



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Complaints Handling Policy & Procedure

POLICY MANUAL: Governance

BACKGROUND

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation. The City of Norwood Payneham & St Peters is committed to the provision of quality services and programs for citizens and visitors to the City.

Notwithstanding this, from time to time the Council receives complaints regarding its policies, procedures, staff, agents, quality and level of service and programs. In an environment where there are increasing expectations regarding the Council's accountability, openness, responsibility and the need to ensure that its affairs are conducted with the utmost of probity, it is essential to have in place a Complaints Handling Policy and Procedure.

The intent of this Complaints Handling Policy and Procedure is to provide a framework for receiving and responding to complaints from the community as a means of improving services in all areas of the Council's operations. This Policy and Procedure also aims to ensure that issues which are the subject of complaints are addressed fairly, efficiently and effectively and in a manner which, as far as possible, ensures that such issues will not be the subject of similar complaints in the future.

KEY PRINCIPLES

This Policy is based on the following principles:

- **Fairness:** treating complainants fairly requires impartiality, objectivity, confidentiality and transparency at all stages of the process.
- **Accessibility:** ensuring the Complaints Handling Policy & Procedure is publicly available and easily accessible to all.
- **Responsiveness:** this will be achieved by providing sufficient resources, well trained staff and review and improvement of systems, where relevant.
- **Efficiency:** complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity.
- **Integration** of different areas of the Council where the complaint overlaps functional responsibilities.

SCOPE

This Policy applies to all Council staff, Volunteers, contractors and Elected Members that receive complaints made by members of the public to or about the Council.

The *Complaints Handling Policy & Procedure* forms part of the Council's Complaint Handling Framework, which includes the following policies and procedures:

- Unreasonable Complainant Conduct Policy & Procedure;
- Planning Approval Compliance & Development Complaint Handling Policy;
- Elected Member Code of Conduct Complaints Handling Policy; and
- Review of Decisions Policy & Procedure.

The following matters are outside the scope of this Policy and are dealt with through separate Council policies and procedures:

- Requests for services;
- Code of Conduct complaints in relation to Elected Members;
- Internal staff / Volunteer / contractor grievances;
- Freedom of Information applications;
- Public interest disclosures;
- Decisions made under legislation other than the *Local Government Act 1999*, including, for example the *Development Act 1993* or the *Expiation of Offences Act 1996*; and
- Requests for reviews of decisions under Section 270 of the *Local Government Act 1999*.

DEFINITION

For the purposes of this Policy, 'complaint' is defined as:

"an expression of dissatisfaction with the Council's policies, procedures, staff, agents, or the quality of the Council's services, programs or facilities. A complaint may relate to a specific incident or an issue involving the Council, or to matters of a more general nature regarding the Council's processes and/or procedures".

POLICY

LODGEMENT OF COMPLAINTS

Complaints may be lodged with the Council in the following ways:

- by telephone;
- in person;
- in writing to the Chief Executive Officer or other Council staff (whether by written correspondence, email, social media or the Complaints Form on the Council's website); and/or
- through Elected Members, Council Volunteers or contractors.

At a minimum, the following information should be provided by the complainant:

- the contact information of the person making the complaint;
- a description of the key facts and issues involved in the complaint;
- the outcomes sought by the complainant;
- any other relevant information; and
- any additional support the complainant requires.

RECORDS MANAGEMENT

All corporate records in relation to the complaints handling process as set out in this Policy will be captured in the Council's Customer Request Management System and the Council's Electronic Document Management System. The Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

LEVELS OF COMPLAINT HANDLING

- **Level 1** – Frontline / early resolution of complaints
- **Level 2** – Internal complaints handling
- **Level 3** – External review of complaints

Complaints which are lodged with the Council will vary in type and seriousness. In many circumstances, the onus will fall on the Council staff member receiving the complaint to determine the seriousness of the complaint and what level of action is required in responding to the complainant in accordance with this Policy and Procedure.

Any member of staff who is approached by a person wishing to lodge a complaint must advise that person of the methods by which their complaint may be lodged in accordance with this Policy. Where a complaint would be more properly dealt with under another Council policy or procedure, this will be explained to the complainant at the outset and referred to the appropriate person within the Council.

Staff will endeavour to manage the complainant's expectations from the outset with respect to the Council's complaints handling process, timeframes and likely outcomes. Staff will attempt to clarify the key issue/s raised by the complaint and the outcome/s sought by the complainant.

