

CORPORATE COMPLAINT HANDLING OPERATING GUIDELINE

11 April 2022

Administration

PARENT DOCUMENT: Code of Conduct for Council employees

PURPOSE

The City of Adelaide (CoA) views its management of complaints as an important component of continuously improving the experience of Council's stakeholders. Council is committed to identifying, investigating and resolving issues that arise from complaints.

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 matters. The aim of this operating guideline is to provide a fair, consistent and structured process for customers dissatisfied with any Council actions, decisions or services. Lessons learnt from complaint investigations will be used to directly inform service improvements.

OPERATION

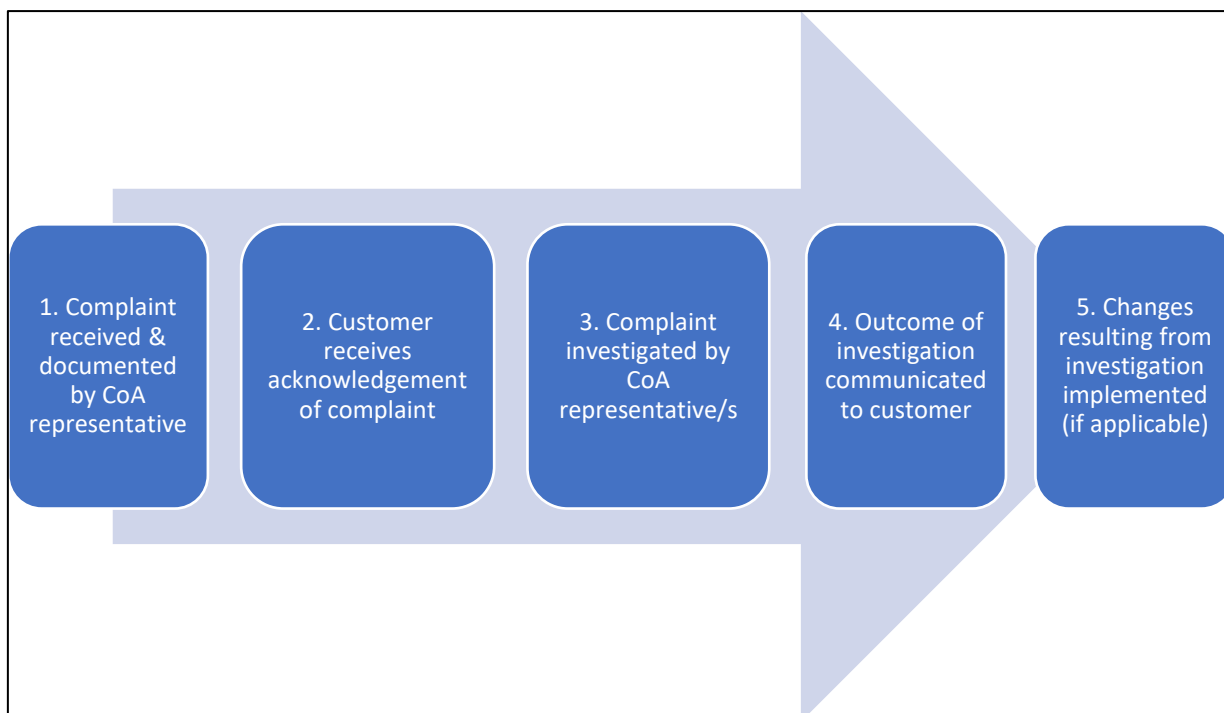
COMPLAINTS PROCEDURE

Components of the Complaint Handling procedure

The complaint handling procedure is designed so the complaint is handled by the relevant person or team. Actions resulting from a complaint may include the improvement or addition of processes to improve the customer's experience, or a number of other actions.

Where possible any complaint received by Council will be resolved at first point of contact. Where it cannot be resolved at this point, the following steps will help guide the complaint through to resolution in a timely and efficient manner:

1. The complaint should be documented in the relevant information system
2. All complaints will be acknowledged by a response according to the method in which the complaint was received, or in the preference specified by the customer
3. All complaints are to be investigated and assessed in a timely manner
4. If the Council employee receiving the complaint is not able to assess and resolve the issue, they are to escalate the complaint to their immediate manager for action. Members of the Customer Experience team are also available to provide advice to assist Council staff and managers in responding to complaints
5. Personal information should only be disclosed during this process for addressing the complaint within Council.
6. Once the complaint has been investigated, the decision is to be relayed to the customer. The decision should include a summary of the complaint, steps taken to investigate it, and the outcome of that investigation (subject to confidentiality). It may also include future actions that will be taken to improve the customer's experience with Council.

