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|  | <h1>Complaints Procedure</h1> | Version No: | 1.0 |
| | | Issued: | March 2018 |
| | | Last Review: | |
| | | Next Review: | September 2019 |

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| Name of Council | Wudinna District Council |
| File reference | 9.63 |
| Responsibility: | Governance |
| Minutes reference: | 10.6.7 (18 September 2018) |
| Next review date: | Council will endeavour to review this procedure annually, including within 6 months following Council election |
| Applicable Legislation: | <i>Local Government Act 1999, S270</i> |
| Related Policies: | Complaints Policy Service Standards Policy Requests for Service Policy Code of Conduct for Council Members Code of Conduct for Employees Whistleblowers Protection Policy Fraud & Corruption Prevention Policy |
| Related Procedures: | Internal Review of Council Decisions Procedure |

1 Purpose and Scope

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation. 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.

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.”

This Complaints Handling Procedure commences at the point that a complaint is received and covers processes for:

- Resolving complaints
- Using complaint investigations to directly inform service improvements.

The aim of this procedure, which is available on Councils website 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 Jurisdiction. These types of issues will be referred to other agencies.

This procedure does not apply to complaints received under Part 2 of the Complaints Handling Policy (complaints regarding the Code of Conduct for Council Employees). These complaints are to be investigated and resolved according to the industrial and human resources procedure of council.

1.1 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 the outcome in line with Council’s Complaints Policy.

1.2 Definitions

An **Employee** is any person who is employed by the Council, but also includes any contractors, volunteers, trainees, work experience students and consultants undertaking work for, or on behalf of the Council whether they are working in a full-time, part-time or casual capacity.

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

Council defines a complaint as:

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.

Where council has failed to meet the normal standards for service which has been, or should have been, delivered this procedure applies.

1.3 General Notes

Council also receives service requests and feedback across all areas of operations and classification may be necessary to make the distinction for the purposes of this procedure.

A **Request for Service** is an application to have Council or its representative take some form of action to provide a Council service. (see 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.

Communication with the complainant is an important ongoing process while undertaking the actions necessary to resolve a complaint. When immediate resolution is not possible, the complainant must be regularly kept informed of progress, either by email, letter or personal contact.

1.4 Principles Underlying the Procedure

This procedure and the policy it accompanies are based on five principles, which will be fundamental in the way Council approaches complaint handling. They are:

- **Fairness:** treating complaints fairly requires impartiality, confidentiality and transparency at all stages of the process.
- **Accessibility:** to be accessible there must be a broad public awareness about Council's policy and a range of contact option
- **Responsiveness:** this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems.
- **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 Council where the complaint overlaps functional responsibilities.

2 Relevant Documentation

Commonwealth Ombudsman, *Better Practice Guide to Complaint Handling*;

Ombudsman Victoria, *Good Practice Guide*;

NSW Ombudsman, *Effective Complaint Handling Guidelines, 2nd Edition*; and *Managing Unreasonable Complainant Conduct Practice Manual 2009*;

Australian Standard ISO 10002-2006, Customer Satisfaction – Guidelines for Complaint Handling in Organisations

3 Records Management

All documents, notes, photographs and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by Section 125 of the *Local Government Act*.

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.

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4 Procedure

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
- 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 systematic issues which need correction.

4.1 Assisting with the lodgement of a complaint

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 in on request, including assistance in documenting the complaint in writing when circumstances warrant.

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

4.2 Receiving a complaint

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

- Completion of the appropriate form located on Councils website
- Telephone
- Fax
- Email
- Letter
- Visit to the Council Office

4.2.1 Written Complaints

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

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 frontline officer (if yes, see 4.4). if not, the complainant should be encouraged to put the complaint in writing and assisted, where necessary, by a Council officer. Forward the documented complaint to records management.

4.2.2 Verbal Complaints

Verbal complaints received by Council must be recorded in Council's action system and forwarded to the Manager of the service area to which the complaint relates. Record comprehensive details of the complaint, including:

- Date and time of call
- Taken by
- Complainants name
- Complainants address
- Complainants contact phone numbers
- If calling on behalf of another, full contact details for that person
- Issues and allegations as reported
- Who assigned to

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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.

4.2.3 Acknowledging Complaints

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; or
- b) Sending an automatic response to electronic lodgement; or
- c) Ensuring the complaint is properly lodged and assigned.

Written complaints must be responded to within (10) business days, acknowledging receipt of the complaint and, where possible, resolving it at that time.

4.2.4 Anonymous Complaints

It can be difficult to effectively deal with an anonymous complaint. When taking details of a complaint, encourage the customer to provide their identity in order for their complaint to be fully processed.

Anonymous complaints must still be logged and addressed by the service area involved in order to identify possible areas for service improvement.

4.2.5 Assignment of Complaints

Assignment of the complaint will include 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.

4.3 Responsibilities of all staff when handling complaints

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.

