

Policy Name	Complaints and Grievances
Policy Number	CS42
Responsible Section	Governance
Responsible Department	Corporate Services
Date Last Endorsed	December 2021
Date of Next Review	December 2024
Applicable Legislation	<ul style="list-style-type: none"> • Local Government Act 1999 (and regulations) • Ombudsman's Act 1972 • Independent Commissioner Against Corruption Act 2012 • Public Interest Disclosure Act 2018
Related Governance Documents	<ul style="list-style-type: none"> • Complaints & Grievances Procedure • Public Interest Disclosure Policy • Public Interest Disclosure Procedure • Complaint Handling Procedures under the Code of Conduct for Council Members • Code of Conduct (Employees)
City Plan Theme	Leadership

1. PURPOSE/OBJECTIVE

This policy provides guidance on the submission, receipt and management of complaints and grievances. It sets out the principles for a fair, transparent and consistent process for customers who are dissatisfied with the actions, decisions or service provision undertaken by Council.

When Council manages complaints and investigations in line with this policy, the outcomes are expected to bring about improvements to the activities, services and functions that Council undertakes.

In all instances, Council seeks to achieve outcomes and resolutions to the satisfaction of customers, while ensuring legislative compliance and equity of service provision.

2. SCOPE

This policy applies to the actions, decisions or services delivered by the Council (being the elected body as a whole), an employee of the council or another person acting on behalf of the Council.

The following matters are **excluded** from this policy:

- If the complaint is made by an employee of the council and relates to an issue concerning his or her employment
- If a complaint is frivolous or vexatious or the complainant does not have a sufficient interest in the matter
- Complaints which are determined to be about matters that are not Council's responsibility (eg. neighbourhood disputes)
- Complaints that refer to staff or elected member misconduct or behaviour (will be referred to relevant Code of Conduct)
- Reports of fraudulent, corrupt or illegal activity (will be referred to the relevant authority)
- Matters that have existing appeal rights through their own legislations (i.e. Freedom of Information, Expiation of Offences act 1996, Planning, Development and Infrastructure Act 2016 etc)
- Claims and Insurance decisions made by other agencies

Complaints or grievances concerning Council rates will be guided by The Rates Rebates, Remissions and Hardship Policy which sets out the specific ability to seek an internal review relating to the impact of a rate or service charge under Section 270(2)(ca) of the Local Government Act 1999.

Initial work/service requests, requests for information, suggestions, comments or feedback are not considered complaints under this Policy. However, Council remains committed to seeing all customer requests through to resolution regardless of their nature.

Acknowledgement of feedback is received from Council and is triaged between request for a service and a failure to deliver a service. Where it is deemed a request for service, Council will action to resolve within a reasonable amount of time. In the event that there is a deemed failure in service delivery from Council staff, the matter will be escalated to the appropriate manager.

3. POLICY

Council strives towards providing a timely, constructive and mutually satisfactory resolution to complaints.

When making a complaint to Council, complainants can expect to:

- be treated with courtesy and respect
- have assistance provided to facilitate communication (which may include arranging an interpreter or involving an advocate)
- be advised that their contact or complaint has been received, and to be kept informed about timeframes for a response
- have their complaint considered quickly and under the principles of natural justice and procedural fairness
- have their complaint handled confidentially, where appropriate.
- receive feedback on the outcome
- be provided with information about other options should they be dissatisfied with the outcome

4. MANAGING COMPLAINTS AND GRIEVANCES

Complaints and grievances can vary in their complexity and severity.

There are three ways in which a complaint or grievance can be resolved/reviewed:

1. Immediate response to resolve the matter

All employees 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 where ever possible.

2. Escalated to a supervisor or manager

When a complaint cannot be resolved in the first instance, it will be referred to either a supervisor or manager. Additionally, where the circumstances indicate that the complaint would be more appropriately dealt with at a high level, the matter will be escalated in the first instance.

3. Internal Grievance Review – Review of Decision (pursuant to section 270 of the Local Government Act 1999)

A person may apply for an Internal Review of a Council Decision.

All applications will be dealt with promptly and in accordance with the timeframes set out in this policy.

The Chief Executive Officer will appoint a Reviewing Officer to investigate and consider whether the original investigation was fair and reasonable.

