



Compliments and Complaints Policy

1. INTRODUCTION

The South Wairarapa District Council recognises the importance of customer feedback about its services. Council welcomes this feedback and is committed to using the information it receives to help further drive improvements to its service delivery.

This policy outlines the aims of Council in dealing with customer feedback and sets out what customers can expect when contributing feedback regarding Council services or staff.

This policy and the procedures contained within apply to services that Council provides both directly and indirectly, for example where the service is provided through an outside contractor.

2. PURPOSE OF POLICY

- 2.1** To provide all staff with a consistent definition and approach to dealing with requests for service (RFS), queries, compliments and complaints.
- 2.2** To ensure all customers of Council are confident that their RFS, compliment or complaint will be handled efficiently, impartially and that they are aware of their right to express their opinion of Council services.
- 2.3** To improve the quality of Council services by providing a reliable system of performance measurement and continuous improvement.
- 2.4** To improve Council's relationship with our customers.
- 2.5** To provide elected representatives with confidence that complaints will be responded to and that problems raised by customer are addressed.

3. Definitions

Council welcomes feedback, and in many cases the voice of the community is crucial to identifying problems.

Council have analysed the feedback received by Council and have identified three general types of feedback as detailed below:

3.1 Request for Service (RFS): a RFS is defined as a contact with Council that results in the generation of an instruction for work and one that a customer does not intend it to be an expression of complaint or grievance, or compliment. A RFS will be processed using the existing Customer Service System.

3.2 Complaint: a complaint is defined as feedback that includes an expression of dissatisfaction and which requires a response or resolution.

A complaint may be about any matter including the following:

- delays
- a lack of response
- discourtesy, rudeness or uncooperativeness
- a failure to consult
- the standard of service received
- costs or charges
- the quality of a repair

All written letters of complaint (expressing any form of dissatisfaction) will be referred in the first instance to the Chief Executive (see Section 6).

Sometimes there are reasons why Council is unable to deal with certain complaints under this policy. See Section 9 for further information.

3.3 Compliment: A compliment is defined as feedback that includes an expression of satisfaction.

4. RECEIVING FEEDBACK

RFS complaints and compliments may be made either in person at any Council Office, by telephone, fax, email or using Council's online feedback form on the Council website.

Requests for service, compliments and complaints will be logged into SWDC Customer Request System

Some basic information is required from the customer. This includes a name, address, and contact telephone number, details of the issue or problem concerned and its location if appropriate.

To ensure the best outcome and response to their feedback, each customer should:

- keep their complaint brief
- explain their problem calmly and clearly
- avoid being angry or threatening
- make sure they give their full contact details
- keep a record of their efforts to resolve their problem
- supply copies, not originals, if sending a written complaint
- keep a note of important dates, discussions, what was agreed to, and the next steps
- be prepared for some negotiation before their problem is resolved.

Frontline staff must forward the feedback to the appropriate staff member and the staff member must inform the citizen of the relevant response time for resolution of the RFS or complaint.

4.1 Anonymous Complaints

Where callers refuse to leave their contact details, or are otherwise unable to be identified, their feedback will still be received and actioned but the outcome cannot be reported back to the complainant. Council views anonymous complaints as a valid means of identifying opportunities for improvement.

5. RESPONSE TIMES

5.1 Request for Service (RFS)

The timeframe for the resolution of a request for service will differ according to the type of request. These timeframes are specified in Appendix Two of the policy.

5.2 Complaint

The receipt of complaints will be acknowledged within three (3) working days. The timeframe for responding to a complaint is ten (10) working days.

5.3 Compliments

The receipt of compliments will be acknowledged within three (3) working days. No further action is required.

6. COMPLAINTS PROCEDURE

All queries, RFS, complaints and compliments will be directed to the relevant Officer/manager(s) or those with designated responsibility to receive them.

The staff member who receives the contact will determine what type of feedback is being received. If the contact is determined to be a complaint using the definitions provided above, the following process will be followed.

All complaints must be either escalated or delegated in the first instance to the appropriate Group Manager.

NB: The Group Manager in receipt of any complaint must continue to own it until it is resolved - even if it is escalated or delegated - which means that they must always follow-up and check on progress and resolution.

The Group Manager will acknowledge receipt of the complaint within three (3) working days.

This acknowledgement to the customer will contain as a minimum the following information:

1. How long before a reply will be given.
2. The contact details of the officer/manager dealing with the complaint.

The Group Manager will then investigate the complaint and reply to the customer within ten (10) working days from the date of receipt. If unable to reply within the agreed ten (10) days, i.e. for very complex matters, the citizen will be informed, and the appropriate timescales for reply set out.

