# Complaint Handling Procedure

**Keywords:**

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<tr>
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<th>G018a</th>
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<tr>
<td>Strategic Plan:</td>
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<tr>
<td>Classification:</td>
<td>Complaint Handling Procedure</td>
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<td>Manager, Corporate and Community Services</td>
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<td>Council File Reference:</td>
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<td>Applicable Legislation:</td>
<td>Local Government Act 1999, Section 270</td>
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<td>Relevant Policies:</td>
<td>Elected Members Code of Conduct</td>
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<td>Employee Code of Conduct</td>
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<td>Council Development Assessment Panel Complaint Handling Policy</td>
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<td>Fraud and Corruption Policy</td>
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<td>Whistleblowers Protection Policy</td>
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<td>Request for Services Policy</td>
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<td>Council Member Conduct Complaint Handling Procedure</td>
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1. Introduction and Purpose

1.1 Council is committed to achieving transparency and accountability in its administrative and management practices and efficient and effective complaint handling processes. Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve services.

1.2 The purpose of this Procedure is to ensure that Council:

- Is open, responsive and respectful of customers who wish to lodge a complaint;
- Provides a process by which customers can make complaints and that they are properly investigated and responded to.

1.3 The aim of this procedure is to provide a timely, effective and fair process for Council’s customers if they are dissatisfied with an action of the Council, employees of the Council or other persons acting on behalf of the Council.

2. Responsibility

This procedure applies to all Council staff who may be involved in receiving or processing a complaint in the course of their work.

Officers will act reasonably and transparently, demonstrate good customer service, undertake their responsibilities in a proficient manner and use their judgement where necessary to ensure an outcome in line with Council’s Complaint Policy.

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 principles of natural justice and 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. Definitions

Employee includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

Business Day means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays and other Council approved closures.

4. General Notes
A **Request for Service** is an application to have Council or its representative take some form of action to provide a Council service. (See G019 - Request for Service Policy)

**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. **Scope**

5.1 This Procedure applies to customers who:

1. Customers who raise complaints on the level of services provided.
2. Customers who raise complaints on the standard of service and advice provided.
3. Processes in relation to the assessment of development (not any decision arising from a development application assessment).
4. Other matters under Council's jurisdiction not covered under point 5.2 to 5.6 below, these shall be immediate transferred to the appropriate officer or Council in accordance with the relevant Council procedure or policy.

5.2 This Procedure will not apply to complaints about the conduct of a Council member, such complaints shall be managed pursuant to Council Policy G016 – Council Member Conduct Complaint Handling Procedure.

5.3 This Procedure will not apply to customers who make an application to review a Council, Council Committee or Officer decision made under delegation, such a complaints shall be managed pursuant to Council procedure G001 – Procedure for Internal Review of Council Decisions.

5.4 This Procedure will not apply to complaints about the conduct of a Council Development Assessment Panel member, such complaints shall be managed pursuant to Council Policy EI009 – CDAP Complaint Handling Policy.

5.5 This Procedure will not apply to complaints about the conduct of a Council employee, such complaints shall be managed pursuant to Council document FA007 – Employee Code of Conduct.

5.6 This Procedure may not apply to particular types of complaints for which there are other legislative or more appropriate processes including Freedom of Information and Expiation of Offences Act.

6. **Operating Procedure for In Scope Complaints**

6.1 **Types of Complaint Mechanism**

Council recognises that complaints are made in various ways; all complaints shall be managed in accordance with this procedure. Complaint mechanisms broadly include:

- **Written Complaints** – are received via letter, email or other mediums and shall be recorded in the complaints system.
- **Verbal Complaints** – are received via telephone or at the front counter. Where possible staff will assist complainants to lodge a complaint form or summarise the complaint and submit on their behalf and record it in the complaints system, subject to Clause 6.4 below.

- **Anonymous Complaints** – are received in various ways, however when the complaint presents to Council officers staff shall encourage complainants to provide their identity in order for the complaint to be fully processed. Anonymous complaints shall still be recorded in the complaints system, and actioned in accordance with this Procedure.

6.2. **How To Submit A Complaint**

Customers can provide their complaint to Council Administration in writing via letter, email, facsimile, telephone, in person at the Council office, Council’s web site (www.kingstondc.sa.gov.au) or via the use of Council’s (yellow) complaint / request form.

Council staff will assist a customer to make a complaint when requested. Assistance could include provision of information, assistance with the procedure and or lodging of the complaint form / documentation.

6.3 **Processing of Complaint**

A complaint will be processed through Council’s records management system and logged into the Complaint/Request Register. The complaint shall then be managed in accordance with this procedure.

If the complaint is a verbal report of a minor nature and it is appropriate for front line staff to resolve in the first instance, the complaint shall not be logged into the Complaint/Request Register.

