

Team/Directorate	Corporate Services
Approved by	Executive Leadership Team
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CONTENTS

- 1 Purpose2
- 2 Scope2
- 3 Principles.....2
 - 3.1 unreasonable complainant conduct.....3
- 4 Definition of a Complaint.....4
 - 4.1 What’s the difference between a request for service and a complaint?5
- 5 Procedure5
 - 5.1 Making a complaint.....5
 - 5.2 Escalation stages and response standards6
 - Business as usual (RFS)6
 - Escalation (issue not resolved after first point of contact)6
 - Formal complaint.....6
 - 5.3 Extending complaint response times6
- 6 Complex Complaints6
 - 6.1 Complaints involving more than one service or business unit.....7
 - 6.2 Complaints against an individual staff member7
 - 6.3 Complaints against the Chief Executive7

Customer Complaints Policy

6.4	Complaints against elected members	7
6.5	Anonymous complaints.....	7
7	Performance Monitoring	8
8	References	8
9	Roles and Responsibilities.....	10

1 PURPOSE

The purpose of this policy is to:

- > Outline the principles and approach we will apply when dealing with complaints;
- > Clarify the definition of a complaint and how it differs from an escalation; and
- > Outline our expectations of the customer experience, their rights and responsibilities.

2 SCOPE

This policy applies to all employees of the Queenstown Lakes District Council and applies specifically to complaints and escalations where there is concern about Council responsiveness, timeliness and service levels. For the purposes of clarity, this also applies to work undertaken by contractors on behalf of Council.

This policy does not apply to the following that are managed through separate procedures which comply with the relevant legislation:

- > Complaints made under the Local Government Official Information and Meetings Act 1987 section 27;
- > Complaints made to the Office of the Ombudsman | Kaitiaki Mana Tangata regarding decisions of Council;
- > Complaints made under the Privacy Act 2020 (Part 5 Complaints, Investigations, and Proceedings);
- > Complaints made under the Resource Management Act 1991 [previous reference s216(2)(e) and (f)]
- > Complaints made under the Land Transport Act 1998 regarding parking infringements;
- > Complaints made under the Dog Control Act 1996 regarding a disqualification, dog classification or other decision made under the Act; and
- > Complaints made regarding decisions made under the Food Act 2014.

Note: The above list is not exhaustive, and this policy does not apply where any process for complaint or escalation is defined or governed by legislation.

3 PRINCIPLES

At QLDC, we value our customers’ views and opinions. We are committed to delivering high quality services to all our communities throughout the district and to those who choose to visit. Our teams aim to meet our organisational values by

Customer Complaints Policy

consistently being helpful | manaaki, responsive | rata, and respectful | whakaute at all times. Where we do not meet these standards, we encourage customers to advise us and where appropriate to make a formal complaint. We take complaints seriously, will work with our customers to resolve the issue, and will use their comments as an opportunity to learn and to improve our services.

- > The principle of Natural Justice is core to how we handle complaints, These are:
 - Freedom from bias on the part of the person making the decision / judgement; and
 - Transparency and fairness of the investigation and procedure used.
- > We will also:
 - Be mindful of the need to minimise customer effort;
 - Treat complaints and escalations with priority and give a timely response;
 - Preserve confidentiality where it is appropriate;
 - Communicate in a way that is easy to understand; and
 - Educate our employees to apply the policy, process and procedures for complaint and escalation resolution.

3.1 UNREASONABLE COMPLAINANT CONDUCT

At QLDC, our customers are important and so are our staff and their wellbeing. We expect customers to treat our staff with respect. Personal attacks, swearing, hate speech, and abusive, offensive or threatening behaviour will not be tolerated.

A complainant may be deemed to be acting unreasonably if, for example:

- > They are abusive to Council staff or other guests/visitors to our offices, including acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- > They persistently make the same complaint, despite it having been fully investigated under the complaints policy or persist in seeking an unrealistic outcome. This may include repeatedly bombarding our offices with unnecessary and excessive phone calls and emails, making inaccurate, offensive or abusive posts on the Council's social media sites, making inappropriate demands on Council time and resources, and refusing to accept Council decisions and recommendations in relation to their complaints.
- > They repeatedly change aspects of the complaint or the desired outcome part way through an investigation.
- > Their conduct poses a threat to the health, safety and security of our staff.

