



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Complaints Handling

POLICY MANUAL: Governance

GENERAL

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, changes, staff, agents, quality and level of service and programs. In an environment where there is 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 City of Norwood Payneham & St Peters treats all complaints with utmost seriousness. Every complaint which is received by the Council, will be given attention by appropriate staff in order to resolve the issues which are raised by complainants.

The Council views complaints as a way of improving its services and programs.

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 its services in all areas of the Council's operations. This Policy also aims to ensure that issues which are the subject of complaints are addressed promptly, to the satisfaction of the complainant, where possible, and in a manner which, as far as possible, ensures that such issues will not be the subject of similar complaints in the future.

However, where complaints cannot be resolved in the first instance, the Council will ensure that the complaint is dealt with through appropriate, more formal procedures by staff with the authority to make decisions.

DEFINITION

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

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

PRINCIPLES

This Policy is based on the following principles, which will be fundamental in the way the Council approaches the handling of complaints:

- Fairness: treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process.
- Accessibility: ensuring the Policy is publicly available.
- 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.

TYPE AND SERIOUSNESS OF COMPLAINTS

Complaints which are lodged with the Council will vary in type and seriousness. In many circumstances, the onus will fall on Council staff to determine the seriousness of the complaint and what action may be appropriate in responding to the complainant. Wherever possible, complaints will be resolved when first reported, however, under such circumstances and where the complaint is deemed to be of a more serious nature, staff will make a written record of the complaint and the advice proffered to the complainant and inform their General Manager or Manager immediately. Set out below is a guide to dealing with complaints according to the seriousness and implications of the complaint:

- (a) Complaints addressing issues such as non-urgent maintenance work required at a specific location, non-collection of household waste, or other matters of a minor nature, will be referred to the appropriate Council staff and resolved 'on the spot'. In circumstances where an appropriate staff member is not available, the complaint should be recorded as part of the Council's Customer Request System..
- (b) A complaint will be directed to a senior officer, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where a staff member 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..
- (c) Where a report to the Council is required due to the seriousness or complexity of the complaint, the matter will be referred directly to the General Manager, Governance & Community Affairs and/or Chief Executive Officer.
- (d) In the event that a request for a review of a decision is made in accordance with Section 270 of the *Local Government Act 1999*, the complainant will be referred to the Council's Review of Decision Policy & Procedure. 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 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.

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.

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 will be explained to the complainant at the outset. For example:

- Freedom of Information applications;
- Code of Conduct for Elected Members and/or staff; and
- Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*

Complaints about the conduct of, or alleging impropriety in the actions of Council staff or Elected Members or about the practices or procedures underpinning or arising from the Council's decision making process, must be directed immediately to the General Manager, Governance & Community Affairs and Chief Executive Officer.

LODGEMENT OF COMPLAINTS

Generally, complaints are lodged with the Council in the following ways:

1. by telephone;
2. in person;
3. in writing to the Chief Executive Officer or other Council Officers; and/or
4. through Elected Members.

RESPONSIBLE OFFICER

The Council's General Manager, Governance & Community Affairs is specifically charged with the responsibility of dealing with complaints from the public concerning the Council's affairs.

The General Manager, Governance & Community Affairs is located at the Norwood Town Hall, 175 George Street, Norwood. The General Manager, Governance & Community Affairs may be contacted directly by telephone on 8366 4549, between 8.30am – 5.00pm, Monday to Friday.

PROCEDURE FOR HANDLING COMPLAINTS

Where a complaint has been lodged, the following steps must be followed by staff immediately:

- a. 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. Staff involved in this initial contact are required to record a written account of the complaint and forward this to the Council's Records Unit and/or the General Manager, Governance & Community Affairs.
- b. In all circumstances, including those where the complainant wishes to remain anonymous, a written account of the complaint must be recorded.
- c. A written response will be forwarded to the complainant, acknowledging receipt of the complaint within five (5) working days.
- d. The General Manager, Governance & Community Affairs will refer a copy of the complaint, to the appropriate General Manager, for action, where appropriate. Alternately, where appropriate, the General Manager, Governance & Community Affairs, will refer the complaint to an external agency or authority for lodgement of their complaint.
- e. The relevant General Manager must ensure that any investigation, decision making on remedial action and reporting to the General Manager, Governance & Community Affairs, occurs within seven (7) working days from receipt of the complaint.
- f. Following an investigation, the relevant General Manager will forward a completed report to the General Manager, Governance & Community Affairs.