6.1 Written Complaints

Written complaints will be referred in the first instance to the Chief Executive who will acknowledge receipt within three (3) working days. The Chief Executive may delegate the investigation to the appropriate Group Manager or officer, but will retain ownership of the complaint. A full response in writing from the Chief Executive is to be provided within ten (10) working days.

7. REPORTING AND CONTINUOUS IMPROVEMENT

Council will use RFS and complaints received as a method of monitoring performance and improving our services. Council will be monitoring all RFS compliments and complaints received. By analysing complaints Council aims to highlight specific areas of Council service provision where improvement is needed.

The CEO will advise the Chair of the Audit and Risk working party of any complaints that may impact on the reputation of Council and represent a significant risk. The CEO and the Chair of the Audit and Risk working party will decide when it is appropriate for a complaint to be advised to the working party.

8. MISCONDUCT BY COUNCIL STAFF OR ELECTED MEMBERS

Any complaints relating to the misconduct of staff may be investigated using Council's Human Resources Procedures. If this is the case, the Chief Executive is not obliged to share the outcome of the investigation with the customer in view of Council's obligations to maintain confidentiality.

Any complaints relating to the misconduct of elected members may be dealt with under the Code of Conduct.

9. SPECIAL CASES

Council intends, where possible, to allow a complaint to be dealt with under this policy. Sometimes Council cannot or is not allowed to do so. These exceptions relate to some statutory and legal limitations such as:

- an Environment Court appeal against refusal of planning permission
- other cases where there is a separate right of appeal (e.g. disputes over parking tickets and resource consents)
- a request received from the Office of the Ombudsman
- a complaint where the citizen or Council has commenced legal proceedings or has taken court action (but not cases where a citizen has simply threatened to start legal proceedings against Council)
- a complaint that has already been heard by a court or tribunal
- a staff complaint about a personnel matter, including appointments, dismissals, pay, pensions and discipline (but not from staff as service users)
- a complaint about the issue of an infringement notice (except administrative issues) and the recovery process thereafter
- where special procedures apply by law (e.g. release of Official Information)

Please note this list is not exhaustive.

10. FURTHER REMEDIES - INTERNAL

If the customer is unhappy with the outcome of their complaint or the way in which the complaint has been investigated, there are other avenues available. Within Council, a customer may apply for review by the Chief Executive, and if necessary then review by Council (elected members) as detailed below:

10.1 Chief Executive Review

If the customer is unhappy with the response that has been provided under the policy described in Section 6, they may ask Council's Chief Executive to review the action taken in respect of their complaint.

On receipt of a request for a review, the Chief Executive will acknowledge the complaint within three (3) working days. A full response within ten (10) working days, although if the matter is complex e.g. interviews/site visits need to be undertaken, this may be extended after consultation with the citizen.

The Chief Executive will inform the citizen of the result of his review together with any further action that the citizen might be able to take in respect of their complaint.

10.2 Council Review

Customers that are unhappy with the outcome of complaints managed by staff may wish to apply for Council review. This review will take place at the next appropriate meeting of Council, the date and time of which will be communicated directly to the customer. Please note that depending on the nature of the complaint, the matter may be discussed in a public excluded session.

11. FURTHER REMEDIES - EXTERNAL

If the citizen is still unhappy with the outcome of their complaint or the way their complaint has been investigated within Council, there are numerous external opportunities to take the matter further. Attached in Appendix One of this policy are a number of ways of taking a complaint further. Please note these may be specific to particular issues and this list is not exhaustive.

APPENDIX ONE

A1.1 OMBUDSMAN

The Office of the Ombudsman may be able to help customers who think they have been treated unfairly by Council. The Ombudsman normally require complainants to have tried to resolve the matter with Council prior to requesting an Ombudsman investigation or review.

The Office of the Ombudsman investigate complaints from individuals and organisations about administrative acts and decisions of central, regional and local government agencies. The Office of the Ombudsman also review decisions where a government agency has declined to release official information which they hold.

To make a complaint, customer should write a letter stating:

- what they think has been done wrong or incorrectly
- what has happened to them as a result
- what they think should be done to fix it
- the name of the department or organisation concerned
- their name and address

To contact the Office of the Ombudsman:

Telephone: 0800 802 602

Mail: PO Box 10152

The Terrace

WELLINGTON 6143

Email: info@ombudsman.parliament.nz

Website: <http://www.ombudsman.parliament.nz>

Council welcomes helpful criticism by the Office of the Ombudsman and Council will endeavour to respond to Ombudsman enquiries within ten (10) working days

A1.2 THE Ministry of Business, Innovation and Employment (BUILDING PERFORMANCE)

The MBIE is the New Zealand Crown agency that manages the building control system. One of the functions of the Ministry of Business, Innovation and Employment is to determine certain matters of doubt or dispute in relation to building control.