Both staff and complainants should be aware of their rights and responsibilities in relation to the complaints handling process. For more information, see **Attachment A**.

Level 1 – Frontline / early resolution of complaints

Wherever possible, complaints will be resolved 'on the spot' when first reported to the Council by the staff member receiving the complaint, or by referral to an appropriate staff member. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Elected Members must refer all complaints received to the relevant General Manager or the Chief Executive Officer.

Council Volunteers and contractors must refer all complaints received to their relevant contact person at the Council (eg the Volunteer Services Coordinator, or the relevant project manager).

A complaint will be directed to a senior officer (e.g. the relevant Manager, Team Leader or General Manager) where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where a senior officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one area of the organisation.

If a response cannot be provided 'on the spot' when the complaint is first reported or directed to a senior officer, at a minimum, an acknowledgement should be provided to the complainant within two (2) business days.

Level 2 – Internal complaints handling

Where frontline resolution is not possible or where the complaint is deemed to be of a more serious or complex nature, the Council staff member will create a written record of the complaint in the Council's Customer Request Management System and will allocate the complaint to the Manager of the relevant Department within the Council.

The relevant Council staff within that Department will then follow the Council's internal complaints handling process, which involves the following steps:

1. Receipt of complaint
2. Initial assessment & acknowledgement of complaint
3. Investigation of complaint
4. Resolution of complaint
5. Closing of complaint

The **attached** Procedure provides more detail in relation to each of these steps, including relevant timeframes.

The Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated appropriately.

Internal review of decision

If a request for a review of a decision is made in relation to the Council's resolution of a complaint, this will be dealt with in accordance with the Council's *Review of Decisions Policy & Procedure*. This is a process established by Section 270 of the *Local Government Act 1999* that enables the Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process but may also be used in situations which are not able to be resolved by other means or which require an immediate high-level response, such as a complaint about a decision of the Council and/or the Chief Executive Officer.

All requests for a review of a decision must be referred to the General Manager, Governance & Community Affairs. Where the resolution of the complaint has been made by the General Manager, Governance & Community Affairs, the request for a review of decision will be referred to the Chief Executive Officer.

Level 3 – External review of complaints

Where the complainant is dissatisfied with the outcome of the Council's internal review of their complaint, they may seek an external review of the Council's decision (for example, by the South Australian Ombudsman).

While the Council prefers to work with its citizens to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the South Australian Ombudsman, or taking legal action at any time. However, as a general rule, the South Australian Ombudsman prefers a complaint to be addressed by the Council in the first instance, unless this is not appropriate in the circumstances.

REMEDIES

Where complaints are found to be justified, the Council will, where practicable, remedy the situation in a manner which is consistent and fair for both the Council and the complainant. The solution chosen will be proportionate and appropriate to the circumstances. In some circumstances, this may involve the provision of a Council service to the complainant, amending the Council's decision, or an apology.

The Council may also seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where this course of action is appropriate and the complainant is amenable to the process.

When advising a complainant of the outcome of an investigation of a complaint, the Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the South Australian Ombudsman.

Compensation will only be offered to a complainant in cases where their loss or suffering is considered substantial. The Council and the Chief Executive Officer are the only representatives authorised to offer financial compensation and may consult with the Local Government Association Mutual Liability Scheme before taking any such action.

OTHER TYPES OF COMPLAINTS

Conduct of Council staff or Elected Members and Council decisions

Complaints about the conduct of Council staff should be referred to the relevant Manager of that staff member. In undertaking the initial assessment of the complaint, and depending on the nature and severity of the conduct, the Manager may consult with the Manager, Organisational Development (or the Chief Executive Officer, as relevant). The process and timeframes set out in the attached *Complaint Handling Procedure* should still be followed to the extent practicable, but it is acknowledged that the investigation of the complaint and the actions taken by the Council in relation to the staff member may occur in accordance with the human resources policies and procedures of the Council.

Workplace grievances (i.e. grievances or complaints that arise between staff members, Volunteers and contractors, rather than external complaints from members of the public) are not covered by this Policy and will be dealt with under the Council's *Grievance Policy*.

Complaints about the conduct of Elected Members, or about the practices or procedures underpinning or arising from the Council decision-making process, must be directed immediately to the General Manager, Governance & Community Affairs or the Chief Executive Officer. Complaints relating to Code of Conduct matters for Elected Members will be investigated and resolved in accordance with the Council's *Elected Member Code of Conduct Complaints Handling Policy*. Complaints relating to Council decisions may be dealt with under the Council's *Review of Decisions Policy & Procedure*.

