

Central Hawke's Bay District Council COMPLAINTS AND COMPLIMENTS POLICY	POLICY MANUAL	
	Document #	1.6
	Approved by:	Council
	Adoption Date:	18-05-2017
	Last Amended:	04-05-2017
	Review Date:	May 2020
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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 (RFS), queries, complaints and compliments.
- 2.2 To ensure all citizens of Council are confident that their RFS, 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

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.

Feedback will only be recorded when it cannot 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 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 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(s)/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 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 three (3) 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 RFS and complaints received as a method of monitoring performance and improving our services. Council will be monitoring all RFS, complaints and compliments received. By analysing complaints Council aims to highlight specific areas of Council service provision where improvement is needed.

A quarterly report will be prepared and submitted to Council on the achievement of performance targets outlined in the Central Hawke's Bay District Council's Long Term Plan (LTP). 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 (elected members) 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 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

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 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 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: info@ombudsman.parliament.nz
Website: <http://www.ombudsmen.parliament.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 MINISTRY OF BUSINESS, INNOVATION & 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 & 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 Employment, Innovation & Employment:

Telephone: 04 472 0030 or 04 917 0199
Mail: PO Box 1473
15 Stout Street
WELLINGTON 6140
Email: info@building.govt.nz
Website: <https://www.building.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.

APPENDIX TWO

Request for Service (RFS) Timeframes

Department Referred To: SERVICES

Officer Assigned: FM Contractor, GHD, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 days
Water	3 days
Stormwater/Drainage	3 days
Parks/Reserves	3 days
Public Toilets/Restrooms	3 days
Long grass along roads/boundaries	3 days
Waipukurau Oxidation Pond	3 days
Debtors	3 days
Other Financial Enquiries	3 days
Rates	3 days
Porangahau Oxidation Pond	3 days
Obtain Lim Info	3 days
Compliment	3 days
Complaint	3 days

Department Referred to: COUNCIL PROPERTIES

Officer Assigned: FM Contractor, GHD, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 days
Woodlot/Plantations	20 days
Roadside Trees	20 days
Waipukurau Cemetery	3 days
Waipawa Cemetery	3 days
Otane Cemetery	3 days
Forestgate/Tikokino Cemetery	3 days
Elsthorpe Cemetery	3 days
Porangahau Cemetery	3 days
Takapau/Ashley Clinton/Makaretu Cemetery	3 days
Cenotaphs	3 days
Town Hall	3 days
Porangahau Hall	5 days
Waipawa Pool	3 days
Pensioner Flats	4 days
Council Office	2 days
Waipukurau Library/Service Centre	3 days
Waipawa Library	3 days
Civic Theatre	3 days
Community Rooms	3 days

Debtors	3 days
Other Cemeteries	3 days
Other Financial Enquiries	3 days
Parks/Reserves	3 days
Patangata Building	3 days
Public Toilets/Restrooms	1 days
Rates	3 days
Takapau Hall	3 days
Compliments	3 days
Complaint	3 days

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

Department Referred To: FARM ROAD LANDFILL

Officer Assigned: GHD, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 days
Operations	5 days
Report Required	5 days
Sampling/Testing	5 days
Compliment	3 days
Complaint	3 days

Department Referred To: CLOSED LANDFILL

Officer Assigned: GHD, Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
Debtors	3 days
General Information	10 days
Other Financial Enquiries	3 days
Sampling/Testing	5 days
Report Required	5 days
Rates	3 days
Compliment	3 days
Complaint	3 days

Department Referred To: ROADING

Officer Assigned: GHD, Solid Waste, Department Manager

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 day
Traffic Safety/Accidents	20 days
Surfaces	5 days
Slips/Dropouts	5 days
Flooding	5 days
Parking	20 days
Paths	20 days
Roads	20 days
Signs Directional	1 day
Signs Informational	1 day
Signs Regulatory	2 days
Drainage/Flooding	30 days
Pot Holes	20 days
Edge Breaks	20 days
Vegetation/Trees	3 days
Pavement Marking	3 days
Bitument Flushing	3 days
Street Lighting	5 days
Overhanging Trees on Roads/Paths	5 day
Tree fallen across roads	5 day
Roads Cracking	2 days
Potholes	2 days
Dropouts	5 days
Edge Breaks	5 days
Potholes Maintenance	5 days
Slips	5 days
Compliment	3 days
Complaint	3 days

Department Referred To: RUBBISH COLLECTION

Officer Assigned: Solid Waste

TYPE OF REQUEST	TIME ALLOWANCE
Debtors	3 days
General Information	10 days
Missed Collection	1 day
Loose Rubbish	1 day
Rates	3 days
Rubbish Bags	5 days
Report Required	5 days
Compliment	3 days
Complaint	3 days

Department Referred To: RECYCLING

Officer Assigned: Solid Waste Services, Department Manager

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 days
Recycling Bins	5 days
Missed Collection	1 day
Loose Recycling	1 day
Report Required	5 days
Education	2 days
Information	2 days
Compliment	3 days
Complaint	3 days

Department Referred To: TRANSFER STATIONS

Officer Assigned: Department Manager

TYPE OF REQUEST	TIME ALLOWANCE
Debtors	3 days
General Information	10 days
Other Financial Enquiries	3 days
Overflowing	1 day
Wind blown rubbish	1 day
Untidy	1 day
Repairs Required	5 days
Report Required	5 days
Compliment	3 days
Complaint	3 days

Department Referred To: GREENWASTE

Officer Assigned: Department Manager, Solid Waste Services

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 day
Debtors	3 days
Education	2 days
Overflowing	1 day
Report Required	5 days
Rates	3 days
Other Financial Enquiries	3 days
Untidy	1 day
Complaint	3 day
Compliment	3 day

Department Referred To: DROP OFF CENTRE

Officer Assigned: Solid Waste Services

TYPE OF REQUEST	TIME ALLOWANCE
General Information	10 days
Repairs Required	5 days
Report Required	5 days
Untidy	1 day
Other Financial Enquiries	3 days
Debtors	3 days
Rates	3 days
Overflowing	1 day
Compliment	3 day
Complaint	3 day