

# Complaints Procedure



Procedure Number	PRO-CPROV2
File Number	2/PRO/CPRO/2
Responsible Officer	Chief Executive Officer
Adopted	11 September 2019
Last reviewed at Council Meeting	15 August 2023
Minute Number	C08-23/017
Due date of next Review	Election 2026

## 1. Purpose

- 1.1 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.
- 1.2 Section 270 of the *Local Government Act 1999* requires Council to maintain a procedure about “complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council.”
- 1.3 This Complaints Procedure commences at the point that a complaint is received and covers processes for
  - 1.3.1 resolving complaints
  - 1.3.2 using complaint investigations to directly inform service improvements
- 1.4 The aim of this procedure is to ensure complainants receive a fair, consistent and structured process when staff are managing complaints about actions of the Council or its officers or representatives. This procedure does not apply to matters that do not fall within Council’s jurisdiction. These types of issues will be referred to other agencies.

## 2. Definitions

- 2.1 **Business Day** means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).
- 2.2 **Request for Service** means the seeking of service, approval, information, action or assistance in line with Council’s service offering.
- 2.3 **Complaint** is an expression of dissatisfaction with a service which has, or should have, been received defined as:
  - 2.3.1 “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 expected. This includes complaints about a service that has been or should have been delivered.”
  - 2.3.2 Where Council has failed to meet the normal standards for a service which has been, or should have been, delivered the Complaints Policy and the associated procedures apply.

2.3.3 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.

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## 3. Procedure

**3.1** Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right. The following steps are to be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly, within **10 Business Days** of receipt.
- Assess the complaint - simple problems may not need to be investigated
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision (uphold grievance or uphold Council action)
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

### 3.2 Assisting with the lodgement of a complaint

3.2.1 It is essential that no one is excluded from lodging a complaint because of any difficulties they may have representing themselves. All staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the complaint in writing when circumstances warrant.

3.2.2 If necessary staff will arrange access to interpreters, aids or advocates to ensure that a complainant is treated equitably

### 3.3 Receiving a complaint

A person can make a complaint in a number of ways:

- Completion of the appropriate form on Council's website
- Telephone
- Fax
- Email
- Letter
- Visit to a Council customer service office

### 3.4 Written Complaints

3.4.1 All written complaints, whether received by letter, fax, standard form, Council's website or email are to be forwarded to Records Management for registration and assignment.

3.4.2 Where a complainant presents at Council it is the responsibility of the officer present to determine whether the matter can be dealt with immediately by a customer service officer. If not, the complainant should be encouraged to put the complaint in writing and assisted, where necessary, by a customer service officer. Then the documented complaint is to be forwarded to records management.

### 3.5 Verbal Complaints

3.5.1 Verbal complaints received by Council must be recorded in Council's action system and forwarded to the relevant Director or Manager.

3.5.2 Record comprehensive details of the complaint, including.

- Date and time of call
  - Taken by
  - Complainant's Name
  - Complainant's address
  - Complainant's contact phone numbers
  - If calling on behalf of another, full contact details for that person
  - Issues and allegations as reported
  - Who is the complaint assigned to
- 3.5.3 Verbal complaints may also be received by officers in the course of their work. All staff are expected to resolve, reassign or report these complaints as appropriate, including ensuring that they are properly recorded for future analysis. Officers will document the complaint through a file note and record in Councils action system or records system.

### **3.6 Acknowledging complaints**

- 3.6.1 Where a complaint cannot be resolved immediately the person who received the initial contact is responsible for:
- a) advising the complainant of the process to be undertaken and the time of the next contact when taking a verbal report; and
  - b) ensuring the complaint is lodged and assigned through the customer action system.
- 3.6.2 Council will respond to complaints as soon as possible, and within the timeframe as stated in Councils Customer Service Charter.