The review will consider the handling of the original matter and the basis for the conclusion reached, including whether:

- the process adopted by the officer reasonably addressed the original complaint
- the officer gathered sufficient facts
- the officer correctly identified the issues and the administrative acts
- sufficient analysis of the facts was undertaken
- the principles of procedural fairness were followed
- the officer's conclusions were reasonable
- the officer took into account relevant facts, laws and policies
- conclusions were properly explained to the complainant.

The principles of procedural fairness (also called 'natural justice') will be observed when exercising statutory powers which could affect the rights and interests of individuals.

Procedural fairness involves:

- Giving an applicant a right to put their case forward. This will generally involve giving an applicant the opportunity to provide all relevant documentary evidence, rather than an verbal hearing;
- Ensuring the Reviewer does not have a personal interest in the outcome (is not biased); and
- Acting only on proper evidence that is capable of proving the case.

5. TIMEFRAMES

Timeframes for complaints and grievances will be dependent on the complexity of the matter.

Complainants will be advised upfront of the likely timeframe required to investigate a matter and updated on progress where necessary. Timeframes may change as matters progress.

The estimated timeframe for complaints and grievances are as follows:

1. Immediate response to resolve the matter 1-3 business days.
2. Escalated to a supervisor or manager 10 business days of the matter being escalated.
3. internal Grievance Review (pursuant to section 270 of the Local Government Act 1999)
 - Council will formally acknowledge receipt of a complainant's request for a review of a decision within 3 business days of receipt
 - The review will be concluded within 21 business days from the date that the matter is referred to the Team Leader Governance. Where additional time is required for more complex matters the complainant will be informed.

6. CODE OF CONDUCT COMPLAINTS FOR EMPLOYEES OR ELECTED MEMBERS

Complaints made regarding an alleged breach of any Code of Conduct will be made to the Chief Executive Officer. If the complaint is an alleged breach against the Chief Executive Officer this will be provided to the principal member of Council if appropriate to do so.

The Chief Executive Officer will manage the complaint in accordance with the provisions of the relevant code and the principles of this policy.

Depending on the nature of the complaint, the Chief Executive Officer may be required to consult other Council Policies (such as the Conflict of Interest Council Policy or the Fraud and Corruption Prevention Council Policy) or legislation which may require the Chief Executive Officer to involve the Ombudsman, Office for Public Integrity or South Australia Police.

Council will maintain procedures for the management of complaints that relate to employees, volunteers or contractors of Council, or Elected Members.

7. ALTERNATE DISPUTE RESOLUTION METHODS

Council will always aim to resolve complaints and grievances internally but there may be circumstances where this is not possible. If this occurs a complainant may refer their complaint to the Ombudsman's Office:

Contact details:

Post: PO Box 3651, Rundle Mall SA 5000

Email: ombudsman@ombudsman.sa.gov.au

Telephone: (08) 8226 8699

Web: www.ombudsman.sa.gov.au

8. UNREASONABLE COMPLAINTS

All complaints received by the City of Port Adelaide Enfield 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 behaviours. Where a complainant's conduct is considered to be unreasonable, the matter will be guided by Council's Unreasonable Complainant Conduct Policy and associated Procedure.

9. MONITOR & REPORTING

Grievances and complaints may be an indicator for where Council can improve its services or activities. Reporting and analysis of any trends in complaints enables Council to identify where it can learn and improve. A monthly public integrity report is provided to the Executive Leadership Team which includes the number of complaints that were received in that month and the improvements made as a result of these complaints.

A quarterly report is provided to Council on complaints and for freedom of information requests.

10. DEFINITIONS

Complainant is a customer that has lodged a complaint with Council.

Complaint defined as an expression of dissatisfaction with a product or service delivered by the Council or its representatives that has failed to reach the standards set, implied or expected. This includes complaints about a service that has been, or should have been delivered.

Customer refers to any City of Port Adelaide Enfield stakeholders. This includes residents, ratepayers, clients, contractors, suppliers and representatives of other organisations.

Feedback - the City of Port Adelaide Enfield may receive feedback from customers on services provided. It is important to distinguish between feedback and a complaint. Feedback can take the form of comments, both positive and negative, which do not necessarily require a corrective action, alternation of service or a formal review of the decision.

Grievance is defined as a formal complaint lodged against a decision or action of Council, Council staff or representative. A grievance often occurs when complaints cannot be resolved or have caused significant distress to the complainant.

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