

POLICY	STATUS	AT	DATE	DOC ID
<i>Complaints Policy</i>	<i>Adopted</i>	<i>Ordinary Council Meeting</i>	<i>19 March 2024</i>	<i>A1196824</i>



OPŌTIKI DISTRICT COUNCIL

Complaints Policy

BACKGROUND

The Ōpōtiki District Council (“**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.

PURPOSE

The purpose of the policy is to provide Council’s definition of a formal complaint and the principles and process that will be applied to give assurance and guidance to both Council and public as to how complaints are to be dealt with.

This policy applies to all employees, casual staff, contractors, and temporary staff at Council.

This policy applies specifically to formal (written) complaints. “LGOIMA”, “Privacy” and “Ombudsman requests” are managed under the relevant legislation.

For complaints related to building control functions, please see our Building Control Authority Complaint Policy. Complaints related to building control functions will always be processed under the Building Control Authority Complaint Policy.

DEFINITIONS

A complaint is:

An expression of dissatisfaction in writing by one or more members of our customers, citizens, ratepayers, and visitors about the Council’s:

- Action or lack of action
- Decision, or
- The standard of service provided by or on behalf of the council, where a response or resolution is explicitly or implicitly expected.

A complaint is not:

- A request for routine services, e.g., grading a road, fixing potholes, or cleaning toilets.
- A request for readily available information, e.g., building consent, geotechnical report or property information.
- A suggestion for an improvement to service, e.g., an extra rubbish bin collection over summer.
- Matters for which there are defined legislative process and/or right for appeal and/or legal remedy, i.e a resource consent decision where there is an objection process.

Where information fitting the above descriptions is received through the complaints process, it will be managed through the appropriate procedure.

POLICY

1. Principles

When handling complaints, Council will:

- Try and see things from the customers' perspective to understand and address where/how Council did not meet their expectations.
- Resolve the complaint as soon as practicable.
- Treat complaints with priority and give a timely response.
- Utilise a user-friendly system for customers and communicate in a way that is easy to understand.
- Be fair and act with integrity.
- Not be defensive.
- Ensure that issues raised are assessed on their own merits.
- Improve how things are done by learning from complaints.
- Manage complaints in accordance with Councils systems and procedures.
- Maintain a centralised register of all complaints.
- Handle complaints with discretion and in a fair manner.

2. Seriousness of Complaints

Although all issues raised by customers and ratepayers are taken seriously, many complaints can be addressed through conversations with Customer Service Officers or the appropriate council officer. Staff will always endeavour to work with individuals to reach a resolution as soon as is practicable.

However, if an individual is unhappy with the handling of the issue, or a resolution fails to eventuate, this policy is the procedure to escalate that concern through a formal complaint in writing for investigation.

3. Roles and Responsibilities

There may be a network of people who are directly or indirectly involved in the formal complaints process whether it is a defined part of a staff members role or not. Any staff member or elected member could be potentially approached by a customer or ratepayer wishing to raise a complaint; be asked to assist with an investigation; or approached to contribute their expertise.

Therefore, at a general level all staff are expected to:

- Be impartial, independent, professional and accountable in handling complaints,
- Be familiar with this Policy,

- Be aware of their roles and responsibilities in relation to complaints or know where to go for further assistance relating to the handling of complaints.

Where elected members are receiving complaints directly and/or in-person, they should notify the Chief Executive as soon as is practicable and inform the individual(s) in question of this policy should they wish to lodge a formal complaint.

4. Complaints Procedure

See Appendix 1 of this Policy for a flowchart.

Complaints must be received in writing. This can be done on paper, in email, or through the appropriate online portal/form. This information can be provided in the following ways:

1. The online form:
<https://app.smartsheet.com/b/form/d95705c2b0c4453dbdc2d484b80b2df9>
2. Emailing info@odc.govt.nz,
3. Sending a physical letter to 108 Saint John Street, Ōpōtiki.

