



Complaint Handling Procedure

| | |
|------------------------|---|
| Procedure Number | C4 |
| Responsible Officer(s) | Team Leader Community |
| Procedure Adopted | September 2023 |
| Next Review Date | September 2027 |
| Minutes reference | 2023/09-16 |
| Applicable Legislation | <i>Local Government Act 1999; Public Interest Disclosure Act 2018.</i> |
| Related Policies | Customer Service Policy; HR Code of Conduct for Council Employees; Information Privacy Policy. |
| Related Procedures | Request for Service Procedure; Council Decisions Internal Review Procedure; Public Interest Disclosure Procedure. |

1. PROCEDURE PRINCIPLE

Wakefield Regional Council ("Council") values its customers and is committed to providing exceptional service to customers. Council regards complaints as an opportunity to improve practices and processes, in addition to resolving the matter.

Section 270 of the *Local Government Act 1999* ("the Act") requires Council to maintain a process on complaints about Council actions, its Employees or persons acting on its behalf. Along with Council's *Customer Service Policy*, this Procedure aims to ensure that Complainants receive a fair, consistent and structured process when Employees are managing complaints about Council's actions, Employees or representatives.

2. DEFINITIONS

| | |
|--|---|
| <i>Actioning Officer</i> | The Officer assigned responsibility within the CSM to the work area, to process the request for service. |
| <i>Complaint</i> | <p>An expression of dissatisfaction with Council's Policies, Procedures, Fees and Charges, Employees, Council Members, quality of service or goods sold or provided.</p> <p>For the purposes of this Procedure, a Complaint also includes an expression of dissatisfaction with the behaviour of Council Employees in regard to gifts and benefits which may breach the <i>Code of Conduct for Council Employees</i>, or general behaviour in breach of Council's expectations.</p> |
| <i>Complainant</i> | A customer who makes a Complaint. |
| <i>Customer Service Module ("CSM")</i> | A system used to manage and resolve community requests for service and complaints across Council departments. |
| <i>Electronic Document Records Management System ("EDRMS")</i> | An automated system used to manage the creation, use, management, storage and disposal of hardcopy and electronically created documents and records for the purposes of supporting the creation, revision and management of digital records improving an organisations workflow and providing evidence of business activities. (Refer to the <i>Records Management Policy</i>). |

| | |
|-----------------------------|--|
| <i>Feedback</i> | Positive or negative information from customers regarding their experience with Council which is used as a basis for continuous improvement (Refer to the <i>Customer Service Policy</i>). |
| <i>Requests for service</i> | An application to have Council or its Employees to take some form of action to provide or improve a Council service. (Refer to the <i>Customer Service Policy</i> and <i>Request for Service Procedure</i>). |
| <i>Unreasonable Conduct</i> | May include unreasonable persistence or demands, lack of cooperation, argumentative, abusive or threatening behaviour, or conduct that puts Council Employees, equipment or resources at risk of harm or injury. |

3. PROCEDURE SCOPE

- 3.1 The procedure commences at the point that a Complaint is received by Council.
- 3.1.1 **Council Employees** should follow this Procedure to ensure all customer complaints are dealt with in an efficient and effective manner.
- 3.1.2 **Council Members** should refer any complaints received by community members to the Chief Executive Officer or their delegate for action under this Procedure, except where the Complaint is in relation to the Chief Executive Officer – refer to clause 6.5.
- 3.2 This Procedure does not apply to matters that do not fall within the Council area, or that Council is not responsible for. For these types of issues, the customer will be referred to the relevant organisation, authority or third party as appropriate. This Procedure also does not apply to services where there is a legislative or other mechanism for complaints. In such cases, Council Employees and Council Members will follow the requirements of the legislative or other mechanism for complaints, where applicable (see also clause 6.5). If the Employee who receives a Complaint is unsure of its most appropriate action, they should refer to their Manager or Team Leader for assistance.
- 3.3 Council also receives Requests for Service and Feedback across all areas of operations and clarification may be necessary to make the distinction between these and a Complaint for the purposes of this Procedure. Where ambiguity exists, Council will deal with the matter as a Request for Service, rather than a Complaint, in the first instance (refer to the *Customer Service Policy* and *Request for Service Procedure*).
- 3.4 Council Employees will act reasonably and transparently, demonstrate exceptional customer service, undertake their responsibilities in a proficient manner and use their judgment where necessary to ensure an outcome in line with Councils *Customer Service Policy*.
- 3.5 Where the Complaint is an Appropriate Disclosure under the *Public Interest Disclosure Act 2018*, it will be managed in accordance with Council's *Public Interest Disclosure Procedure* and must be referred to one of Council's Responsible Officers appointed under the Procedure.

