



# COMPLAINTS POLICY



**NAPIER**  
CITY COUNCIL  
Te Kauhēere o Ahuriri

<b>Adopted by</b>	Napier City Council on 04 June 2020
<b>Relevant Legislation</b>	Ombudsman’s Effective Complaint Handling Guide <a href="http://www.ombudsman.parliament.nz/resources-and-publications/guides/good-administration-guides">http://www.ombudsman.parliament.nz/resources-and-publications/guides/good-administration-guides</a>
<b>NCC Documents Referenced</b>	Code of Conduct for Elected Members Protected Disclosures Policy

## Purpose

The Napier City Council’s complaints policy explains how complaints about the conduct of the Council, or a Council employee will be handled.

## What is a Complaint?

A complaint is a concern raised by a member of the public about an employee of the Napier City Council acting contrary to their duties as an employee, or a concern raised about the Council acting contrary to its bylaws, regulations, policies, or legislative requirements.

Please note that if the complaint is about the Chief Executive, the Mayor will be responsible for addressing the complaint.

For complaints about elected members, the Code of Conduct for Elected Members applies. The Code can be found at:

<https://www.napier.govt.nz/assets/Document-Library/Policies/2019-2022-Code-of-Conduct-adopted-30-January-2020.pdf>

For the purposes of this policy, a complaint is not a request for service from members of the public. For example, if someone wishes to complain about a pothole in their street, this would be a service request, not a complaint. However, if a council employee, while fixing the pothole acts in an inappropriate manner towards members of the public, then that conduct could be the subject of a complaint under this policy.

Employees who are concerned that serious wrongdoing is occurring, either within Council or by Council can raise the issue under the Council’s Protected Disclosures policy which is the Council’s internal procedure for receiving and dealing with information about serious wrongdoing within Council.

<https://magiqedrms.edrms/docs/~D352650>

## How to make a complaint

- To make a complaint members of the public can email [info@napier.govt.nz](mailto:info@napier.govt.nz) or contact us through our online forms at [www.napier.govt.nz](http://www.napier.govt.nz) or write to us at Private Bag 6010, Napier 4142.
- It will help us deal with complaints quickly if the complainant sets out their concerns as fully as possible.

## When a complaint is made about a member of staff

When a complaint is received about a member of staff, it will be assigned to the Director or Manager responsible for the area to which the complaint relates. The Director or Manager will make contact with the complainant as soon as possible to acknowledge that their communication has been received; they may also seek further information about the matter.

The Director or Manager will consult the staff who are handling or have handled the matter to which the complaint relates, and depending on the nature of the complaint, may consult the People and Capability department and or Chief Executive.

The complaint will be investigated and responded to as promptly as possible; as often as it can be this will be within 20 working days of receiving it. In some cases, a full investigation and or response may not be possible within this timeframe; in this instance contact will be made with the complainant to indicate the likely timing for a full response.

### **When a complaint is made about Council acting contrary to its bylaws, regulations, policies, or legislative requirements**

When a complaint is received about Council acting contrary to its bylaws, regulations, policies, or legislative requirements, it will be assigned to the Chief Executive, who is the principal administrative officer of Council under the Local Government Act 2002.

The Office of the Chief Executive will make contact with the complainant as soon as possible to acknowledge that their communication has been received; they may also seek further information about the matter.

The Chief Executive will consult the staff who are handling or have handled the matter to which the complaint relates, and depending on the nature of the complaint, may also consult independent experts including but not limited to legal advisors.

The complaint will be investigated and responded to as promptly as possible; as often as it can be this will be within 20 working days of receiving it. In some cases, a full investigation and or response may not be possible within this timeframe; in this instance contact will be made with the complainant to indicate the likely timing for a full response.

### **Complaints principles**

There are five principles that are followed when Council responds to complaints:

#### **Accessibility**

- We will make it easy for people to complain
- We will acknowledge every complaint and address it as promptly as possible

#### **Fairness**

- We aim to deal with complaints fairly and objectively
- We will take all complaints seriously and deal with them in a manner consistent with the Ombudsman's Effective Complaint Handling Guide

<http://www.ombudsman.parliament.nz/resources-and-publications/guides/good-administration-guides>

#### **Responsiveness**

- We will communicate expected timeframes for dealing with complaints
- We want to resolve any problems identified as a result of complaints and will consider what changes we need to make to the way we go about our work

#### **Efficiency**

- We will consider the complaint as efficiently as possible, assigning appropriate staff within the Council
- Sometimes we will not be able to deal with the complaint with urgency because of competing work priorities

#### **Confidentiality**

- Personal information relating to complaints will be treated as confidential information.
- We will consult with the complainant if any person seeks access to identifying personal information about a complaint.

## Possible decisions on complaints

Because the nature of complaints can vary greatly, a wide range of possible decisions can be made.

The most common possible responses are summarised here.

### **Complaint is upheld and corrective action is taken**

- If, following investigation, it is found that Council's high standards of performance have not been met in the instance in question, of the complainant will be advised of this and changes will be made to ensure that this is not repeated.

### **Complaint is rejected and no further action is taken**

- If, following investigation, it is believed that the complaint is unfounded, the complainant will be provided with brief reasons as to why that view has been formed in Council's response.
- Having done so, Council will not normally engage in further correspondence on the same issues.

## Repeated and vexatious complaints

The Council is under no obligation to respond to complaints which are repeated or vexatious, including those complaints that:

- have an improper purpose or effect, such as harassment of staff
- are repetitive or complaints that have been asked and answered
- are burdensome in number and/or nature from the same complainant or associated complainants, or
- are frivolous or trivial.

If the view is taken that a complaint is repeated or vexatious, the complainant will be advised of that view and, in some cases that Council will not be corresponding further on the matter.

## If the complainant is dissatisfied with the Council's response

If the complainant is dissatisfied with the response they receive to their complaint, they can ask Council to reconsider.

The complainant should correspond with the person who communicated the Council's response to them.

### **Complainants also have the right to raise their concerns with the Office of the Ombudsman**

Office of the Ombudsman  
Free phone: 0800 802 602  
[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)  
[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)  
PO Box 10152  
Wellington 6143

The Ombudsman can consider complaints about the administrative acts and decisions of state sector agencies. The Ombudsman will ask if the complainant has first tried to resolve the matter with Council directly, and will also consider whether the complainant has any other remedy available. The Ombudsman may look into the complaint and make a recommendation to Council regarding the concern raised by the complainant.

## Policy Review

The review timeframe of this policy will be no longer than every three years.



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