Where staff handling a complaint consider that the complainant's behaviour is unreasonable or unacceptable, they will consult with the Customer Service Manager and / or Governance & Stakeholder Services Manager seeking agreement to cease engagement. If agreed, the staff member will advise the complainant of this fact and their reasons for that evaluation, and that the investigation process will be suspended. The investigation will recommence on receipt of an undertaking from the complainant that they will suitably modify their behaviour.

Should a complainant disagree with the suspension, they can escalate this through the Customer Service Manager.

An 'Investigating Officer' may refuse to investigate a complaint if they consider that the complaint is frivolous, habitual or vexatious. If the investigating officer is considering refusing to investigate on these grounds, they must consult with the appropriate Unit Manager and the Customer Service Manager before making a decision. If the decision is that the complaint will not be investigated on any of these grounds, the investigating officer must confirm this to the complainant in writing. If the complainant disagrees with this decision, they retain their right to escalate their complaint to the next stage of the procedure.

Note: Further information on definitions, policies and practice, reference should be made to: [Managing unreasonable complaint conduct practice manual – October 2021](#) prepared by the Office of the Ombudsman. This document guides how and when Council considers complainant conduct to be unreasonable and how it responds to such behaviours.

3.2 CONFIDENTIALITY AND PRIVACY

If you make a complaint to QLDC, we believe it is important that your personal information (such as your name, address, contact information) are treated in confidence and that your privacy is respected. It is important to us that people can raise complaints or concerns on any matter relating to Council services, activities and personnel, and about matters that Council is responsible for regulating (such as noise control, animal control, and environmental health) and to do so without risk to their privacy or person. Therefore, the name and personal information of a complainant remains confidential and will not be released if requested¹.

4 DEFINITION OF A COMPLAINT

A complaint is defined as follows –

“Any expression of dissatisfaction about the Council service or action of a staff member that cannot be resolved at the first point of contact”. Examples include:

- > Taking too long to take action or failing to take action;
- > Not following policy or rules;
- > Not making a decision in the prescribed way;
- > Giving wrong or misleading information;
- > Behaving unprofessionally or disrespectfully; and
- > A member of staff failing to deliver on a commitment made.

Every effort will be made to resolve an issue as quickly as possible at the first point of contact.

If a customer’s request cannot be resolved at the first point of contact then this will be managed in accordance with section 5.2 – Escalation Stages and Response standards.

Note: “First point of contact” is defined as the first contact, whether via email, call, front counter, web form or mobile app, from a customer and the subsequent action of Council to address the matter.

The following are not considered complaints under this policy:

- > A request for routine services;
- > A request for readily available information;
- > Feedback as part of a formal consultation process;
- > A disputed decision made under and according to statute and where action has been taken to contest this decision through prescribed processes;
- > Disagreement with Council policy or a decision of the elected Council (including its Committees and the Wānaka-

¹ On the grounds of LGOIMA S7(2)(a) and 7(2)(c)(i)

Customer Complaints Policy

- Upper Clutha Community Board);
- > Matters that have a formal right of appeal;
- > Matters where a legal procedure is already underway between the customer and QLDC;
- > Insurance claims;
- > Criminal allegations including those against a contractor or staff member of misconduct such as sexual harassment, fraud, or assault will be dealt with through separate processes, some of which may involve the Police;
- > Emergency response matters; or
- > Complaints from one staff member about another.

4.1 WHAT'S THE DIFFERENCE BETWEEN A REQUEST FOR SERVICE AND A COMPLAINT?

Given the nature of our work which includes regulatory services, we need to make a clear distinction between requests for service (RFS), the escalation procedures for regulatory or statutory matters, and complaints.

- > Request for Service – relates to a request for action to resolve or investigate a problem, for example reporting a water leak or unemptied public bins.
- > Escalation – relates to QLDC's quality of service and matters that have not been resolved at the first point of contact, for example failure to turn up to a call out regarding a noise complaint.
- > Complaint – relates to QLDC's quality of service and is beyond the point of initial escalation, for example failure to turn up multiple times to a call out regarding a noise complaint and/or staff at the call centre have responded rudely.

