

CITY OF WEST TORRENS



## Council Policy: Customer Complaints

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<b>Applicable Legislation:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Local Government Act 1999 (SA)</a></li> <li>• <a href="#">Freedom of Information Act 1991 (SA)</a></li> <li>• <a href="#">Government Business Enterprises (Competition) Act 1996 (SA)</a></li> <li>• <a href="#">Independent Commisioner Against Corruption Act 2012 (SA)</a></li> <li>• <a href="#">Ombudsman Act 1972 (SA)</a></li> <li>• <a href="#">Whistleblowers Protection Act 1993 (SA)</a></li> </ul>
<b>Related Policies, Guidelines or Corporate Documents:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Whistleblowers Policy</a></li> <li>• <a href="#">Fraud and Corruption Prevention, Control Reporting and Investigation Policy</a></li> <li>• <a href="#">Code of Conduct for Council (Elected) Members</a></li> <li>• <a href="#">Code of Conduct for Council Employees</a></li> <li>• <a href="#">Internal Review of Council Decisions Policy</a></li> <li>• <a href="#">Managing Performance, Misconduct and Inappropriate Behaviour Policy</a></li> <li>• <a href="#">SA Ombudsman's 'Managing Unreasonable Complainant Conduct Practice Manual'</a></li> </ul>
<b>Associated Forms:</b>	Application to Suppress Personal Details form
<b>Note:</b>	
<b>Responsible Manager:</b>	<b>General Manager Communities</b>
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## COUNCIL POLICY - Customer Complaints

### 1. Preamble

- 1.1 Council is committed to listening and responding to people with complaints.
- 1.2 This policy is developed in accordance with Section 270 of the *Local Government Act 1999* (the Act).

### 2. Purpose

- 2.1 The purpose of this policy is to:
  - 2.1.1 clarify the definition of a complaint.
  - 2.1.2 detail the principles and processes to manage complaints received in relation to the services provided including their registration, investigation, resolution and reporting.
  - 2.1.3 ensure that the process for managing a complaint is fair, effective, transparent, consistent and time efficient.

### 3. Scope

- 3.1 This policy provides the principles and processes for managing a complaint made by an affected person regardless of which department of the City of West Torrens (CWT) it relates to.
- 3.2 The following will not be regarded as a complaint under this policy:
  - A request for service (unless it is a second request when the service requested has not been completed within the identified timeframe)
  - A request for information (unless it is a second request for identical information)
  - A request for a waiver or review of a penalty infringement notice, unless it is about the conduct of the employee issuing the notice
  - An objection to a development application
  - A request for a review of a Council or Council officer's decision.

### 4. Definitions

- 4.1 A **complaint** is any expression of dissatisfaction, in relation to:
  - no action taken in response to a request for service or information
  - the type or level of response after a request for service or information was made
  - the quality, standard or timeliness of a service provided
  - the behaviour or actions of an Elected Member or an employeewhen a response or resolution is explicitly or implicitly sought.
- 4.2 A **complainant** is any person who makes a complaint about a matter that has directly affected them by any action or inaction by CWT that gives rise to a complaint in accordance with 4.1.

- 4.3 A **customer** is any person or entity that has dealings with CWT. These include, but are not limited to:
- Residents, business owners and their staff, facility users and ratepayers of the City of West Torrens
  - Elected Members
  - City of West Torrens' employees
  - Representatives from all agencies and community groups within and outside of the CWT
  - Developers.
- 4.4 **Elected Member/s** is the term used to define all members of Council, including the Mayor.
- 4.5 An **employee** is any individual who is employed by CWT and includes agency staff, contractors, volunteers and work experience students.
- 4.6 A **frivolous or trivial complaint** is a complaint that is considered by the relevant Manager to be minor, without merit or lacking substance or credibility.
- 4.7 A **complaint review** is a review of the complaint by the relevant Manager or an officer designated by the Manager within the responsible area to undertake a review of the complaint.
- 4.8 **Independent Commissioner Against Corruption (ICAC)** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 4.9 An **internal review** is a review of a decision made by Council, Council officers and other people acting on behalf of Council (a Council decision) in accordance with s270 of the Act. The request must arise from a grievance with a Council decision on access to a service, the way in which a service is delivered, or the application of regulatory powers.
- 4.10 For the purposes of this policy, **Manager** refers to a member of the Management Team.
- 4.11 **Office of the Public Integrity (OPI)** means the entity that it is the point of contact for any person wishing to make a complaint or report under the *Independent Commissioner Against Corruption Act 2012*.
- 4.12 A **personal complaint** is any complaint by an individual against another individual that includes personal information about either party. This includes a complaint about the conduct of an Elected Member or an employee.
- 4.13 **Personal information** is any information or opinion that identifies a person. This could include:
  - written records about a person
  - a photograph or image of a person
- 4.14 A **request for information** is when a customer seeks information e.g:
- the status of a request for service
  - the status of a planning application
  - 'how to' requests
  - content of Council policies etc.

