

<b>Central Hawke's Bay District Council</b>  <b>COMPLAINTS AND COMPLIMENTS POLICY</b>	<b>POLICY MANUAL</b>	
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## 1. INTRODUCTION

The Central Hawke's Bay District Council recognises the importance of citizen feedback about its services. Council welcomes this feedback and is committed to using the information it receives to help drive improvements to its service delivery.

This policy outlines the aims of Council in dealing with citizen feedback and sets out what citizens 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, queries, complaints and compliments.
- 2.2 To ensure all citizens of Council are confident that their request, complaint or compliment will be handled efficiently and 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 citizens.
- 2.5 To provide elected representatives with confidence that complaints will be responded to and problems raised by citizens are addressed.

## 3. Definitions

Council welcomes feedback and in many cases the eyes and ears of the community are crucial to identifying problems.

Council has 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 citizen does not intend to be an expression of complaint or grievance.
- 3.2 Complaint:** a complaint is defined as feedback that includes an expression of dissatisfaction and which requires a response.

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 procedure. See Section 9 for further information.

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

#### **4. RECEIVING FEEDBACK**

Requests for service, 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 web site.

Feedback will only be recorded when it can not be settled at the first point of contact with a Council officer. A citizen can contact an officer to have a particular problem corrected without this communication having to be recorded, provided that the problem is dealt with as part of the regular activities of the officer, and without the citizen having to file a formal complaint. Feedback will only be recorded as such when it cannot be settled at this first informal level of contact with the officer.

Some basic information is required from the citizen. This includes a name, address, 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 citizen 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, 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 request for service 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 can not be reported back to the complainant. Council views anonymous complaints as valid means of identifying opportunities for improvement.

### 5. RESPONSE TIMES

#### 5.1 Request for Service

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, requests for service, complaints and compliments will be directed to the relevant officers/managers 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 service manager.

***NB: The service 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 service manager will acknowledge receipt of the complaint within three (3) working days. This acknowledgement to the citizen 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 service manager will then investigate the complaint and reply to the citizen 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 ten (10) working days. The Chief Executive may delegate the investigation to the appropriate service 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 requests for service and complaints received as a method of monitoring performance and improving our services. Council will be monitoring all requests for service, complaints and compliments received. By analysing complaints Council aims to highlight specific areas of Council service provision where improvement is needed.

A report covering each month will be prepared and submitted to both the Staff Management committee and Council, which will include:

1. The total number of RFSs received broken down by activity.
2. The number of RFSs completed on time.
3. The number of RFSs that are currently overdue. Those requests that are overdue will be broken down into those overdue within a month, two months, three months and greater.
4. The number of complaints and compliments received and actioned.

In addition, a quarterly report will be prepared and submitted to Council on the achievement of performance targets outlined in the Central Hawke's Bay District Community Plan. This information will illustrate how well Council is managing and responding to complaints.

## **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 Council is not obliged to share the outcome of the investigation with the citizen 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 procedure. 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 Ombudsmen
- 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 citizen 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 citizen may apply for review by the Chief Executive, and if necessary then review by Council itself (meaning the elected representatives) as detailed below:

### **10.1 Chief Executive Review**

If the citizen is unhappy with the response that has been provided under the procedure 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 and 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**

Citizens 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 citizen. Please note that depending on the nature of the complaint, the matter may be discussed in-committee (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 Ombudsmen may be able to help citizens who think they have been treated unfairly by Council. The Ombudsmen normally require complainants to have tried to resolve the matter with Council prior to requesting an Ombudsman investigation or review.

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

To make a complaint, citizens 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 Ombudsmen:

Telephone: 0800 802 602  
Mail: PO Box 10152  
The Terrace  
**WELLINGTON 6143**  
Email: [office@ombudsmen.govt.nz](mailto:office@ombudsmen.govt.nz)  
Website: <http://www.ombudsmen.govt.nz>

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

### A1.2 THE DEPARTMENT OF BUILDING & HOUSING

The DBH is the New Zealand Crown agency that manages the building control system. One of the functions of the Department of Building & Housing 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 DBH. An application for a determination can be made only by one of the parties concerned.