4. CORE COMPONENTS

In order to ensure complaints are dealt with efficiently and effectively, Council Employees must:

- **Acknowledge** the Complaint within 5 business days
- **Assess** the Complaint. This includes distinguishing between complaints, Request for Service and Feedback to Council. Simple issues may not need to be investigated.
- **Plan** the investigation, where one is warranted.
- **Investigate** the Complaint.

- **Respond** to the customer with a clear decision.
- **Follow up** any customer service concerns.
- **Record** Complaints, including complaints where no action has been taken, in Councils EDRMS.
- **Review** similar complaints to consider whether there are systemic issues which need attention and which can inform service improvements.

5. COUNCIL EMPLOYEES COMPLAINT HANDLING STANDARDS OF PRACTICE

- 5.1 Treat complaints seriously and Complainants with sensitivity, respect and courtesy.
- 5.2 Council Employees are expected to declare conflicts of interest where they arise, and ensure that necessary action is taken where appropriate.
- 5.3 Determine complaints on their merits and facts, after obtaining and considering all relevant information. Ensure that Complainants have a reasonable opportunity to provide any relevant supporting information (if circumstances warrant) and documented.
- 5.4 Given equal treatment to all parties involved, and ensure that all complaints are treated fairly and consistently.
- 5.5 Where the Complaint is substantiated, and if possible, ensure an appropriate remedy is provided.
- 5.6 When immediate resolution is not possible, where reasonably practicable, ensure that the Complainant is kept informed on a regular basis. Where there are delays, ensure that the Complainant is informed of the delay.
- 5.7 Inform the Complainant of any further avenues of review where relevant.
- 5.8 Respect the privacy of the Complainant – with the information gathered during the Complaint process only to be used in order to:
 - Deal with and resolve the Complaint, and for the purposes of any subsequent review (whether external or internal);
 - Address systemic issues arising from a Complaint;
 - Act in accordance with legal requirements, e.g. the *Freedom of Information Act 1991*;
 - Act in accordance with relevant Council Policies and Procedures;
 - Report, train and for any other purposes required by legislation or public authority (and only disclosed publicly in an unidentified format unless otherwise required by legislation or a public authority).

6. PROCEDURE

6.1 Making a Complaint

A customer may lodge a Complaint in a number of ways:

- Council's website: www.wrc.sa.gov.au
- Telephone: (08) 8862 0800
- Email: admin@wrc.sa.gov.au
- In person: Balaklava Civic Centre, Scotland Place, Balaklava SA 5461
- Mail: PO Box 167, Balaklava SA 5461

6.2 Assisting with the lodgment of a Complaint

It is essential that no one is excluded from lodging a Complaint because of any difficulties they may have representing themselves. Council Employees are expected to provide assistance where appropriate, including assistance in documenting the Complaint (if circumstances warrant) and arranging access to interpreters, aids or advocates ensuring that a Complainant is treated equitably.

Where the Complaint is serious or complex, Council Employees should ask the customer to lodge the Complaint in writing. Customers should be made aware that refusal to lodge a serious or complex Complaint in writing may affect the assessment, investigation, response and follow up stages of the Complaint.

6.3 Receiving a Complaint

6.3.1 Written Complaints

All written complaints, whether received by post or email, must be registered. In most cases, this will be done in accordance with clause 6.4, via the EDRMS. Registering a Complaint in the EDRMS requires an allocation of an Actioning Officer to the Complaint.

Some complaints may require immediate transfer to an Actioning Officer under clause 6.5, in which most cases it may not be appropriate for the Receiving Officer to register the Complaint in the EDRMS. In these cases, the Complaint should be forwarded immediately in accordance with clause 6.5 for registration in the appropriate system and action.

Where clause 6.5 does not apply, and the written Complaint is received, the Complaint must be registered immediately by the Receiving Officer in accordance with clause 6.4. If the Receiving Officer is unable to register the Complaint, then it should be forwarded to the Community Support Officer or relevant department administration (if appropriate) for registering in the EDRMS.

6.3.2 Telephone Complaints

Complaints received by telephone must be registered in the EDRMS in accordance with clause 6.4, by the Receiving Officer, which will automatically forward the Complaint for action to the designated Actioning Officer, unless it requires immediate transfer in accordance with clause 6.5.