6.4 **Initial Complaint Resolution**

All staff are empowered to receive complaints under this procedure.

If the matter a verbal report of a minor nature and it is appropriate for front line staff to resolve in the first instance, it is preferable that they are dealt with promptly at the initial point of contact, all other matters shall be documented and escalated in accordance with this procedure.

6.5 **Escalation of Complaint**

Where front line staff are unable to resolve the complaint, the records officer shall escalate the complaint to the appropriate Manager or the Chief Executive Officer. The complaint will then be forwarded to the relevant manager or Chief Executive Officer for review, investigation and response.

Wherever possible complaints will be handled independently of the original decision maker or officer involved in the matter than is the subject of the complaint, however in this organisation due to its size this will not be regularly achievable.

6.6. **Initial Contact and Investigation**

The relevant manager will make, where necessary, an initial contact with the complainant to clarify and understand the nature of the complaint and probable resolutions.
The initial contact shall inform the complainant of any investigation undertaken or proposed to be undertaken and seek any further information from the complainant.

Initial contact with the complainant is to build a positive relation with a view to achieving sound customer outcomes, it should also be explained to the complainant that not all matters can or will be resolved depending on their nature.

6.7 **Response and Resolution**
The relevant manager will make contact with the complainant to inform them of the investigation outcome and if required further actions taken, or to be taken.

This contact may be made in person, via telephone or via written response.

6.9 **Timeframe for Complaint Handling**
Council officers will strive to respond within 5 Business Days of receipt of the complaint initially.

Council officers will strive to resolve complaints within 30 Business Days, however there will be exceptions as outlined below where this target will not be applicable.

Where the complaint needs Council consideration or detailed investigation (especially complaints about third party's), the complainant will be notified of the next Council meeting date or when investigations maybe concluded and when they can expect a response.

6.8 **Finalising Documentation**
The relevant manager will complete the complaint documentation outlining response and or actions taken and return it to the Administration Officer for input into the Complaint/Request Register.

6.9 **If You Are Not Satisfied With the Response to Your Complaint**
You may seek for the Chief Executive Officer to review the complaint and response, or if the Chief Executive Officer has reviewed the complaint or made the decision, seek a formal internal review of the decision under Council procedure G001 - Procedure for Internal Review of Council Decisions.

6.10 **Complaints concerning Professional Advice**
The Local Government Association Mutual Liability Scheme (LGAMLS) will be notified in the event of complaints are received concerning the provision of professional advice. The facets of this procedure shall be followed, however shall also include the release of information as deemed necessary to the LGAMLS.

7. **Additional Procedures for Out of Scope Complaints**
Complaints made which are managed through alternative policy, procedural or legislative processes shall still be recorded in Council records management system and logged into the Complaint/Request Register.
8. **Internal Review**
   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 Chief Executive Officer or a resolution of Council.

9. **Confidentiality and Information Provision**
   Council must handle complaint information according to the G012 – Privacy and Provision of Information Policy. Council’s policy states that “it will not include personal details in public reports of officers but rather extract a summary of the contents for use in the report unless relevant legislation requires such information to be declared”. Confidentiality is not to be used as an excuse to avoid dealing with a complaint.

   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 and members on a need to know basis
   - Disclosed only in accordance with legal requirements, including the Freedom of Information Act.

   Information may be disclosed publicly in a de-identified format for annual reporting, training and other purposes required by legislation or where the matter/complaint is referred to Council for determination.

10. **Unreasonable Complainant Conduct**
    All complaints received by Council are treated seriously. However there may be occasions when the conduct of a complainant is unreasonable, resulting in a decision to take no further action on a complaint.

    Council, where possible, will manage unreasonable complainant conduct in a manner consistent with the Australian Parliamentary Ombudsman “Managing Unreasonable Complainant Conduct Practice Manual”.

11. **Reporting and Service Improvement**
    At least monthly the Management Team will review the Complaint/Request Register to ensure complaints are being addressed and resolved.

    Council recognises that complaints are a source of information to improve service provision, procedures and responses to complaints and shall annually analyse and report on complaints received and actions taken.

12. **Records Management**
    All complaints including all supporting documents, notes, photographs and correspondence shall be recorded in Council’s Records Management System and retained in accordance with the State Records Act General Disposal Schedule 20.

13. **Availability of Procedure**
    This Procedure will be available for inspection at the Council office during ordinary business hours and on the Council’s website www.kingstondc.sa.gov.au. Copies will also be provided to interested
members of the community upon request, and upon payment of a fee in accordance with Council’s Fees and Charges Policy.

14. Review & Evaluation
   The effectiveness of this Procedure will be reviewed once in the term of Council.

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15. Council Endorsement
   This Procedure was adopted by resolution of the Council on 23 March 2012, (resolution number 7792).