The Complaint Handling Process Flowchart**What is a complaint?**

We define complaints as dissatisfaction expressed about a situation or action that requires a response and a resolution. This may include unfulfilled service requests, a decision made by Council that affects the complainant, a request for the improvement of a service provided by Council, or the actions or attitude of an employee of Council.

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

Who can make a complaint?

Anyone can make a complaint. This includes residents of area, customers of Council, and Council partners. This may include people who live, work, study or conduct business in the Council area, or those who visit, use or enjoy the services, facilities and public places of the City of Adelaide.

How to submit a complaint

Complaints can be submitted through many channels, including:

- Over the phone
- Face to face at the Customer Centre
- Face to face to frontline staff (eg Parking & Information Officers, Cleansing and Horticulture staff)
- Email
- Website contact forms
- Written letter
- City Chat
- Social Media channels

- Raised to an Elected Member.

Who can receive a complaint?

All Council employees can receive a complaint. Any Council employee receiving a complaint has a responsibility to ensure that the complaint is acknowledged and assessed by the relevant area. If the staff member receiving the complaint is not in a position to assess and resolve the issue, they should escalate the complaint to their immediate manager. Members of the Customer Centre team are available to provide advice to assist Council staff managing and responding to complaints.

UNREASONABLE COMPLAINTS

What is an Unreasonable Complainant?

Council may receive complaints from unreasonable complainants. Unreasonable complainants may include complainants who;

- make frivolous or irrelevant complaints,
- make complaints without basis,
- are abusive or threatening,
- are persistent and/or overly demanding.

Unreasonable Complainant Conduct is divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

What are the steps in dealing with an Unreasonable Complainant?

Complaints that escalate to unreasonable complaints will be dealt with in accordance with Council's Unreasonable Complainant Operating Guideline. This document is publicly available on Council's website.

INTERNAL REVIEW OF COUNCIL DECISIONS (section 270)

What is a Section 270 review?

Section 270(1) of the Local Government Act 1999 (the Act) requires Council to establish procedures for internal reviews of Council actions including the decisions of:

- Council;
- employees of Council;
- other persons acting on behalf of Council.

When a complaint cannot be resolved directly with Council staff through the Complaint Handling process (within this guideline), a complainant may request a review of a decision as listed above under Section 270(1) of the Act.,

How are Section 270 reviews determined?

The procedure for reviewing decisions is based on five principles. These principles are:

1. Fair treatment: which requires impartiality, confidentiality and transparency at all stages of the process.
2. Accessibility: to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options.
3. Responsiveness: this will be achieved by providing sufficient resources, well-trained staff and ongoing review and improvement of Council's systems.
4. Efficiency: requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their degree of complexity.
5. Integration of different areas of Council where the matter under review overlaps functional responsibilities.

An Internal Review of a Council decision is generally a last resort in the complaint handling process and may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the Chief Executive Officer (CEO).

Any requests for review concerning Council Members should be directed to the CEO; and any reasonable suspicions of employee corruption, misconduct or maladministration should be referred to the Independent Commissioner Against Corruption (ICAC) as required under the relevant legislation.

APPLYING FOR A SECTION 270 REVIEW**Who can lodge an application for a Section 270 review?**

Any person affected by a decision of Council, an employee of Council, or other persons acting on behalf of Council.

How are Section 270 review applications lodged?

A request for review of a council decision under *section 270(1) of the LGA Act 1999* must be made in writing. It must include;

- a statement clearly indicating which decision/s the applicant wishes to have reviewed
- a statement outlining the reasons the review is requested
- the name and contact details of the applicant, and
- any other relevant information.

Note: A \$20 fee set in the *Local Government (Application for Review Fee) Notice 2021*, applies to all section 270 applications for review of a council decision. The City of Adelaide has determined to waive this fee in accordance with Section 270(3) of the

How will an application for Section 270 review be acknowledged?

Applications for review will be responded to within 10 business days, acknowledging receipt, requesting further supporting evidence and advising of the expected timeframe for dealing with the matter.

Best endeavours will be made to ensure that a review of the original decision will be completed within 20 business days of receipt. However, if the decision is to be reviewed by Council, or is a more complex case, a review may take longer.

The applicant will be informed of progress, either by email, letter or telephone.

Which matters are outside the scope of section 270 internal reviews?

An application for review should only be made once the other mechanisms under the Complaints Handling Process have been undertaken as these may resolve the matter more quickly.

Some decisions made by Council, a Council employee or on behalf of Council are subject to review or appeal processes set out in legislation. This procedure cannot override or operate inconsistently with these statutory processes. Consequently, where legislation provides for the review, or appeal, of a type of decision, a decision of that type will not be reviewed under this procedure. Examples include:

1. Objections to valuations made by Council;
2. Appeals against orders made pursuant to *section 254 of the Local Government Act*;
3. Appeals against the issuing of litter abatement notices under the *Local Nuisance and Litter Control Act 2016*;
4. Appeals against destruction and control orders issued under the *Dog and Cat Management Act 1995*;
5. Review of an expiation notice appeal under the *Expiation of Offences Act 1996*; and
6. External review processes under the *Planning, Development and Infrastructure Act 2016* and the *Freedom of Information Act 1991*.