6.3.3 In-person Complaints

Where a Complainant attends Council's Principal Office, it is the responsibility of the Employee receiving the Complaint to determine whether they can deal with the matter immediately. All Council Employees shall manage complaints to the best of their ability in the first instance and it is preferable that they are dealt with promptly at the initial point of contact (if appropriate).

Handling a Complaint at this level can include referral to another Employee who is independent from previous dealings in the matter, or the Employees Team Leader or Manager. Where an Employee is unsure whether referral is needed, advice should be sought from their Team Leader or Manager.

All complaints that are received in person must be registered in the EDRMS, which will allocate the Complaint for action to the designated Actioning Officer. The Actioning Officer should be contacted (if available) to attend Reception to assist the Complainant.

Where the Complaint is serious, ongoing or complex, the EDRMS entry must be maintained by any Council Employees who have managed the Complaint to include relevant background information and how it has been managed thus far.

6.3.4 Anonymous Complaints

It can be difficult to effectively deal with an anonymous Complaint. Customers making

anonymous complaints should be aware that there may be instances where the Complaint cannot be actioned due to lack of information provided.

Council Employees should encourage the Complainant (if possible) to provide their identity in order for their Complaint to be fully processed. Anonymous complaints must still be registered in the EDRMS by the Receiving Officer, and addressed by the service area involved in order to identify possible areas for service improvement.

6.4 Registering a Complaint

6.4.1 Council Employees registering a Complaint in the EDRMS should include:

- The date and time of the actual call, attendance or contact;
- The name of the Employee registering the Complaint;
- Complainants name, address and contact details (phone number and/or email address);
- Details of the Complaint in sufficient detail as reported by the Complainant;
- The name of the Actioning Officer to whom the Complaint has been assigned to;
- Whether the Complainant wishes to be advised when the Complaint is resolved;
- Any documents, notes, telephone calls, photographs, correspondence and any other information provided by the Complainant in relation to their Complaint.

6.4.2 For Employees without access to or expertise in the EDRMS, Complaints should be referred to the Community Support Officer or relevant department administration for registering in the EDRMS.

6.4.3 All documents, notes, telephone calls, photographs, correspondence and any other information relevant to the Complaint must be retained and stored by the Receiving Officer and the Actioning Officer in accordance with Council's *Records Management Policy* and *Information Privacy Policy*.

6.5 When to immediately transfer a Complaint

6.5.1 Complaints that must be immediately transferred are those regarding:

- Review of a Council or CEO decision under section 270 of Act and Council's *Council Decisions Internal Review Procedure*. This could include a decision made on behalf of Council by Council Employees – **transfer to the CEO or Governance**;
- A formal request of Freedom of Information – **transfer to the Freedom of Information Accredited Officer: Alisha Senior**;
- A Complaint about a Council Member or CEO: **transfer to the Mayor or Deputy Mayor** in accordance with Council's *Behavioural Management Policy*. If unsure, see Governance.
- Insurance claims – **transfer to Project Administration Officer**;
- Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993*, *Planning, Development & Infrastructure Act 2016* or *Expiation of Offences Act 1996* – **transfer to Development & Regulatory**;
- A Complaint or request for information from a Minister, Public Authority, Government Officer, Court or Tribunal, SAPOL, the Ombudsman, Auditor-General, Independent Commissioner Against Corruption, Office for Public Integrity, etc. – **transfer to the CEO or Governance**;

- A Complaint that constitutes or involves the appropriate disclosure of environmental and health information or public administration information – follow Council's *Public Interest Disclosure Procedure*. If unsure, refer the matter to one of Council's **Responsible Officers** appointed under the *Public Interest Disclosure Procedure*;
- Complaints involving an allegation against a Council employee or an alleged breach of the Code of Conduct for Council Employees – **transfer to Manager People & Governance**. Complaints against volunteers or contractors will be managed in accordance with the relevant Council Policy or Procedure;
- A Complaint with respect to operations of the Community Bus – transfer to **Team Leader Community**.

The Actioning Officer will be the officer to whom a Complaint is transferred under this clause.

6.5.2 To immediately transfer a Complaint under this clause 6.5.1:

- If the Complaint is in writing, the Receiving Officer will immediately forward the written Complaint to the Actioning Officer;
- If the Complaint is received via telephone, the Receiving Officer will immediately transfer the telephone call to the Actioning Officer;
- If the Complaint is received in person at Council's Principal Officer, the Actioning Officer (if available) will be asked to attend Reception to assist the Complainant.