In the case of a complaint against the Chief Executive Officer, the complaint must be referred to the Principal Member of the Council (the Mayor) or the General Manager, Governance & Community Affairs.

Conduct involving alleged Corruption, Misconduct or Maladministration

Complaints alleging conduct that comprises corruption, misconduct or maladministration in public administration by Council staff, Volunteers, contractors or Elected Members, as defined in the *Independent Commission Against Corruption Act 2012* (ICAC Act), must be referred immediately to the General Manager, Governance & Community Affairs.

Complaints in relation to such conduct may also be made directly to the Office for Public Integrity (see www.icac.sa.gov.au for more information).

Public interest disclosures

Complaints that involve a disclosure of environmental and health information, as defined in the *Public Interest Disclosure Act 2016* (PID Act), must be referred to the Council's Responsible Officer as provided for in the Council's *Public Interest Disclosure Policy*, to ensure that the matter is dealt with in accordance with the requirements of the PID Act.

PRIVACY AND CONFIDENTIALITY

Complainants have a right to expect that their complaint will be investigated in confidence, where this is practical and appropriate. The identity of complainants and the nature of their complaint (including any personal, sensitive or confidential information involved in the subject-matter of their complaint) will be disclosed only to those Council staff or external agencies who need to know in the process of investigating and resolving the complaint in accordance with this Policy and Procedure, or where otherwise required by law.

All complaints lodged with the Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

The Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is adequate information provided.

ACCESSIBILITY AND ASSISTANCE

The Council will ensure that information about how and where complaints can be lodged is made available in a variety of formats to ensure that it is easily accessible to everyone (including on the Council's website and in person at the Council's Customer Service Centres).

Assistance will be provided to complainants, where necessary, including the use of an interpreter, providing assistance for people living with a disability, or referring the complainant to an advocate to help prepare and lodge their complaint.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, the Council can communicate with them through their representative. Anyone may represent a person wishing to make a complaint with their consent (e.g. an advocate, family member, legal or community representative, member of Parliament, or another organisation).

Making a complaint to the Council is free of charge.

UNREASONABLE COMPLAINANT CONDUCT

All complaints which are received by the Council will be treated seriously and complainants will be treated with respect. However, occasionally the conduct of a complainant can be unreasonable and may impede the Council's investigation of a complaint, the ability to allocate resources fairly across all matters, or may detrimentally impact upon the health, safety or security of Council staff. This may take the form of unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments or otherwise unreasonable or threatening behaviour.

The Council will manage unreasonable complainant conduct in accordance with its *Unreasonable Complainant Conduct Policy & Procedure*.

CONTINUOUS IMPROVEMENT

Quality of service is an important measure of the Council's effectiveness. Learning from complaints is an important means to assist members of the community who use the Council's services and programs and/or are affected by the Council's policies and procedures.

In addition, the Council is committed to improving the effectiveness and efficiency of its complaint handling framework. To this end, the Council will continually monitor this framework to ensure effectiveness in responding to and resolving complaints and to identify and correct deficiencies in its operation. Monitoring may include, for example, the use of audits or complaint satisfaction surveys.

The Council will seek to implement best practices in complaint handling, to recognise exemplary complaint handling by staff and to implement appropriate system changes arising out of ongoing analysis and monitoring of the complaint management framework.

In addition to making changes to procedures and practices where appropriate, the Council will review and evaluate the information gained through its complaints handling framework on an annual basis (or otherwise as required) to identify systemic issues and improvements to service. The General Manager, Governance & Community Affairs will report to the Council on an annual basis regarding the number and type of complaints received (excluding those 'Level 1' complaints resolved on the 'frontline'), the time taken to resolve complaints and recommendations for any changes to Council procedures or systems.

RESPONSIBLE OFFICER

The Council's General Manager, Governance & Community Affairs is specifically charged with the responsibility of overseeing the Council's complaints handling process under this Policy.

The General Manager, Governance & Community Affairs is located at the Norwood Town Hall, 175 The Parade, Norwood. The General Manager, Governance & Community Affairs may be contacted directly by telephone on 8366 4549, between 8.30am – 5.00pm, Monday to Friday or via email: Imara@npsp.sa.gov.au

OTHER AGENCIES

If a complainant is dissatisfied with the Council's complaints handling process or would like to have their complaint addressed by an external agency, they can seek assistance from the following organisations:

Office for Local Government

Postal Address: GPO Box 1533, Adelaide SA 5001

Phone: (08) 7109 7145

Email: DPTI.OfficeofLocalGovernment@sa.gov.au

Ombudsman SA

Postal Address: GPO Box 3651, Rundle Mall SA 5000

Phone: 8226 8699

Email: ombudsman@ombudsman.sa.gov.au

COMPLAINTS HANDLING PROCEDURE

Where frontline or early resolution of a complaint is not possible (Level 1), or where the complaint is deemed to be of a more serious nature, the complaint will progress to the Council's internal complaints handling process (Level 2). This process is set out below.

