

Complaint Handling

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| Responsible Officer: | General Manager, Corporate and Development |
| Relevant Legislation: | <i>Development Act 1993 or Expiation of Offences Act, 1996</i> <i>Freedom of Information Act 1991</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Local Government Act 1999</i> <i>Ombudsman Act 1972</i> <i>Privacy Act 1988 (Commonwealth)</i> <i>State Records Act 1997</i> <i>Whistleblower's Protection Act 1993</i> |
| Related Policies and Internal Procedures / Protocols: | <i>Code of Conduct for Council Members</i> <i>Code of Conduct for Council Employees</i> <i>Code of Conduct for Volunteers</i> <i>Complaint and Compliments Procedure</i> <i>Customer Service and Public Interactions Policy</i> <i>Employee Conduct Protocol</i> <i>Fraud and Corruption Prevention</i> <i>Home Support Program Compliments, Complaints and Appeals</i> <i>Internal Review of Council Decisions (Section 270) Procedure</i> <i>Records Management Policy</i> <i>Request for Service Policy</i> <i>Whistleblower's Protection</i> |

1. Introduction

- 1.1. Local Government provides an extensive range of services and infrastructure to the community and discharges obligations under many pieces of legislation.
- 1.2. Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures as well as resolve the matter.
- 1.3. The aim of this Policy is to provide a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action or service and wish to make a complaint.

- 1.4. The Policy and the associated procedures apply where Council has failed to meet the normal standards for a service which has been, or should have been, delivered.

2. Strategic Plan Desired Outcome

- 2.1. Delivery of good governance in all Council business.

3. Our Approach

- 3.1. Regularly review, update and adopt leading governance, risk management and administrative practices.

4. Legislative Requirement

- 4.1. The Policy is required under Section 270(a1)(b) of the *Local Government Act 1999*. Its purpose is the management of complaints (as defined below). Requests for service or the review of a Council decision are dealt with under separate policies and procedures.

5. Interpretation

- 5.1. For the purpose of this Policy:
 - 5.1.1. “**Business day**” means Monday to Friday inclusive (except for public holidays).
 - 5.1.2. “**Complainant**” is a person who makes a complaint. Complaints may originate from residents, ratepayers, members of the public, elected members, contractors or staff.
 - 5.1.3. “**Complaint**” means an expression of dissatisfaction with a product or service delivered by the Council, or its representatives, that has failed to reach the standard stated, implied or documented. This includes complaints about a request for service that has been or should have been delivered.
 - 5.1.4. “**Council**” means the City of Burnside.
 - 5.1.5. “**Employee**” means a person employed by the Council and includes the Chief Executive Officer (CEO).
 - 5.1.6. “**Feedback**” can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.
 - 5.1.7. “**Request for service**” means an application to have Council or its representative take some form of action to provide a Council service.
 - 5.1.8. “**Staff and associates**” means a person engaged through an employment agency, a contractor, volunteer, or a committee member

appointed by Council under Section 41 of the Act, and other person who acts or works on behalf of Council.

5.1.9. **“The Act”** means the *Local Government Act 1999*.

6. Policy

- 6.1. The City of Burnside is committed to the provision of quality service to customers and regards complaints as an opportunity to resolve the matters and then to improve practices, procedures and the level of customer service if applicable.
- 6.2. The purpose of this Policy is to ensure that complaints regarding a Council product or service are examined fairly and objectively and resolved as far as possible to the Complainant’s satisfaction.
- 6.3. Staff should assess the risk to Council, the community and the Complainant and take action as appropriate.
- 6.4. If there is a likelihood of publicity, then corporate communications and the relevant departmental Group Manager and General Manager should be immediately notified as appropriate.
- 6.5. Emphasis will be placed on resolving complaints as quickly as possible. Where complaints cannot be settled in the first instance, Council will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions.
- 6.6. Council will aim to use findings from the complaint management process as a way of improving services and programs as applicable wherever possible.
- 6.7. Council also receives service requests and feedback across all areas of operations and clarification may be necessary to make these distinctions for the purpose of this policy.
- 6.8. There are also other complaint procedures that apply to particular types of complaints received by Council. Where the complaint should be dealt with by another process this will be explained to the Complainant at the outset. For example:
 - 6.8.1. complaints against a Councillor;
 - 6.8.2. insurance claims;
 - 6.8.3. decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*;
 - 6.8.4. complaints that are determined to be about matters that are not Council’s responsibility, such as those of a personal or private nature between neighbours;
 - 6.8.5. where a complaint or dispute mechanism is available under the auspices of a program such as the Commonwealth Home Support Programme;

- 6.8.6. referral to a formal internal review of a Council decision conducted under Section 270(1) of the Act and the Internal Review of Council Decisions (Section 270) Procedure; and
 - 6.8.7. a complaint made under the Whistleblower's Protection Policy and *Whistleblower's Protection Act 1993*.
- 6.9. All customer complaints will be assessed and recorded. Where a complaint is found to be frivolous, malicious, or vexatious, and the CEO has agreed with the assessment no further action will be taken on the complaint and the Complainant will be advised accordingly.