### **3.7 Anonymous Complaints**

- 3.7.1 It can be difficult to effectively deal with an anonymous complaint. When taking details of a complaint, the customer will be encouraged to provide their identity in order for the complaint to be fully processed.
- 3.7.2 Anonymous complaints will not be progressed unless accompanied by sufficient information to enable the complaint to be investigated and/or sufficient evidence to substantiate the allegations.

### **3.8 Assignment of Complaints**

Assignment of the complaint includes determining who will investigate and at what level the complaint should be dealt with in the first instance. Wherever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

### **3.9 Responsibilities of all staff when handling complaints**

- 3.9.1 Council expects that the complaint handling system will be fair to the complainant, the Council and any person against whom a complaint is made. The rules of fairness, reasonableness and unbiased decision-making should be applied and all parties involved should be given the opportunity to respond to any issues raised.
- 3.9.2 To this end staff are expected to:
- Treat complaints seriously and complainants with sensitivity, respect and courtesy
  - Give the complainant an opportunity to have their complaint dealt with by an officer not previously involved in the matter
  - Ensure all conflicts of interest are disclosed and acted upon
  - Judge complaints on their merits and facts, after obtaining and considering all relevant information
  - Give equal treatment to all people
  - Ensure an appropriate remedy is provided where the complaint is substantiated

- Provide all parties with clear reasons as to why any actions have been taken
  - Inform complainant of any further avenues of review
- 3.9.3 Being responsive to complainants reflects Council's commitment to quality service and can prevent the escalation of complaints. Complaints are to be dealt with quickly, transparently and within established timelines:
- 3.9.4 Advise complainants of the process to be followed and how long it will take to deal with the complaint
- Keep them informed of progress and the reasons for any delays
  - Resolve or make further enquiries as soon as possible
  - Where a complaint is not resolved to the customer's satisfaction, explain the decision clearly and offer any possible alternative actions or review opportunities
- 3.9.5 Council must handle complaint information according to the privacy policy, which is set out in Council's Complaints Policy. Council's policy states that "the identity of complainants will be made known only to those who need to consider or know about the complaint and will not be revealed to any other person or made public by the Council, except where required by law". Confidentiality is not to be used as an excuse to avoid dealing with a complaint.
- 3.9.6 Information gathered during the complaint process will only be:
- Used in order to deal with and resolve the complaint or to address systemic issues arising from a complaint
  - Shared with Council staff on a need to know basis
  - Disclosed only in accordance with legal requirements, including the *Freedom of Information Act*, and after consultation with person affected.
- 3.9.7 Information may be disclosed publicly in a de-identified format for annual reporting, training and other purposes required by legislation.

### **3.10 Responsibility of Elected Members when handling complaints**

Elected members are to forward customer complaints to the Chief Executive for action.

### **3.11 Frontline Resolution of a complaint**

All staff are empowered to handle complaints in the first instance. It is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level. Dealing with a complaint at this level can include referral to another officer who has had no involvement in the matter, or to a Manager or Director.

### **3.12 Understanding Complainants**

- 3.12.1 Make contact with the complainant as soon as possible and if necessary, arrange to meet to fully understand their concerns. How the first contact with a complainant is handled is extremely important.

### **3.13 Even when the outcome is not what they anticipated, the complainant should understand that their complaint has been taken seriously and they have been afforded procedural fairness. Referral**

- 3.13.1 If it is necessary to refer the matter to another staff member, ensure they are fully briefed and able to make a decision. Having a complaint referred can be frustrating for the complainant, therefore it is imperative that a thorough handover is conducted between officers. Advise the complainant of the reason for the referral of responsibility and explain the process and timeframes which will be followed.
- 3.13.2 Ensure that the complaint has been logged and updated before referral

### **3.14 When to immediately refer a complaint**

- 3.14.1 There are also other complaint procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process this should be explained to the complainant at the outset. For example:

- Freedom of Information applications
  - Insurance claims
  - Decisions made under legislation other than the *Local Government Act 1999*, such as the *Planning, Development & Infrastructure Act 2016* or *Expiation of Offences Act 1996*.
- 3.14.2 Ensure that the complainant has sufficient information to initiate the alternative process.
- 3.14.3 There are some types of complaints which must be automatically referred to the Chief Executive Officer (or Mayor in the case of a complaint against an Elected Member or the Chief Executive Officer). These include:
- Complaints about a decision of the Elected Council;
  - Complaints in relation to an Elected Member or the Chief Executive Officer;
  - Where the problem is clearly outside of the staff member's delegation or area of expertise;
  - Complaints alleging fraud, corruption or other criminal behaviour, which should be referred to the Anti-Corruption Branch or other relevant branch of SAPOL;
  - Complaints involving an allegation of serious or controversial conduct by a staff member where disciplinary action is a possible outcome;
- 3.14.4 Ensure that the complaint is documented and lodged with records management, or request immediate assistance from a senior officer for, depending on the circumstances and nature of the complaint.

### **3.15 Handling complaints at a senior level**

- 3.15.1 Where circumstances indicate the complaint would be more appropriately handled at a higher level, referred to a more senior officer in Council.
- 3.15.2 Examples include where the complaint:
- ranges across more than one service area within Council
  - concerns a contractor or consultant
  - alleges improper conduct by a staff member
  - has a high degree of complexity and
  - if a complainant is not satisfied with the outcome or handling of the complaint at the frontline level
- 3.15.3 Complaints should be resolved to the satisfaction of all parties at this level in the majority of cases.

### **3.16 Process of assigning a senior officer**

- 3.16.1 Council's records management staff are trained to assign complaints to an appropriate officer with the skills, knowledge and authority to investigate and determine the matter.
- 3.16.2 As a matter of good practice, complaints should be escalated to the appropriate Manager or Director of the area to which the complaint is directed, provided that the Manager or Director have not been involved in the subject of the complaint and is able to bring an objective mind to the resolution of the complaint.
- 3.16.3 Ensure that the referral occurs promptly and the complainant understands the process and timeline for the next action.
- 3.16.4 Document your involvement to date in the complaints action system.

### **3.17 Deciding how to proceed**

- 3.17.1 Each complaint must be assessed to determine its nature, how it should be dealt with, when it should be dealt with, who should be involved and whether further information or investigation is required.
- 3.17.2 The first step is to assess the nature of the complaint as not all complaints require

investigation. Many complaints involve communication problems or misunderstandings that can be resolved informally by talking to the complainant, discussion between the parties or through other processes such as mediation.

- 3.17.3 Certain types of investigations such as public interest disclosure complaints are subject to particular legislative requirements. In these cases, the assessment of the complaint and the nature of the investigation must be undertaken in accordance with the relevant legislative framework.
- 3.17.4 Determine what course of action is most appropriate in the particular circumstances.
- 3.17.5 Issues to consider in the determination on what course of action is most appropriate include:
  - how serious the complaint is and the significance it has for the complainant and Council
  - the need and requirement of immediate action
  - complexity
  - whether it indicates the existence of a systemic problem
  - whether an alternative and satisfactory means of redress is available
  - whether the parties are agreeable to informal resolution of the complaint
  - whether the complaint is trivial, frivolous or without merit
  - the time that has elapsed between event and complaint.
- 3.17.6 If an investigation is not warranted, contact the complainant to provide a formal response or propose other actions. Document all actions in the Customer Action or Records system.

### **3.18 Undertaking an investigation**

- 3.18.1 Every effort should be made to finalise the complaint at this level. See Remedies below.
- 3.18.2 Ensure that the complainant receives regular updates about the progress of the investigation and a formal response including reasons for the decision.
- 3.18.3 Document all actions in the Customer Action or Records system.