1. Receipt of complaint

The Council staff member receiving the complaint will create a record of the complaint in the Council's Customer Request Management System.

In all circumstances, including those where the complainant wishes to remain anonymous, a written account of the complaint must be recorded and include (at a minimum) the following details:

- the contact information of the person making the complaint (where provided);
- a description of the key facts and issues involved in the complaint;
- the outcomes sought by the complainant;
- any other relevant information; and
- any additional support the person making a complaint requires.

Depending on the subject-matter and nature of the complaint, the staff member will allocate the complaint to the Manager of the relevant Council Department via the Customer Request Management System.

Where a complaint involves multiple areas of the Council's operations or relates to the relevant General Manager, the complaint should be allocated to the General Manager, Governance & Community Affairs. Where the complaint relates to the service or conduct of a particular Manager, the complaint will instead be allocated to their General Manager.

An automated acknowledgement will be generated by the Council's Customer Request Management System and will be sent to the complainant's nominated contact address (e.g. email or text).

2. Initial assessment & acknowledgement of complaint

The Manager will undertake an initial assessment of the complaint and how it should be managed, in consultation with their General Manager, which will include consideration of the following factors:

- how serious, complicated or urgent the complaint is, and the risks involved if resolution of the complaint is delayed;
- whether the complaint raises concerns about people's health or safety;
- whether the issue/s raised are within the Council's control/ jurisdiction;
- what outcome/s are sought by the complainant;
- if more than one issue is raised, whether they need to be separately addressed;
- whether a resolution requires the involvement of other Council departments or external organisations; and
- whether the complaint has already been addressed by the Council previously.

The Manager will provide a written response to the complainant acknowledging receipt of the complaint and advising of the initial assessment that has been undertaken within **five (5) business days** of receipt of the complaint, and will provide the following information:

- a summary of the complaint (key facts and issues) and the outcome sought by the complainant;
- the Council's complaints handling process and estimated timeframes for each stage; and
- the relevant staff member who will be undertaking the investigation of their complaint and their contact details.

Where the Council is unable to deal with any part of a complaint, the Manager will advise the complainant of this and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Consideration will be given to the most appropriate form of communication for communicating with the person making the complaint (e.g. email or letter).

3. Investigation of complaint

The relevant Manager will undertake a more thorough investigation of the complaint, which may include (without limitation) the following steps:

- review of any information or evidence provided to investigate the issues raised or claims made in the complaint;
- gathering and review of further relevant information from desktop analysis, site inspections, interviews with relevant persons etc.;
- consideration of relevant Council policies and procedures and legislative requirements; and
- obtaining advice from other Council departments, external agencies and professionals (including legal advice) as required.

Where further information is required from the complainant to enable investigation of the complaint, this will be requested from the complainant as soon as practicable. The Council's timeframe in relation to resolution of the complaint will be suspended while awaiting receipt of this requested information.

If delays are anticipated in the investigation process, the relevant Manager will promptly advise the complainant and their General Manager and provide an estimate of the additional time required to complete the investigation.

Where a complaint involves multiple organisations or requires referral to an external agency, the Council will work with the other organisations/agencies where possible throughout the complaint handling process, to ensure that communication with the complainant is clear and coordinated.

4. Resolution of complaint

The relevant Manager investigating the complaint will make the final determination as to the action to be taken by the Council to resolve the complaint, in consultation with their General Manager.

The Manager will advise the complainant of the Council's determination in relation to the complaint in writing within **twenty-one (21) business days** of the initial assessment of the complaint, and will provide the following information:

- a summary of the investigation undertaken;
- the findings made by the Council in relation to the complaint and the reason/s for these findings;
- the proposed action to be taken by the Council in relation to the complaint; and
- any options for review that may be available to the complainant (including, internal review and external review).

If in the course of investigation, the Council makes any adverse findings about a particular individual, the Council will consider any applicable obligations in relation to privacy and confidentiality before sharing the Council's findings with the complainant.