Note:

- > There are occasions when customers will call to "complain" about consent breaches, noisy neighbours, roaming animals, food safety, roading and water faults. These are part of QLDC's regulatory and enforcement function and will be initially addressed as a Request for Service.
- > Dissatisfaction with a decision regarding an enforcement matter, such as a dangerous dog classification or a decision not to waive a parking infringement, will be addressed through appropriate escalation pathways within the regulatory function and, if necessary, to the appropriate external regulator / investigator / decision-making agency such as the Office of the Ombudsman or District Court. These are not considered a complaint, but the escalated status signalled in the Request for Service system.

5 PROCEDURE

5.1 MAKING A COMPLAINT

A customer (or their representative) can make a complaint in person, by visiting a Customer Service desk during normal business hours, or by telephone, letter, email, or via a dedicated form on our website. A complaint should include the complainant's name and contact details as well as preferred path of contact to allow a response.

A copy of this policy will be available through our website and as printed copies at our Customer Service desks.

QLDC recognises that circumstances leading to a formal complaint can be frustrating and possibly distressing. However, we will be best positioned to resolve the problem if all parties communicate clearly, calmly and effectively. *Please refer to section 3.1 regarding complainant conduct.*

Translation and interpretation services are also available via the phone and at our front counter service.

5.2 ESCALATION STAGES AND RESPONSE STANDARDS

As per Appendix A: Process Map

Escalation stages and response times:

BUSINESS AS USUAL (RFS)

- > Requests for service raised and allocated based on issue.
- > Business unit or contractor acknowledges the Request for Service within the contractual obligation but at least within two (2) business days.
- > Business unit or contractor responds to the customer either a) resolving the issue, or b) providing reasoning why the issue cannot be resolved / resolved within a reasonable timeframe.
- > Request for Service only to be completed once customer has been contacted directly.
- > Extending RFS response timeframes should only be done if the customer has been informed of the reasons why the timeframe is unable to be met.

ESCALATION (ISSUE NOT RESOLVED AFTER FIRST POINT OF CONTACT)

- > Department / business unit responds to customer. Overseen by the appropriate unit manager or contract manager where resolution is required through a contractor.
- > Acknowledged within two working days
- > Full reply within ten working days.
- > If the customer is not satisfied, the complaint will escalate to a Formal Complaint.

FORMAL COMPLAINT

- > Appropriate General Manager reviews previous responses, investigates and responds directly to the customer.
- > Acknowledged within one working day by the Customer Service Manager or General Manager.
- > General Manager (or delegate investigating officer) contacts customer within three working days to confirm the details of the formal complaint and propose a resolution.
- > Full reply within ten working days including resolution and any ongoing actions or improvements.

Note: For complaints against the Chief Executive refer to section 6.3.

5.3 EXTENDING COMPLAINT RESPONSE TIMES

Issues of a more complex nature may take longer than the specified time limits to investigate. If this is the case, the customer will be informed of the reasons why the timescales cannot be met and when they can expect to receive a full response.

6 COMPLEX COMPLAINTS

Customer Complaints Policy

6.1 COMPLAINTS INVOLVING MORE THAN ONE SERVICE OR BUSINESS UNIT

Complaints that allege dissatisfaction with more than one service or Council department / business unit will be assessed and assigned on a priority basis by the Customer Service Manager. Consultation may occur between the affected departments to identify which will take primary responsibility for coordinating and agreeing a response on behalf of any other departments concerned.

If a complaint is incorrectly assigned to a department for investigation, the receiving unit may request that the Customer Service Manager reassigns it to the appropriate one.

6.2 COMPLAINTS AGAINST AN INDIVIDUAL STAFF MEMBER

The Council is committed to ensure that complaints are dealt with fairly and impartially. If a complaint is received about a staff member, the appropriate Manager will be responsible for the management and resolution of the issue.

Where a complaint is about an employee's conduct, the complaint must be treated confidentially (i.e. only involve those necessary to investigate and respond to the complaint). Information will only be shared with those involved in the investigation or the final decision making.

This process may involve consultation with the People & Capability team and will be managed according to all relevant privacy, confidentiality and employment legislations, standards and policies.

6.3 COMPLAINTS AGAINST THE CHIEF EXECUTIVE

Any complaint against the Chief Executive will be referred to the Mayor. On behalf of and in consultation with the Mayor, the General Manager Corporate Services will determine the most appropriate means of investigation and resolution. The procedures and timescales for any such complaint may fall outside the normal standard, and should this be the case, this would be formally advised to the complainant.