7. Anonymous Complaints

- 7.1. All anonymous complaints will be examined provided there is sufficient information to enable an investigation to be undertaken. It is acknowledged that Complainants have a right to make an anonymous complaint, it is preferred that Complainants provide their name and contact details so that the Complainant may be advised of the outcome of the complaint, which in turns allows them to dispute the outcome if they so wish.

8. How to Make a Complaint

- 8.1. A complaint may be made:
 - 8.1.1. in person at the Civic Centre, Library, George Bolton Swimming Centre Burnside, Glenunga Hub and Pepper Street Arts Centre;
 - 8.1.2. online Services on Council's website;
 - 8.1.3. telephone;
 - 8.1.4. email;
 - 8.1.5. letter addressed to The City of Burnside; or
 - 8.1.6. fax.
- 8.2. To assist the Council administration to process the complaint, the Complainant should include the following details if relevant:
 - 8.2.1. Date, time and location of event(s);
 - 8.2.2. Description of the event(s);
 - 8.2.3. Names of Council employee(s) to whom the Complainant spoke and dates;
 - 8.2.4. Copies or references to letters or documents relevant to the complaint; and
 - 8.2.5. The outcome the Complainant hopes to achieve.
- 8.3. For contact details see "Availability" at clause 17 below.

9. Timeframe for Response

- 9.1. Where a complaint cannot be resolved immediately, the Complainant will be advised of the process to be undertaken.
- 9.2. The Complainant will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress as appropriate.
- 9.3. Council will acknowledge receipt of the complaint within three (3) business days.

10. Remedies

- 10.1. Where a complaint is found to be justified Council will, where practicable, remedy the situation in a manner which is consistent and fair for Complainant, Council and any other parties if possible. The solution chosen will aim to be proportionate and appropriate to the circumstances.
- 10.2. Where appropriate, Complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.
- 10.3. The complaint should in the first instance be investigated by the relevant line manager of the area to which the complaint pertains.
- 10.4. If the complaint cannot be resolved by the relevant line manager, then the complaint will be escalated to the next level of decision making within Council as required and in accordance with all relevant policies and protocols.

11. Using Complaints to Improve Service

- 11.1. Quality of service is an important measure of Council's effectiveness. Council will review and evaluate the information gained through its complaints handling process to identify systemic issues and opportunities for improvements to service.
- 11.2. A report on the number and nature of complaints will be provided to Council at least once a year.

12. Record Keeping

- 12.1. All complaints will be captured and maintained in Council's electronic document records management system (EDRMS) in accordance with the *State Records Act 1997* and Council's Records Management Policy.

13. Privacy and Confidentiality

- 13.1. Complainants have a right to expect that their complaint will be investigated confidentially, to the extent possible. The identity of Complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint should not be revealed or made public by the Council, except where required by law or at the request of the Complainant.
- 13.2. All complaints lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

13.3. Information may be disclosed publicly in a de-identified format for annual reporting, employee training and other purposes required by legislation.

14. Other Forms of Resolution

14.1. While Council prefers to work with its customers to resolve complaints quickly and effectively, a Complainant will always retain the right to seek other forms of resolution, such as a facilitator, Office for Public Integrity, Independent Commission Against Corruption, contacting the Ombudsman, or taking legal action at any time. Note as a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is inappropriate in the circumstances.

15. Unreasonable Complainant Conduct

15.1. All complaints received by Council will be treated seriously and Complainants will be treated fairly and courteously.

15.2. Occasionally the conduct of a Complainant may be 'unreasonable'. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative, or aggressive behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and Council seeks to manage these situations in a fair manner.

15.3. Where a Complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, or is considered to be a work, health and safety hazard, a decision may be made to apply restrictions on contact with the Complainant. Before making any decision to restrict contact, the Complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

15.4. In the event that after a warning the behaviour continues, the CEO or delegate may take action to mitigate the risk to Council and any Employee. This action will be communicated in writing to the Complainant. Please refer to the Customer Service and Public Interaction Policy.

16. Complaints relating to the Code of Conduct for Council Employees

16.1. Where a person alleges:

16.1.1. an employee (or a relative of an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or to influence the employee in the performance or discharge of the employees' functions or duties; or

16.1.2. an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register; or

16.1.3. the CEO has not appropriately maintained a register for gifts and benefits received by employees of the council,

they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the *Local Government (General) Regulations 2013*.

- 16.2. The complaint must be given to the CEO and will be investigated and resolved according to the industrial and human resource procedures of Council.
- 16.3. In the case of a complaint against the CEO, a complaint must be given to the principal member of the council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

17. Review and Authority

- 17.1. This Policy will be reviewed biennially in accordance with Council's Policy and Procedure Framework.

18. Availability

- 18.1. The Policy and the Customer Service Complaint form are available to be downloaded, free of charge, from Council's internet site www.burnside.sa.gov.au.
- 18.2. The Policy will be available for inspection free of charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre

401 Greenhill Road, Tusmore SA 5065

Telephone; 8366 4200

Fax; 8366 4299

Email: burnside@burnside.sa.gov.au

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

Enquiries regarding this policy may be directed to the Group Manager People and Innovation.

CUSTOMER FEEDBACK PROCESS



