

# *Council Policy*

## Complaint Handling



# COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<b>COMPLAINT HANDLING</b>
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<b>Policy Number:</b>	<b>GOV-04</b>
<b>Responsible Department(s):</b>	<b>Community and Customer Service</b>
<b>Other Relevant Policies:</b>	<b>Internal Review of Council Decisions Policy Request for Services Policy</b>
<b>Relevant Procedure(s):</b>	<b>Complaint Handling Procedure</b>
<b>Relevant Legislation:</b>	<b>Local Government Act 1999, Section 270 Local Government (General) Regulations 2013, Schedule 2A</b>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>Complaint Handling, 10/06/14, Item 12.1, 34 Complaint Handling, 13/06/17, Item 12.3, SP22/17</b>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>27 March 2018</b>
<b>Effective From:</b>	<b>2 April 2018</b>
<b>Minute Reference for Adoption:</b>	<b>Item 12.7, 73/18</b>
<b>Next Review:</b>	<b>No later than June 2020 or as required by legislation or changed circumstances</b>

## COMPLAINT HANDLING POLICY

### 1. INTRODUCTION

This Policy sets out the principles and guidelines to be used when addressing complaints made about the actions of the Council, employees of the Council, or other people acting on behalf of the Council.

This Policy is to be read in conjunction with other relevant Council policies, especially in making the distinction between a complaint and request for a review of a Council decision.

### 2. OBJECTIVES

The objectives of this policy are:

- To demonstrate the Council's commitment to addressing complaints in a timely, effective and fair way
- To demonstrate the Council's commitment to using information gained from the community to improve its services and operations

### 3. DEFINITIONS

**"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 expected. This includes complaints about a service that has been, or should have been delivered. A complaint may be made in any form, including verbal, written or electronic means.

A request for a formal **"review of a decision"** is distinguished from a complaint by virtue of the person clearly and purposefully asking for the decision to be reviewed so as to achieve a different outcome.

**"Vexatious complaints"** are those complaints which are made without sufficient grounds and are submitted only to cause disruption, delay or annoyance.

**"Frivolous complaints"** are those complaints which lack seriousness, sense or are made without an apparent purpose.

**"Feedback"** means those comments, which are sometimes framed as complaints, where the intent is clearly for the matter to be noted, but where there is no implied or expressed expectation of follow up, review or action.

### 4. POLICY STATEMENT

#### *Principles*

The following principles will be applied to the handling of complaints:

- The community should be aware of, and have access to, complaint making channels and the process to lodge a complaint. The process for handling the complaint should be communicated to the complainant.
- Each complaint will be considered on its merits. Complainants will be treated fairly, with impartiality, confidentiality and transparency being applied to the extent possible.

- Complaints will be taken seriously and sufficient resourcing will be allocated to handle complaints in a professional and timely manner.
- The outcome of a complaint should be used to improve the way the Council operates.
- The manner in which a complaint is handled, and by whom, will depend on the level of complexity and seriousness of the complaint. At all times, complaints should be handled by people competent to manage the process and communicate the outcomes.
- It is not a reasonable use of the Council's, i.e. the community's, resources to allocate time and money to investigating vexatious or frivolous complaints.
- Complainants should be informed of the outcome of any complaint requiring investigation.

### ***Policy position***

The following reflects the Council's position in respect to applying the above principles:

- The Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to improve services and operations or simply to 'put things right'.
- This policy will be made widely accessible to ensure that the Council's community, customers, stakeholders and partners are fully aware of their right to complain. Procedures associated with this policy, including information about how to lodge a complaint and how it will be handled, will be made available on the Council's website.
- Complaints will broadly be dealt with according to a three step approach, with complaints being dealt with at the first point of contact wherever possible:

#### *Step 1 - Immediate response to resolve the complaint*

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

#### *Step 2 - Complaint escalated to a more senior officer*

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an 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 Council work area.

#### *Step 3 - Internal review of a Council decision by statutory process*

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a 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, such as a complaint about a decision of the CEO.

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- Procedures will be developed which contain, as a minimum:
    - a. An approach to acknowledging the complaint.
    - b. The method to assess the nature, complexity and level of seriousness of the complaint, including whether there are specific statutory procedures or other agencies responsible for the type of complaint.
    - c. Criteria to determine the best approach according to the three tiers, including selection of an appropriate person to handle the complaint, being cognisant of the principle of impartiality.
    - d. Processes for undertaking investigations, which will vary depending on the nature and complexity of the complaint.
    - e. The process for communicating the outcome to the complainant.
    - f. Guidelines for advising the complainant of further avenues of complaint if they are not satisfied with the outcome.
    - g. Performance measures for the complaint handling procedures.
  - No distinction will be made between the method of making the complaint, i.e. complaints will be given the same regard whether they are made remotely or in person. Complaints made through any form of media will be accepted, but depending on the seriousness and complexity of the complaint, the complainant may be requested to provide further information in a defined form.
  - All complaints will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.
  - Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.
  - Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.
  - Complaints deemed to be vexatious or frivolous will be responded to in a manner appropriate to the case, but generally without resources being allocated to undertake further investigation. The complainant should, where practicable, be advised that the complaint will not be progressed and why.
  - Feedback which does not constitute a complaint (see definitions) will be acknowledged and the feedback will be directed to the appropriate functional area, but in most cases, a formal investigation will not occur.
  - Complaints which constitute a request for a review of a Council decision will be treated according to the provisions of the Internal Review of Council Decision Policy.
  - 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 Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances. As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

- Where complainants make assertions that financial compensation is expected, the matter will need to be referred to the Local Government Association Mutual Liability Scheme for case management. The rules of the Scheme will be observed and this will be communicated to the complainant.

### ***Special provisions***

There are specific procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process, this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor, the Chief Executive Officer or employee staff under the applicable Code of Conduct
- Freedom of Information applications
- Claims for financial compensation, e.g. 'insurance claims'
- Persons claiming protection under whistle-blower protection legislation
- Decisions made under legislation other than the Local Government Act, such as the Development Act 1993 or Expiation of Offences Act 1996.

### ***Employee code of conduct complaints***

Where a person alleges:

- 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
- 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
- the Chief Executive Officer 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.

A complaint of this nature must be given to the Chief Executive Officer. It will be investigated and resolved according to the industrial and human resource procedures of the Council.

In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the Council, except in circumstances where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential). In such circumstances the matter should be dealt with in accordance with the legislative requirements.

## **5. DELEGATION**

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

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**6. AVAILABILITY OF THE POLICY**

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au). Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.