- 4.15 A **request for service** is a request from a customer seeking action on a particular matter or for the CWT to provide a particular service, e.g:
- pot hole repairs
  - waste collection
  - installation of speed humps
  - footpath repairs
  - reports of stray dogs, etc.
- 4.16 The **investigating officer** is the employee assigned to investigate and resolve a complaint.
- 4.17 A **vexatious complaint** is any complaint:
- from a complainant who has consistently, over a period of time, complained about a minor matter or the same matter which has previously been dealt with and no new information has been provided by the complainant; and/or
  - which the Manager, considers to be mischievous, without sufficient grounds or serving only to cause annoyance; and/or
  - when the resources required to address such complaints would be an unreasonable diversion of public resources.

## 5. Principles

### 5.1 Commitment

- 5.1.1 CWT is committed to the provision of quality customer service which includes the efficient and fair resolution of complaints.
- 5.1.2 CWT commits to:
- treating all customers with respect and courtesy
  - responding to customer enquiries promptly, efficiently and impartially.
  - acting with integrity and honesty when dealing with customers
  - providing relevant and timely feedback to customers including clear reasons for decisions.

## 6. Policy Statement

- 6.1 A complainant must have been directly affected by any action or inaction by CWT that gives rise to a complaint.
- 6.2 Complaints will be dealt with expediently, courteously and in accordance with this Policy.
- 6.3 All complaints will be considered on their merits, the principles of natural justice will be observed and complainants will not suffer any reprisal from CWT for making a complaint.
- 6.4 All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised.
- 6.5 Where possible the CWT will aim to address a complaint at the first point of contact.

- 6.6 Complainants will be encouraged to participate cooperatively in the review process. However, this will not negate the complainant's right to seek external review through the State Ombudsman, other legal processes or the Courts at any time during the review process.
- 6.7 If the Ombudsman, in accordance with the *Ombudsman Act 1972*, refers a complainant or complaint to the CWT, the complaint will be investigated by CWT in accordance with this Policy unless otherwise determined by the CEO.

#### **6.8 Complaints about Elected Members**

- 6.8.1 As elected community representatives, complaints about Elected Members are treated seriously. In accordance with the requirements of the Act, complaints in relation to Elected Members will be considered in accordance with the Code of Conduct for Council (Elected) Members.

#### **6.9 Complaints about Employees**

- 6.9.1 If a complaint relates to the conduct or behaviour of an individual employee the complaint will be assessed by the relevant Manager and dealt with in accordance with the Code of Conduct for Council Employees and/or the Managing Performance, Misconduct and Inappropriate Behaviour Policy.
- 6.9.2 If the complaint relates to the conduct or behaviour of the Chief Executive Officer, the complaint must be addressed to the Mayor, except in circumstances where it would be inappropriate to do so (for example, the matter to which the complaints relates to must be kept confidential under an Act or law).

#### **6.10 Anonymous Complaints**

Anonymous complaints relating to allegations of maladministration, corruption or illegal activity occurring in the organisation must be made according to the process outlined in CWT's Whistleblowers Policy.

#### **6.11 Complaints of a Serious Nature**

- 6.11.1 Any formal complaint alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest is required to be reported to the Office of Public Integrity in accordance with the *Independent Commissioner Against Corruption Act 2012*.
- 6.11.2 All complaints of a serious nature reported to the CWT will be dealt with in accordance with the CWT's Whistleblowers Policy and Council's Fraud and Corruption Prevention, Control Reporting and Investigation Policy.

#### **6.12 Complaints Constituting a Breach of the Law**

If the details of a complaint indicate that a crime may have been committed, the complaint will be immediately reported to the relevant law enforcement agency.

## 6.13 Privacy and Confidentiality

- 6.13.1 The complainant's personal information will be used by the investigating officer when investigating and handling the complaint.
- 6.13.2 If the complaint is referred to the Ombudsman and/or the Independent Commissioner Against Corruption (ICAC), the CWT will share any relevant information relating to the complaint with the Ombudsman and/or ICAC in accordance with legislation.
- 6.13.3 Information contained within complaints may be accessible under the *Freedom of Information Act 1991*.
- 6.13.4 A complainant may apply directly to the CWT to suppress their personal details by completing and submitting an Application to Suppress Personal Details form. Application forms are also available from Council's Civic Centre and the Hamra Centre Library.
- 6.13.5 The CEO will assess the application and may suppress the complainant's name or address details if the CEO is satisfied that the complainant's personal safety or that of any other person is at risk. Acceptance of the application is at the discretion of the CEO.
- 6.13.6 Complaints alleging misuse of personal information will be acknowledged in writing within three (3) business days.

## 6.14 Data Collection

Statistical information may be used to identify areas/services/procedures that require review or that may need additional resources to provide the required level of service for customers.

## 6.15 Reporting

A summary of complaints received, including outcomes, will be included within the City of West Torrens' Annual report.