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

Being responsive to complainant 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:

- Advise complainants of the process to be followed and how long it will take to deal with the complaint
- Keep them informed of the 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

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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.

Information gathered during the complaint process will only be:

- Used in order to deal with and resolve the complaint or to address systematic 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 the persons affected.

Information may be disclosed publicly in a de-identified formation for annual reporting, training and other purposes required by legislation.

4.3.1 Responsibility of Elected Members when handling complaints

Council Members are to forward customer complaints to the Chief Executive Officer for action.

4.4 Frontline Resolution of a 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. Dealing with a complaint at this level can include referral to another officer who has had no involvement in the matter, or to a Team Leader or Manager.

4.4.1 Understanding Complaints

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

When people complain they want to:

- Feel secure
- Be listened to
- Be heard but not judged
- Have their point of view understood and acknowledged
- Be treated as an individual, with respect and courtesy
- Be provided with an explanation
- Be given an apology
- Have corrective action taken as soon as possible
- Make sure the problem never happens again

Even when the outcome is not what they want, people should feel that they have been treated decently and that the process has been fair.

Sometimes resolving the complaint involves:

- Giving more information
- Providing an explanation
- Suggesting a solution
- Expressing empathy and understanding where there is no solution
- Giving an apology, regardless of rights or wrongs, to acknowledge that the complainant feels aggrieved, without passing judgement on the nature of the grievance or alluding to any likely outcome.

4.4.2 Transfer Required

If it is necessary to refer the matter to another staff member (either at the same tier, or as a Tier 2 or 3 process), ensure that this person is fully briefed and able to make a decision. Having their complaint transferred can be frustrating for the complainant, so ensure that they do not have to explain everything again.

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Advise the complainant of the reason for the transfer of responsibility and explain the process and timeframes which will be followed.

Ensure that the complaint has been logged and updated before transferring.

4.4.3 When to immediately transfer a complaint

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, such as the Development Act 1993 or the Expiation of Offences Act 1996.

Ensure that the complainant has sufficient information to initiate the alternative process. There are some types of complaints which must be automatically transferred to Tier 2 or 3. These include:

- Complaints about a decision of the Elected Council
- Complaints in relation to a Council 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.

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.

4.5 Handling Complaints at a Senior Level

A complaint should 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. 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.

In the great majority of cases, complaints should be resolved to the satisfaction of all parties at this level.

4.5.1 Process of assigning a senior officer

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.

As a matter of good practice, complaints should be escalated to the appropriate manager of the areas to which the complaint is directed, provided that the manager has not been involved in the matter that is the subject of the complaint and is able to bring an objective mind to the resolution of the complaint.

Ensure that the referral occurs promptly and the complainant understands the process and timeline for the next action.

Document your involvement to date in the complaints handling system.

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4.5.2 Deciding how to proceed

Each complaint must be assessed to determine its nature, how it should be dealt with, when it should be dealt with, when it should be dealt with, who should be involved and whether further information or investigation is required.

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 or discussion between parties, or through other processes such as mediation.

Certain types of investigations such as *Whistleblower* 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 light of the relevant legislative framework.

Determine what course of action is most appropriate in the particular circumstance. Issues to consider in the assessment of a complaint include:

- How serious the complaint is and the significance it has for the complainant and for Council
- The need and requirement of immediate action
- Complexity
- Whether it indicates the existence of a systematic 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.

If an investigation is not warranted, contact the complainant to provide a formal response or propose other actions. Document all actions in the complaints handling system.

4.5.3 Undertaking an investigation

Every effort should be made to finalise the complaint at this level. See section 4.7 Remedies below.

Ensure that the complainant receives regular updates about the progress of the investigation and a formal response including reasons for the decision. Document all actions in the complaints handling system/records module

4.6 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 immediate, high level response, such as a complaint about a decision of the CEO or a resolution of Council. (see Council's Internal Review of a Council Decision Procedure)

4.7 Remedies

Where a complaint is considered justified, the next step is to 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.

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

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- A change to policy, procedure or practice
- A correction of misleading records
- Financial compensation, including a refund of any feed
- 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.

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.

Refer all recommendations for financial compensation to the CEO. 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.

If an apology is required the best thing to do is apologise promptly and advise the complainant that appropriate action will be taken to ensure the problem is not repeated.

4.8 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. Special delegations and procedures apply.

4.9 Service Improvement

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 should have systems to:

- Records, analyse and report on the outcomes of complaints and remedies; and
- Apply the information to improve customer service.

Part of a remedy may be to ensure that changes are made to policies, procedures, systems, staff training or all of these, to ensure that the maladministration or poor service is not repeated. It is important to ensure that lessons learnt are put into practice.

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.

4.9.1 At intervals determined by the number of complaints received, the data on complaints is reported to Executive Management in order to ensure that systematic problems are identified and addressed.

4.9.2 Council is provided with reports containing data about complaints, actions taken to address them and changes made as a result of complaints at least annually.