similar problems. The action may include changes in policies or procedures, provision of staff training or redress.

Where there is clear evidence that a complainant's conduct is unreasonable and staff have made all reasonable attempts to resolve it, it may be appropriate to advise the complainant in writing that Council will not be pursuing the matter further unless new information is provided.

b) Results of investigation – communication to complainant

In order to finalise the complaint the complainant will be advised in writing by the Feedback and Business Improvement Coordinator of the actions that will be taken in response to the complaint and the results of the investigation.

Redress will be provided for justified complaints.

There are a number of options for redress that the Council will consider in response to a complainant who has been detrimentally affected by the actions of the Council. Where possible and appropriate, we will attempt to put the complainant back in the position they would have been in had things not gone wrong. This could include providing the desired service or changing a decision.

Further guidelines in relation to remedies are set out in *The Complaint Handler's Tool Kit, Options for Redress* from the NSW Ombudsman.

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c) Independent External review

If a matter remains unresolved or the complainant is dissatisfied with the way a complaint has been handled, they should be advised of their rights to:

- Approach another agency to seek resolution
- Alternative dispute resolution
- Appeal procedures or other legal remedies

In general the appropriate agency to contact would be:-

- ICAC for concerns related to corruption
- NSW Ombudsman for issues related to Child Protection, Protected Disclosures or procedural fairness
- Privacy NSW for complaints relating to privacy; and
- Department of Local Government for dissatisfaction with the outcome of a general complaint.

There are overlaps between the services these agencies offer and sometimes it is appropriate to contact more than one.

Council will only refer a complaint to an outside/independent agency with the approval of the General Manager. Recommending referral to another agency is only useful as a last resort where a complainant remains dissatisfied in spite of efforts made to resolve the situation. It is important to understand that these agencies generally refer the matter back to Council so it will not mean that the problem is “taken off our hands”.

External Agencies

NSW Ombudsman

Level 24,580 George Street, SYDNEY NSW 2000

Phone: 02 9286 1000 or 1800 451 524

Fax: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

NSW Division of Local Government

Locked Bag 3015, NOWRA NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

Email: dlg@dlg.nsw.gov.au

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The Independent Commission Against Corruption

GPO Box 500, SYDNEY NSW 2001
Phone: 02 8281 5999 or 1800 463 909
Fax: 02 9264 5364
Email: icac@icac.nsw.gov.au

NSW Privacy Commissioner

GPO Box 7011, SYDNEY NSW 2001
Phone: 02 8019 1600
Fax: 02 8114 3755
Email: privacyinfo@privacy.nsw.gov.au

Councils' Statutory Obligations to Provide Access

Councils have specific statutory obligations to provide access, these obligations include:

a) The right to access Council information

Members of the public have the right to access certain information held by the City of Ryde as identified in the Government Information (Public Access) Act 2009. Councils are also required to allow members of the public to access other information unless satisfied that allowing access would be contrary to the public interest or breach other statutory obligations.

b) The right to attend Council meetings

Members of the public have a right under section 10 of the Local Government Act to attend Council meetings and Committee meetings where all committee members are Councillors (unless the meeting has been closed to the public under section 10A). The right of members of the public to attend Council meetings does not confer a right to address the meeting; however, Council allows public participation in certain Council meetings and has rules that guide the exercise of this discretion.

Relevant Legislation

- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Health Records Information Privacy Act 2002
- Independent Commission Against Corruption Act 1988
- Government Information (Public Access) Act 2009
- Public Interest Disclosure Act 2010
- Ombudsman Act 1974

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