Such matters might include Council's decision in relation to the issuing, refusal or amendment of a building consent, notice to rectify, code compliance certificate or compliance schedule or Council's granting or refusal of any waiver or modification.

A 'determination' is a binding decision on technical matters of doubt or dispute about compliance with the New Zealand Building Code made by the MBIE. An application for a determination can be made only by one of the parties concerned.

To contact the Ministry of Business, Innovation and Employment:

Telephone: 0800 242 243
Mail: PO Box 20-729
WELLINGTON 6143
Email: info@mbie.govt.nz
Website: <https://www.mbie.govt.nz>

A1.3 OFFICE OF THE AUDITOR GENERAL

The Auditor-General has responsibilities under the Local Authorities (Members' Interests) Act 1968, which applies to local authorities. The Act regulates financial dealings between members and their authority and precludes members from participating at meetings in matters in which they have a pecuniary interest.

Under the Public Audit Act 2001, the Auditor-General can carry out inquiries (either on request or on the Auditor-General's own initiative) into any matter concerning a public entity's use of its resources.

In general, an inquiry can involve looking into a matter of concern raised with the Auditor-General by a member of the public, a Member of Parliament, or another organisation about a financial, accountability, or governance issue in a public entity. In conducting an inquiry it is not the Auditor-General's role to question the applicable local authority policy.

To contact the Office of the Auditor General:

Telephone: 04 917 1500
Mail: Private Box 3928
WELLINGTON 6140
Email: enquiry@oag.govt.nz
Website: www.oag.govt.nz

A1.4 Environment Court

The Environment Court of New Zealand, formerly called the Planning Tribunal, is constituted by the Resource Management Amendment Act 1996. The Court is not bound by the rules of evidence and the proceedings are often less formal than the general courts. Most of the Court's work involves public interest questions.

The Environment Court covers the following jurisdictions:

- Resource Management Act 1991 - the contents of regional and district statements and plans and appeals arising out of applications for resource consent.
- Public Works Act 1981 - objections to compulsory taking of land.
- Historic Places Act - Appeals about archaeological sites.
- Local Government Act 1974 - Objections to road stopping proposals.
- Land Transport Management Act 2003 - Objections regarding access to limited access roads.
- Heritage New Zealand Pouhere Taonga Act 2014
- Forests Act 1949
- Transit NZ Act 1989
- Electricity Act 1992
- Crown Minerals Act 1991
- Biosecurity Act 1993

To contact the Environment Court:

Telephone: 04 918 8300

Mail: Wellington Registry
PO Box 5027
Lambton Quay

WELLINGTON 6145

Email: EnvironmentCourt@justice.govt.nz

Website: www.environmentcourt.govt.nz

A1.5 OFFICE OF THE PRIVACY COMMISSIONER

If a citizen believes Council has caused them some harm by releasing information about them without their permission, they can complain to the Office of the Privacy Commissioner. A complaint needs to be put in writing.

To contact the Office of the Privacy Commissioner:

Telephone: 0800 803 909

Mail: PO Box 10094

The Terrace

WELLINGTON 6143

Email: information@privacy.org.nz

(Please include a contact address and phone number because investigating officers do not respond by email in case of security risks)

Website: www.privacy.org.nz

A1.6 Disputes Tribunal

From 8 July 2003, the Consumer Guarantees Act 1993 applied to the supply of water and the removal of wastewater. Under the terms of the Act, these services must meet the following guarantees:

- Services must be provided with reasonable skill and care
- Services must be fit for purpose
- Services must be provided within a reasonable time
- Services must be provided for a reasonable price

If a complaint regarding these services, or any associated consequential loss, cannot be resolved with Council following negotiation, it may be appropriate to make a claim in the Disputes Tribunal.

To make a claim in the Disputes Tribunal, obtain a 'Notice of Claim' form from the local District Court. Fill in the form giving details of the dispute. Give it to the court staff and pay the hearing fee. Each party will be told the date, time and place of the hearing. A hearing is usually held within six weeks of making a claim, although it could take longer dependent on the number of current claims. The claim will be heard in the Disputes Tribunal nearest to where the claim is made.