6.5.3 The Receiving Officer should ensure that sufficient detail on the background of the Complaint and its progress is provided to the Actioning Officer where applicable.

6.5.4 Complaints that need to be immediately transferred may contain sensitive or confidential information. Any documents, notes, telephone calls, photographs, correspondence and any other information relevant to the Complaint must be retained and stored by the Actioning Officer in accordance with Council's *Records Management Policy* and *Information Privacy Policy*, and assigned appropriate security restrictions if necessary.

6.6 Acknowledging a Complaint

6.6.1 Where the identity and contact details of the Complainant are known, written acknowledgment of the Complaint will be provided within 5 business days of receipt. If the Complaint cannot be resolved within 5 business days, then the expected timeframe for resolution may be advised if known.

6.6.2 Complaints received in person or via telephone are verbally acknowledged at the time the Complaint is made.

6.6.3 Complaints transferred under clause 6.5 may have specific timeframes for acknowledgement or response that are established by legislation or other processes. Where this is the case, the timeframes specified in this Procedure will not apply.

6.7 Handling Complaints at a Senior Level

6.7.1 When to assign a Complaint to a Team Leader or Manager

A Complaint should be promptly directed to a Team Leader or Manager in the Council where circumstances indicate generally that the Complaint would be more appropriately handled at a Senior level. Examples include where the Complaint:

- Ranges across more than one service area within Council;
- Concerns a contractor or consultant (noting that there may be contractual obligations that apply);

- Is serious or has a high degree of complexity;
- Has not been resolved to the Complainant's satisfaction by the Employee receiving the Complaint;
- Requires a decision by the Elected Body or the CEO.

6.7.2 Assessing a Complaint by a Team Leader or Manager

Each Complaint assigned to a Team Leader or Manager must be assessed to determine its nature, how it should be dealt with, when it should be dealt with, who should be involved and whether further information or investigation is required.

Some complaints involve communication problems or a misunderstanding that can be resolved informally by having a discussion with the Complainant, or through other processes such as mediation.

Issues to consider in the assessment of a Complaint include (but is not limited to):

- The significance of the Complaint for the Complainant and Council;
- Whether the Complaint, or the type of remedy required for the Complainant, requires a decision of the CEO or the Elected Body of Council;
- The seriousness and complexity of the Complaint and whether it requires immediate action;
- Whether it indicates the existence of a systemic 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;
- If the Complaint relates to an incident, the time that has lapsed between the incident occurring and the Complaint;
- The remedy that is sought, or the outcome the Complainant is seeking;
- Whether the subject matter of the Complaint is a matter or decision that can be actually or practically reversed, remedied or altered;
- Whether the proposed outcome or remedy is in line with Council's service standards, annual budget, work plan, Strategic Management Plans, Asset Plans, policies, procedures and legislation;
- Whether the subject of the Complaint is a matter of an existing contractual relationship and/or obligation.

The Team Leader/Manager should:

- Contact the Complainant to provide a formal response or propose other actions if an investigation is not warranted (and explaining why an investigation is not warranted);
- Ensure that the Complainant receives regular updates about the progress of the investigation and a formal written response including reasons for the decision;
- Where the matter is not confidential, document all actions in the EDRMS, and where the matter is confidential, ensure that sufficient records are maintained and stored in the EDRMS with appropriate access controls; and
- Make every effort to finalise the Complaint at this level as promptly as possible, with a range or possible outcomes listed (see clause 6.9 below).

The Team Leader or Manager may escalate the Complaint to the CEO if appropriate.

6.8 **Council Decisions Internal Review under Section 270 of the *Local Government Act 1999***

Customers are encouraged to use the *Customer Service Policy* and *Complaints Handling*

Procedure mechanisms in the first instance, to lodge a Complaint. However, subject to Council's Council Decisions Internal Review Procedure, Customers may seek an internal review of a

Council decision (or a decision made on behalf of Council) at any time in accordance with section 270 of the Act.