- g. The General Manager's report on the investigation and remedial action arising from the complaint, will be reviewed and signed off by the General Manager, Governance & Community Affairs and the General Manager.
- h. The General Manager, Governance & Community Affairs will provide a written response to the complainant within fourteen (14) working days from the lodgement of the complaint, with details of the investigation and remedial action taken in relation to their complaint.
- i. If the investigation and resolution of the complaint is expected to take longer than fourteen (14) working days, the complainant is to be advised in writing and given an estimate of the time it will take to deal with the matter.

COMPLAINTS REGARDING CODE OF CONDUCT FOR COUNCIL EMPLOYEES

Where a person alleges that:

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

A complaint will be investigated and resolved according to the industrial and human resource procedures of the Council.

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 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.

Compensation will only be offered in cases where the 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.

PRIVACY AND CONFIDENTIALITY

Complainants have a right to expect that their complaint will be investigated in confidence, 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 will not be revealed or made public by the Council, except where 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.

UNREASONABLE COMPLAINANT CONDUCT

All complaints which are received by the Council will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and the Council aims to manage these situations in a fair and equitable manner.

Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be advised that, if the specified behaviour(s) or actions continue, restrictions may be applied.

Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

STAFF RESPONSIBILITIES IN DEALING WITH COMPLAINTS

Every member of staff is required to be aware of the content of this Policy and the means by which complaints are handled within the organisation.

Staff are also required to be aware of their role in assisting and directing complainants and in recording and referring to the General Manager, Governance & Community Affairs, any discussion which occurs with complaints.

COMPLAINTS ALLEGING CORRUPT CONDUCT, PECUNIARY INTEREST, OR IMPROPER USE OF POSITIONS

All complaints alleging corrupt conduct, pecuniary interest, or improper use of position, including complaints made verbally or even anonymously, are to be referred immediately and directly to the General Manager, Governance & Community Affairs and Chief Executive Officer. Staff receiving and recording such complaints must ensure that the complaint and all allegations contained therein, remain confidential and are not discussed other than with the General Manager, Governance & Community Affairs and Chief Executive Officer.

ALTERNATIVE REMEDIES

The Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the Chief Executive Officer or his/her delegate deems such a course of action appropriate and the complainant is amenable to that 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 SA Ombudsman.

USING COMPLAINTS TO IMPROVE SERVICES & PROGRAMS

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

In addition to making changes to procedures and practices where appropriate, the Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. The General Manager, Governance & Community Affairs will report to the Council on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

The report will comprise details of the type and number of complaints received, an outline of how complaints were resolved, the average time for resolution of complaints and recommendations of any changes to procedures etc, made as a result of complaints.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

OTHER AGENCIES

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

Office for Local Government

Office:
Level 3
77 Grenfell Street
Adelaide SA 5000

Postal Address:
GPO Box 1533
Adelaide SA 5001

Phone: (08) 7109 7145

Email: DPTI.OfficeofLocalGovernment@sa.gov.au

Ombudsman SA

Level 5
East Wing
50 Grenfell Street
ADELAIDE SA 5000

Postal Address:
PO Box 3651
Rundle Mall SA 5000

Phone: 8226 8699

Email: ombudsman@ombudsman.sa.gov.au

REVIEW PROCESS

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this Policy will be subject to periodic evaluation and review..

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Community Affairs, Lisa Mara, telephone 8366 4549.

ADOPTION OF THE PROCEDURE

This Policy was adopted by Council on 14 October 2002.

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

TO BE REVIEWED

August 2020