Note: This process applies to any complaint against the Chief Executive including with reference to the Code of Conduct and the whistle-blower legislation.

6.4 COMPLAINTS AGAINST ELECTED MEMBERS

Elected Members must comply with the Councillors' Code of Conduct. This Code describes the high standards of conduct required from Councillors in carrying out their duties. Complaints regarding the conduct of a Councillor should be referred to the Mayor, who will manage such complaints in conjunction with the Chief Executive, in accordance with the procedures prescribed in the Code of Conduct.

Note: Complaints from members of the public made through an elected member will be managed through the Councillor Request system.

6.5 ANONYMOUS COMPLAINTS

Complaints made anonymously will be given consideration and dealt with as appropriate depending on the information given. This includes any unsubstantiated complaints, complaints that cannot be verified, and any issues that may be laid anonymously under the whistle-blower legislation.

7 PERFORMANCE MONITORING

Complaint data will be collated and monitored by QLDC to allow operational reporting.

The information will be used to produce management information to monitor our performance, highlight areas of repeat failure and feed into the process for identifying areas for service improvement. The information will be reported to a range of key stakeholders, including Elected Members and the Council’s Executive Team. This will be the responsibility of the Customer Service Manager.

8 REFERENCES

Reference	URL / Link
Local Government Official Information and Meetings Act 1987	https://www.legislation.govt.nz/act/public/1987/0174/latest/DLM122242.html
Privacy Act 2020	https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html
Office of the Ombudsman	https://www.ombudsman.parliament.nz/
Resource Management Act 1991	https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html
New Zealand Bill of Rights Act 1990 section 27	Principles of Natural Justice https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM225529.html
Diversity, Equity and Inclusion statement	https://www.qldc.govt.nz/your-council/our-vision-mission/diversity-equity-and-inclusion-statement/
Elected Member Code of Conduct	https://www.qldc.govt.nz/media/ckmgysii/qldc-code-of-conduct-november-2022.pdf
Enforcement Strategy and Prosecution Policy	https://www.qldc.govt.nz/media/4v5kg35t/enforcement-strategy-and-prosecution-policy-2021.pdf

Customer Complaints Policy

Reference	URL / Link
Managing unreasonable complaint conduct practice manual (Office of the Ombudsman)	https://www.ombudsman.parliament.nz/resources/managing-unreasonable-complainant-conduct

9 ROLES AND RESPONSIBILITIES

POSITION	RESPONSIBILITIES
All staff	<ul style="list-style-type: none"> > All staff are responsible for understanding this policy and, if required, seeking clarification from their manager or the Customer Service Manager. > All staff are responsible for adhering to this policy.
Investigating officer	<ul style="list-style-type: none"> > Responsible for investigating escalations and complaints (as directed by the owning General Manager) and communicating with all stakeholders. > Responsible for ensuring all resolution actions are undertaken as well as any longer term learning and improvement opportunities, and to ensure that these are recorded.
Customer Service Manager	<ul style="list-style-type: none"> > Supporting organisational awareness and understanding of the Customer Complaints Policy. > Connecting with relevant departments (and contractors where necessary) to ensure issues are escalated to the appropriate level and allocated correctly for the most timely and effective resolution. > Collating and reporting on organisational performance relating to the Customer Complaint Policy.
General Manager Corporate Services	<ul style="list-style-type: none"> > Responsible for ensuring the Customer Complaints Policy is approved and is regularly reviewed. > Reviewing and approval of regular monitoring and reporting on customer complaint measures.
General Managers	<ul style="list-style-type: none"> > Supporting awareness and understanding of the Customer Complaints Policy within their responsible departments / business units. > Ensuring staff in their responsible departments / business units are adhering to the Customer Complaints Policy. > Overseeing responses to formal (tier two) complaints.

Customer Complaints Policy

10 ATTACHMENT A: ESCALATION PROCESS AND STAGES

Whether it's a replacement wheelie bin lid, a request for information, reporting a damaged pavement, or seeking a waiver on a parking ticket, we will always endeavour to repond in full to your request first time. However, there may be occasions where we have failed to meet the expected standards or service or you are unhappy with the outcome. There are a number of pathways that this can take. These are outlined below.