# 7. Complaint Handling Model

## 7.1 Lodging a Complaint

- 7.1.1 A complaint may be made:
  - in person at the Civic Centre
  - by telephone on (08) 8416 6333
  - by facsimile on (08) 8443 5709
  - by email to [csu@wtcc.sa.gov.au](mailto:csu@wtcc.sa.gov.au)
  - online at <http://www.westtorrens.sa.gov.au>; or
  - in writing to:

The Chief Executive Officer  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033.

- 7.1.2 If the complaint is regarding the conduct or behaviour of the Chief Executive Officer the complaint should be addressed to:

The Mayor  
City of West Torrens  
165 Sir Donald Bradman Drive  
HILTON SA 5033.

- 7.1.3 Complaints in writing are preferred to ensure that the complaint is clearly defined for both the complainant and CWT.
- 7.1.4 Verbal complaints may be summarised and provided, in writing, to the complainant for verification prior to the commencement of the assessment of the complaint.
- 7.1.5 Assistance in lodging complaints is available on request. This includes assisting customers with language and communication difficulties.
- 7.1.6 Information about the complaints process is available on CWT's website and on request.
- 7.1.7 If the complaint is in relation to a decision of Council, its employees or someone acting on behalf of Council then the complainant should lodge a formal request for an '*Internal Review of a Council Decision*' in accordance with Council's Internal Review of Council Decisions Policy.

## 7.2 Timeframes and progress notification

- 7.2.1 Complaints, other than in relation to misuse of information, will be acknowledged in writing within 5 business days of receipt and will include advice about the expected timeframe for investigating the matter.
- 7.2.2 In most cases complaints will be investigated within 10 business days.
- 7.2.3 The complainant will be kept informed about the progress of the investigation.
- 7.2.4 The complainant will be advised, in writing, of the outcome of the investigation as soon as possible after a determination is made.

## 7.3 Complaints that will not be investigated

In general, every complaint will be investigated, unless it falls into one of the following categories:

- A vexatious complaint.
- A frivolous or trivial complaint.
- It is considered by the relevant Manager to lack substance or credibility and therefore investigating the complaint is deemed unnecessary, unjustifiable or an inappropriate use of resources.
- It is made using rude or abusive language or accompanied by threatening, intimidating or rude behaviour.
- The complaint is made anonymously and the relevant Manager determines that there is insufficient information to investigate it.
- When the complainant is able to pursue the complaint through an alternative review process.

If a complaint is deemed to fall into one of these categories the complainant will be advised accordingly unless the complaint is anonymous.

## **7.4 Unreasonable Complainant's Conduct**

- 7.4.1 All complaints received by Council will be treated seriously and complainants will be treated courteously.
- 7.4.2 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 organisation aims to manage these situations in a fair and equitable manner.
- 7.4.3 If 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 warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.
  - 7.4.3.1 The relevant departmental manager will issue this warning in writing if the home or email address of the complainant is known, otherwise it will be made verbally and a record of the discussion will be made.
- 7.4.4 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.

## **7.5 Initial Assessment of a Complaint**

- 7.5.1 An initial assessment of the complaint will include its severity, any safety implications and the need for immediate action.
- 7.5.2 If the complaint is not able to be resolved at the first point of contact it will be forwarded to the relevant Manager for a complaint review.
- 7.5.3 If the complainant remains dissatisfied after the complaint review the complainant may lodge a formal request for an Internal Review of a Council Decision.

## **7.6 Opportunity to Provide Additional Information**

- 7.6.1 After receiving the complaint, the investigating officer may invite the complainant to provide further information to assist in understanding:
  - a. the complainant's concerns, and/or
  - b. the issues to be investigated, and/or
  - c. the outcome or remedy sought by the complainant.
- 7.6.2 Complainants are welcome to supply information relevant to the initial complaint at any time during the review process. However, if the additional information is determined by the investigating officer to be of a different nature a secondary review may commence.
- 7.6.3 Complainants will be invited to comment on any additional information obtained by the investigating officer during the course of an investigation.

## **7.7 Complaint Remedies**

When complaints are found to be justified CWT will, where practical, remedy the situation in a manner which is consistent and fair for both the complainant and CWT.

## **7.8 Dispute Resolution**

- 7.8.1 The CWT may use alternate dispute resolution methods e.g. mediation, conciliation or neutral evaluation to resolve a complaint in circumstances where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.
- 7.8.2 Any mediation, conciliation or neutral evaluation will be undertaken in accordance with s271 of the Act and the costs and expenses shared equally between the CWT and the complainant.
- 7.8.3 If the complaint cannot be resolved the complainant may refer the matter to the Ombudsman, or seek a legal remedy.

## **7.9 Withdrawal of Complaints**

A complainant may withdraw their complaint at any time during the investigation period.

## **7.10 Discontinuation of an Investigation into a Complaint**

An investigation into a complaint may be discontinued by the relevant Manager if the complainant fails to provide sufficient information about the complaint or in some way inhibits the investigation.

If a complaint is discontinued then the complainant will be advised in writing of the reasons for the discontinuation of the investigation.

## **7.11 Completion of an Investigation into a Complaint**

Complainants will be advised in writing of the outcome of the investigation as soon as is practical once the investigation is finalised.