6.9 Remedies

- 6.9.1 Following an assessment, where it is determined by a Team Leader or Manager that it is appropriate to remedy, the next step is to determine an appropriate remedy or response to the Complaint, if that is possible depending on the individual circumstances.
- 6.9.2 An apology *which is not an acceptance of liability* may be appropriate in most cases. Other remedies listed in clause 6.9.4 below should be fair, consistent and reasonable for both Council and the Complainant.
- 6.9.3 The chosen remedy should be:
- Proportionate and appropriate in relation to the service standard or behavioural expectations asserted in the Complaint;
 - Take account of the outcome the Complainant is seeking when they made the Complaint;
 - In alignment with Council's service standards, annual budget, work plan, Strategic Management Plans, Asset Plans, policies, procedures and any relevant legislation.
- 6.9.4 The range of possible outcomes include (but is not limited to):
- Providing an explanation;
 - An admission of fault (as approved by the CEO), depending on the seriousness of the Complaint;
 - Mediation or other remedy under section 271 of the Act – *all recommendations of this nature are to be referred to the CEO*;
 - Providing a service;
 - A change in decision, policy, practice or procedure;
 - A correction of misleading records;
 - Refund of any fees;
 - The waiving of a debt or the remission of a penalty;
 - Protection to the Complainant where appropriate;
 - Disciplinary action under the *Code of Conduct for Council Employees* or other Council policy;
 - Immediate referral of a matter to an external agency or Council's Responsible Officer under the *Public Interest Disclosure Act* for further investigation or further action where required;
 - Review/variation of a contractual term.
- 6.9.5 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.
- 6.9.6 If an apology is required, Council Employees are encouraged to apologise promptly, verbally (with a record that the verbal apology has been provided made in the EDRMS or associated CSM). However, where appropriate, an apology in writing may be provided. Once an apology is issued, Council Employees should endeavor to ensure that issue is not repeated or trigger a system, policy or process review if warranted.

6.10 Unreasonable Complainant Conduct

- 6.10.1 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.
- 6.10.2 Where a Complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their own Complaint, a decision may be made to apply restrictions on contact with the person.
- 6.10.3. Before making any decision to restrict contact, the Complainant will be warned in writing that, if the specified behaviour(s) or actions continue, restrictions may be applied, unless the circumstances, or type of behaviour or action warrant that restrictions apply immediately.
- 6.10.4 Any decision to suspend action on a Complaint will be made by the CEO or their delegate and communicated in writing to the Complainant (where the contact details of the Complainant are known) and recorded against the Complaint in the EDRMS.

6.11 Service Improvement

- 6.11.1 Learning from Complaints is a powerful way of helping to improve Council's processes and increase trust among those who use Council resources.
- 6.11.2 All Complaints must be recorded in Council's EDRMS in such a way that the information can also be analysed for service improvement opportunities.
- 6.11.3 At intervals determined by the number of Complaints received, the data on Complaints may be reported to the Senior Leadership Group via regular reporting processes, in order to ensure that systemic problems are identified and addressed.

6.12 Feedback

- 6.12.1 Council encourages customer Feedback and views it as an opportunity to improve its customer service, processes and service levels. Council Employees and Council Members may receive customer Feedback during the course of their duties, or it may be provided by telephone, in writing or in person at Council's principal office.
- 6.12.2 All customer Feedback must be listened to and where reasonable and/or practicable, acknowledged. Acknowledgment may occur immediately if the Feedback is verbal, however, written Feedback may only be acknowledged in writing if requested.
- 6.12.3 Depending on the nature of the Feedback, it may be determined that no action will be taken in relation to the subject matter of the Feedback provided. However, Council Employees must do their best to take action where appropriate, reasonable and fits in with Council's service standards, annual budget, work plan, Strategic Management Plans, Asset Plans, policies, procedures and any legislation.
- 6.12.4 Council Employees may register the customer Feedback in the EDRMS if required. Council Member may provide any customer Feedback provided by community members to Community Support Officer at admin@wrc.sa.gov.au or to the CEO.

7. TRAINING

Council Employees will receive internal training in the CSM, records management system and records keeping principles in accordance with Council's Records Management Policy. Council Employees can

access refresher training as needed on request to Council's Records Officer.

8. REVIEW

This Policy shall be reviewed every 48 months, or more frequently if required by legislation or Council.

Document history:

| Version | Adopted | Description of Change |
|---------|----------------------|---|
| 1.0 | March 2013 – Min 211 | New document. |
| | May 2014 – Min 248 | Update references section to incorporate new appendixes and other associated documentation. |
| | November 2014 | Policy numbering system changed and inclusion of this document history table. |
| 2.0 | June 2016 – Min 276 | New policy objective added. |
| 3.0 | August 2018 | New template, principles added, minor rewording, Appendix 4. |
| 4.0 | September 2023 | New procedure in line with organisational restructure and Community Support practices. |