Complaints are sorted into two categories:

1. Complaints about a Council process.
2. Complaints about a Council employee.

4.1 Procedure

- a) Basic information is required from the customer. This includes:
 1. Name,
 2. Address,
 3. Contact telephone number,
 4. Details of the issue or problem concerned.
 5. Location (if appropriate).
 6. Any supporting documents (such as photos, emails, etc.,)
- b) All formal complaints are to be received from the person concerned in writing. The complaint will be duly recorded and logged upon receipt within the Council document management system. Complaints will be acknowledged with a response to the complainant within one (1) working day of receipt.
- c) All complaints will be referred to the appropriate Group Manager.
- d) The Group Manager will acknowledge receipt of the complaint within three (3) working days.
- e) This acknowledgement to the complainant will contain as a minimum the following information:
 1. How long before a reply will be given.
 2. The contact details of the Group Manager dealing with the complaint.

- f) The Group Manager will then investigate the complaint and reply to the customer within ten (10) working days from the date of receipt.
- g) If unable to reply within the agreed ten (10) days (i.e. for very complex matters), the complainant will be informed, and the appropriate timescales for reply set out.
- h) If the complainant is not satisfied with the response to their complaint, they may refer the matter directly to the Chief Executive for review. The complaint will be logged by the Chief Executive's office upon receipt.
- i) Complainants will receive an initial written response from the Chief Executive within three (3) working days of receipt of the request for review by the Chief Executive.
- j) If complainants remain unsatisfied with the response received to their complaint, and with the Chief Executive's review, the complainant may refer the matter to the Ombudsman. *See below for details on contacting the Ombudsman.*
- k) A decision regarding complaints will be considered final and no further correspondence will be entered into (except as otherwise provided by legislation).

The Group Manager in receipt of any complaint must continue to monitor the progress until it is resolved – which means they must always follow up and check on progress and resolution.

Complaints made under specific pieces of legislation will be dealt with according to the requirements of that legislation. The complainant will be advised of the appropriate procedure and requirements.

4.2 Escalation to the Ombudsman

The Ombudsman has the authority to investigate city, district, and regional councils¹. Please note the Ombudsman **cannot** investigate complaints about:

- Private individuals or companies.
- Private training establishments.
- Lawyers.
- Members of parliament.
- Decisions made by a full Council.
- Decisions made by a court or tribunal.

The [Ombudsman website](#) provides details of how to make a complaint, what complaints will/will not be investigated, and what individuals should do before contacting the Ombudsman. It is worth noting that the Ombudsman may choose to not investigate a complaint where the individual has not attempted to find a resolution directly with the agency in question first.

The Ombudsman can be contacted through the following means:

¹ [How the Ombudsman works | Ombudsman New Zealand](#)

- by Free phone: 0800 802 602
- by visiting their website: www.ombudsman.parliament.nz
- by email to info@ombudsman.parliament.nz
- by post to Office of the Ombudsman, PO Box 10152, Wellington 6143.

4.3 Anonymous Complaints

Where an individual does not/will not provide their contact details, or are otherwise unable/unwilling to be identified, they will need to use Council's general feedback form: <https://www.odc.govt.nz/our-council/contact-us>. Council will process the information and implement learnings; however, Council will be unable to have further communication with the individual.

4.4 Confidentiality

Complaints will be managed with confidentiality where or as appropriate. Council will ensure access to complaint information will be restricted to only those managing the response process and meets Council's obligations under the Privacy Act (and other relevant legislation).

5. Record Keeping

The details of each complaint, key internal and external correspondence, and outcomes must be recorded in Council's document management system.

It is the responsibility of all staff to maintain full and accurate records of each complaint in a centralised and accessible location so that it can be retrieved if necessary.

6. Learning From Complaints

The Ōpōtiki District Council values feedback and complaints and aims to use the lessons learned to inform and promote service improvements.

RELEVANT LEGISLATION

- Local Government Act 2002
- Privacy Act 2020
- Health and Safety at Work Act 2015
- Local Government Official Information and Meetings Act 1987
- Public Records Act 2005
- Ombudsman Act 1975

REVIEW

Refer to the Policy Index for policy owner. This policy will be reviewed at least every three years or as required by legislative or industry practice changes.

APPENDIX 1