To contact the Department of Building & Housing:

Telephone: 0800 242 243  
Mail: PO Box 10-729  
The Terrace  
**WELLINGTON 6143**  
Email: [info@dbh.govt.nz](mailto:info@dbh.govt.nz)  
Website: <http://www.dbh.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: [information@oag.govt.nz](mailto:information@oag.govt.nz)  
Website: [www.oag.govt.nz](http://www.oag.govt.nz)

### **A1.4 Environment Court**

The Environment Court, 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 - the contents of regional and district statements and plans and appeals arising out of applications for resource consent.
- Public Works Act - objections to compulsory taking of land.
- Historic Places Act - Appeals about archaeological sites.
- Local Government Act - Objections to road stopping proposals.
- Transit NZ Act - Objections regarding access to limited access roads.

To contact the Environment Court:

Telephone: 04 918 8480  
Mail: Wellington Registry  
PO Box 5027  
Lambton Quay  
**WELLINGTON 6145**  
Website: [www.courts.govt.nz/environment/](http://www.courts.govt.nz/environment/)

### **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](mailto: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](http://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, can not 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.

## APPENDIX TWO

### Request for Service Timeframes

Department Referred To: SERVICES

Officer Assigned: FM Contractor, Opus, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	20 days
Water	3 days
Sewerage	1 day
Stormwater/Drainage	1 day
Parks/Reserves	1 day
Public Toilets/Restrooms	1 day
Long grass along roads/boundaries	1 day
Waipukurau Oxidation Pond	1 day
Waipawa Oxidation Pond	1 day
Takapau Oxidation Pond	1 day
Otane Oxidation Pond	1 day
Porangahau Oxidation Pond	1 day
Porangahau Beach Oxidation Pond	1 day
Obtain Lim Info	3 days
Compliment	3 days
Complaint	3 days

Department Referred to: COUNCIL PROPERTIES

Officer Assigned: FM Contractor, Opus, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	5 days
Woodlot/Plantations	20 days
Roadside Trees	20 days
Waipukurau Cemetery	20 days
Waipawa Cemetery	20 days
Otane Cemetery	20 days
Forestgate/Tikokino Cemetery	20 days
Elsthorpe Cemetery	20 days
Porangahau Cemetery	20 days
Takapau/Ashley Clinton/Makaretu Cemetery	20 days
Cenotaphs	20 days
Town Hall	20 days
Porangahau Hall	5 days
Waipawa Pool	5 days
Pensioner Flats	4 days
Council Office	2 days
Waipukurau Library/Service Centre	2 days
Waipawa Library	2 days

Compliment	2 days
Complaint	2 days

**Note:** Cemeteries - dates are changed to whatever day a burial is required

Department Referred To: FARM ROAD LANDFILL

Officer Assigned: Opus, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	5 days
Operations	5 days
Report Required	5 days
Sampling/Testing	5 days
Compliment	5 days
Complaint	5 days

Department Referred To: CLOSED LANDFILL

Officer Assigned: Opus, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	2 days
Sampling/Testing	5 days
Report Required	5 days
Compliment	5 days
Complaint	5 days

Department Referred To: ROADING

Officer Assigned: Opus, Solid Waste, Department Manager

TYPE OF REQUEST	TIME ALLOWANCE
General Information	1 day
Traffic Safety/Accidents	20 days
Surfaces	20 days
Slips/Dropouts	20 days
Flooding	20 days
Parking	20 days
Paths	20 days
Roads	20 days
Signs	20 days
Drainage/Flooding	20 days
Pot Holes	20 days
Edge Breaks	20 days
Vegetation/Trees	20 days
Pavement Marking	20 days
Bitument Flushing	20 days
Vehicle Crossing	5 days
Street Lighting	5 days
Overhanging Trees on Roads/Paths	1 day

Tree fallen across roads	1 day
Compliment	20 days
Complaint	20 days

Department Referred To: RUBBISH COLLECTION

Officer Assigned: Solid Waste

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General Information	2 days
Missed Collection	1 day
Loose Rubbish	1 day
Rubbish Bags	5 days
Report Required	5 days
Compliment	5 days
Complaint	5 days