Consideration will be given to the most appropriate form of communication for communicating with the person making the complaint (e.g. email or letter).

5. Closing of complaint

Each staff member involved in the complaints handling process is responsible for ensuring that all corporate records in relation to the complaint are recorded in the Council's Customer Request Management System.

The relevant Manager will be responsible for ensuring that all actions and outcomes in relation to the complaint are properly implemented and monitored, and allocated to relevant staff in the Council's Customer Request Management System where required.

The Council will aim to close a complaint within the Council's Customer Request Management System within twenty-eight (28) business days of the resolution of complaint letter (unless an extension is required to complete outstanding tasks). Following this, no further action will be taken by the Council in relation to the complaint.

Internal review of complaint

If a request for a review of a decision is made in relation to the Council's resolution of the complaint, the complaint will be referred to the General Manager, Governance & Community Affairs and will be dealt with under the Council's *Review of Decision Policy & Procedure*.

REVIEW PROCESS

This Policy & Procedure will be reviewed within 12 months of the next Local Government General Elections to be conducted in November 2022, and otherwise as required.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Governance, Legal & Property, telephone 8366 4507.

ADOPTION OF THE PROCEDURE

This Policy was adopted by Council on 14 October 2002.

This Policy was reviewed and adopted by the Council on 6 August 2018.

This Policy & Procedure was reviewed and adopted by the Council on 3 August 2020.

TO BE REVIEWED

August 2023

ATTACHMENT A – RIGHTS & RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT

In order for the Council to ensure that all complaints are dealt with fairly, efficiently and effectively, whilst also adhering to occupational health and safety standards and duty of care obligations, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

RIGHTS

Complainants have the right to:

- make a complaint and to express their opinions in ways that are reasonable, lawful and respectful;
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case;
- to a fair hearing;
- to be informed of the actions taken and the outcome of their complaint;
- to be given reasons that explain decisions affecting them;
- to be treated with courtesy and respect;
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Council staff have the right to:

- determine whether, and if so how, a complaint will be dealt with under the Council's *Complaints Handling Policy & Procedure*;
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances;
- to expect honesty, cooperation and reasonable assistance from complainants;
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint;
- to be treated with courtesy and respect;
- to a safe and healthy working environment;
- to modify or restrict access to Council services in response to unreasonable complainant conduct in accordance with the Council's *Unreasonable Complainant Conduct Policy & Procedure*.

Subjects of a complaint have the right to:

- a fair and impartial assessment and, where appropriate, investigation of the allegations made against them;
- to be treated with courtesy and respect by Council staff;
- to be informed (at an appropriate time) about the substance of allegations made against them that are being investigated;
- to be informed about the substance of any proposed adverse comment or decision;
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made;
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.

RESPONSIBILITIES

Complainants are responsible for:

- clearly identifying to the best of their ability the issues of complaint, or asking for help from Council staff to assist them in doing so;
- providing the Council with all relevant information available to them at the time of making the complaint;
- being honest, cooperative and providing reasonable assistance to Council staff at all times in connection with the assessment, investigation and resolution of their complaint;

- informing the Council of any other action they have taken in relation to their complaint (e.g. with other agencies);
- treating Council staff with courtesy and respect.

The Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council staff, Volunteers, contractors or Elected Members. Any conduct of this kind will be dealt with in accordance with the Council's duty of care and occupational health and safety responsibilities, and may result in a refusal to take further action on a complaint or to have further dealings with a complainant. In certain cases, legal action may also be considered.

Council staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process;
- dealing with all complaints, complainants and people or organisations the subject of a complaint professionally, fairly and impartially;
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant;
- giving people or organisations the subject of a complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made;
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of allegations made against them and the substance of any proposed adverse comment or decision against them;
- keeping complainants informed of the actions taken throughout the complaint handling process and the outcome of their complaints;
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them;
- treating complainants and any person or organisation the subject of a complaint with courtesy and respect at all times;
- taking all reasonable and practicable steps to ensure that complainants are not subject to any detrimental action in reprisal for making their complaint;
- giving adequate warning of the consequences of unreasonable behaviour, in accordance with the Council's *Unreasonable Complainant Conduct Policy & Procedure*.

Subjects of a complaint are responsible for:

- cooperating with Council staff who are assigned to handle the complaint;
- providing the Council with all relevant information available to them in relation to the complaint upon request;
- being honest, cooperative and providing reasonable assistance to Council staff at all times in connection with the investigation and resolution of the complaint;
- treating Council staff with courtesy and respect at all times;
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.