### **3.19 Internal review**

An internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This more formal process, which is established and mandated by statute, is generally a last resort in the complaint handling process. However, this process may also be used in relation to more serious situations which require an immediate, high level response, such as a complaint about a decision of the CEO or a resolution of Council. [see *Council's Internal Review Procedure*]

### **3.20 Remedies**

- 3.20.1 Where a complaint is considered justified, determine an appropriate remedy or response to the complaint. By working to address the complaint, Council is making a commitment to meeting the complainant's needs, improving internal processes and maintaining its reputation.
- 3.20.2 An apology which is not an acceptance of liability is normally appropriate. Other remedies offered should be fair and reasonable for both Council and the complainant. The range of possible outcomes includes:
  - an explanation
  - an apology
  - mediation
  - an admission of fault
  - a change in decision
  - a change to policy, procedure or practice
  - a correction of misleading records
  - financial compensation, including a refund of any fees

- the waiving of a debt
  - the remission of a penalty
  - protection to the complainant
  - disciplinary action
  - referral of a matter to an external agency for further investigation or prosecution.
- 3.20.3 The remedy or response may be just one, or a combination of these actions. The chosen remedy needs to be proportionate and appropriate to the failure in service and take account of what people are looking for when they complain. Normally remedies other than compensation will satisfy a complainant. Compensation is therefore a final option and will apply only in cases where the loss or suffering is considered substantial.
- 3.20.4 All recommendations for financial compensation must be referred to the CEO.
- 3.20.5 Ideally, remedies should be implemented as soon as possible. In cases where a remedy is provided to a complainant, it may also be necessary to provide a remedy to other people similarly affected, even if they have not made a complaint.
- 3.20.6 If an apology is required do so promptly and advise the complainant that appropriate action will be taken to ensure the problem is not repeated.

### **3.21 Unreasonable complainant conduct**

- 3.21.1 All complaints received by Council will be treated seriously and complainants will be treated courteously. However, on occasion, the conduct of a complainant can be unreasonable.
- 3.21.2 Unreasonable conduct is to be dealt with pursuant to Council's *Unreasonable Customer Conduct Procedure*.

### **3.22 Service Improvement**

- 3.22.1 Learning from complaints is a powerful way of helping to improve Council's processes and procedures and increase trust among the people who use Council services. Council therefore has systems to:
- record, analyse and report on the outcomes of complaints and remedies and
  - apply the information to improve customer service.
- 3.22.2 Part of a remedy may be to ensure that changes are made to policies, procedures, systems, staff training or all of these, to ensure the reason for the complaint is not repeated. It is important to ensure that lessons learnt are put into practice.
- 3.22.3 All complaints must be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.
- 3.22.4 At intervals determined by the number of complaints received, the data on complaints is reported to the Senior Management Team in order to ensure that systemic problems are identified and addressed.
- 3.22.5 Council is provided with an annual report containing data about complaints, actions taken to address to them and changes made as a result of complaints.

## **4. Records Management**

- 4.1 All documents, notes, notes from telephone calls, photographs and correspondence must be retained and stored in accordance with Council's Records Management Policy as required by Section 125 of the *Local Government Act 1999*.
- 4.2 All requests for service must be recorded in Council's records management system.

## **5. Availability/Accessibility**

- 5.1 This Procedure and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).



- 5.2 This Procedure is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

## 6. Legislative Framework / Other References

- 6.1 [Local Government Act 1999](#), Section 270
- 6.2 [Public Interest Disclosure Act 2018](#)
- 6.3 *Complaints Policy*
- 6.4 *Unreasonable Customer Conduct Procedure*
- 6.5 *Customer Service Charter*
- 6.6 *Requests for Service Policy*
- 6.7 *Requests for Service Procedure*
- 6.8 *Elected Members' Behavioural Management Policy*
- 6.9 *Internal Review of Council Decisions Policy*
- 6.10 *Public Interest Disclosure Policy*

## 7. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	11 September 2019	20639/1	Adopted
2	15 August 2023	C08-23/017	Update to wording throughout clause 3, including 3.13, 3.14, 3.21. Update procedure throughout to current template, writing style and format.