Department Referred To: RECYCLING

Officer Assigned: Solid Waste Services, Department Manager

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General Information	5 days
Recycling Bins	5 days
Missed Collection	1 day
Loose Recycling	1 day
Report Required	5 days
Education	2 days
Information	2 days
Compliment	2 days
Complaint	2 days

Department Referred To: TRANSFER STATIONS

Officer Assigned: Department Manager

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General Information	5 days
Overflowing	1 day
Wind blown rubbish	1 day
Untidy	1 day
Repairs Required	5 days
Report Required	5 days
Compliment	5 days
Complaint	5 days

Department Referred To: GREENWASTE

Officer Assigned: Department Manager, Solid Waste Services

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General Information	1 day
Education	2 days
Overflowing	1 day
Report Required	5 days
Untidy	1 day
Complaint	1 day
Compliment	1 day

Department Referred To: DROP OFF CENTRE

Officer Assigned: Solid Waste Services

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General Information	5 days
Repairs Required	5 days
Report Required	5 days
Untidy	1 day
Overflowing	1 day
Compliment	1 day
Complaint	1 day

Department Referred to: WATER

Officer Assigned: FM Contractor

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
Leak	3 days
Locate Toby	5 days
Pressure	5 days
Meter Readings	20 days
Quote	10 days
Treatment Station	1 day
General	3 days

Department Referred to: SEWERAGE

Officer Assigned: FM Contractor

<b>TYPE OF REQUEST</b>	<b>TIME ALLOWANCE</b>
General	3 days
Pump Station	1 day
Smell/Odour	1 day
Blockage	1 day
Overflow	1 day
Locate	5 days
Waipukurau Oxidation Pond	1 day

Waipawa Oxidation Pond	1 day
Takapau Oxidation Pond	1 day
Porangahau Oxidation Pond	1 day
Porangahau Beach Oxidation Pond	1 day
Otane Oxidation Pond	1 day
Quote	10 days

Department Referred to: STORMWATER

Officer Assigned: FM Contractor

TYPE OF REQUEST	TIME ALLOWANCE
General	3 days
Flooding	1day
Blockage	1 day
Overflow	1 day
Locate	5 days
Open Drain	1 day

Department Referred to: PARKS/RESERVES

Officer Assigned: FM Contractor

TYPE OF REQUEST	TIME ALLOWANCE
General Information	5 days
Request for use	3days
Litter	1 day
Gardens	5 days
Mowing	5 days
Nelly Jull Park	5 days
Coronation Park	5 days
Russell Park	5 days
Adeane Park	5 days
Takapau Recreation Ground	5 days
Takapau Playground	5 days
Otane Recreation Ground	5 days
White Domain	5 days
Hunter Memorial Park	5 days
Reserves	5 days
Parks	5 days
Open Drain	5 days

Department Referred to: PUBLIC TOILETS

Officer Assigned: FM Contractor

TYPE OF REQUEST	TIME ALLOWANCE
General Information	5 days
Vandalism	1 day
Blockage	1 day

Cleaning	1 day
Water Leak	1 day

Department Referred to: CEMETERIES/CENOTAPHS

Officer Assigned: FM Contractor

TYPE OF REQUEST	TIME ALLOWANCE
Waipukurau Cemetery	5 days
Waipawa Cemetery	5 days
Otane Cemetery	5 days
Forestgate/OngaOnga Cemetery	5 days
Tikokino Cemetery	5 days
Elsthorpe Cemetery	5 days
Porangahau Cemetery	5 days
Takapau Cemetery	5 days
Ashley Clinton Cemetery	5 days
Makaretu Cemetery	5 days
Waipawa Cenotaph/Clock	5 days
Waipukurau Cenotaph	5 days
Takapau Cenotaph	5 days
OngaOnga Cenotaph	5 days
Otane Cenotaph	5 days

Department Referred to: BUILDINGS

Officer Assigned: FM Contractor

TYPE OF REQUEST	TIME ALLOWANCE
Waipawa Town Hall	5 days
Porangahau Hall	5 days
Waipawa Swimming Pool	5 days
Pensioner Flats	5 days
Council Admin Office	5 days
Waipukurau Library	5 days
Waipawa Library	5 days