Where legislation specifically provides for an internal review process, that process will apply rather than the process set out in this procedure.

Where the application relates to an expiation and the Reviewer considers the expiation has previously been appropriately reviewed under the *Expiation of Offences Act 1996*, the applicant will be advised that the decision will not be reviewed again.

In which situations may an application for review be refused?

Council, or a person assigned to consider the application may refuse the application if:

- it is made by an employee of Council and relates to an issue concerning their employment; or
- it appears to be frivolous or vexatious; or
- the applicant is deemed to have insufficient interest in the matter.

Refusing an application for review will not be done lightly and will include documented evidence on which the refusal is based.

The Reviewer

The Reviewer is the person or body appointed to conduct a Section 270 review who will reconsider a decision.

When the decision of the review was made by Council, a committee of Council, or the CEO, the elected Council will be the reviewer. A report will be developed by the administration, or an independent external consultant. Council will consider the outcome of the review and determine whether to affirm, vary or revoke the original decision.

Where the Elected Council is not the reviewer, a reviewer will be chosen from the following:

- Manager, Governance;
- Team Leader, Corporate Governance
- Corporate Governance Advisor
- Freedom of Information Officer; or
- Advisor, Legal Governance

What does the role of the Reviewer include?

- Conduct the review in accordance with this Guideline;
- Determine to engage external legal advice to assist in the conduct of the review if considered necessary;
- Determine if an application is to be refused on any grounds set out within this Guideline;
- If the application is to be refused, notify the applicant of the refusal and reasons for doing so;
- If the Reviewer is the subject of the application, forward the application to another Reviewer to either conduct the review, or appoint another suitable officer to conduct the review;
- Where the application relates to:
 - a decision of Council;
 - Council-endorsed objectives and policies;
 - the internal review of a Council Decision Procedure and the process Council applied; or
 - any other matter the Reviewer determines
 - coordinate the review and refer it to Council for consideration and decision.

Considerations of a Review

The role of a review is to review the decision in question to ensure that the decision-maker complied with the following procedural requirements and made the best possible decision in the circumstances:

- The decision-maker was appropriately authorised to make the decision;

- The decision-maker considered all matters which were relevant to the making of the decision, and did not take into account matters which were not relevant to the decision;
- The decision-maker did not make a decision or exercise a power or discretion in bad faith or for an improper purpose;
- The decision-maker ensured that findings of fact were based on evidence;
- The decision was reasonable (a review will include an assessment of the merits of the decision);
- Those affected by the decision were accorded procedural fairness, which includes the principles of natural justice;
- The decision-maker properly considered the application of existing policies and legislation, as they existed at the time of the decision;
- The decision-maker did not exercise a discretionary power at the direction of another person.

The Reviewer will:

- Review all documentation and information relevant to the decision;
- Review all relevant council policies and procedures relied upon in making the decision; and
- Obtain additional information or clarification from the applicant as required.

Providing Procedural Fairness

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 oral 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.

Applications that relate to the Impact of Declaration of Rates or Service Charges on Ratepayers

If Council receives an application for review of a decision concerning the financial impact of Council rates or services charges, these will be dealt with as a matter of priority. Where circumstances warrant, Council will consider financial relief or the granting of concessions in line with the provisions of the Local Government Act 1999.

Giving Reasons

While there is no statutory requirement to give reasons for a decision, the Reviewer will provide reasons for the decision where practicable.

A Reviewer will always give reasons to explain the outcome where:

- A decision is not in accordance with Council policy;
- A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
- Conditions are attached to any approval, consent, permit, licence or other authorisation.

Alternative review options

Applicants who do not find the Section 270 review satisfactory will be advised of other options for review, such as the SA Ombudsman. At any stage of the process, the applicant may direct their complaint to the Ombudsman, however they should be advised the review of decision with Council may be suspended until the outcome of the Ombudsman review is reached.

Reporting of Section 270 reviews

[Refer to reporting section of this guideline.](#)

SUGGESTIONS, FEEDBACK & COMMENTS

A complaint under this operating guideline does not include initial service or work requests, requests for information, suggestions, comments or feedback, or any other contact that does not meet the definitional requirement for a complaint.

Although Council does not deem suggestions, feedback and comments as complaints, they are encouraged and valued as a large component of Council's commitment to continually improving the way we do business, and making the customer the centre of everything we do. On receipt of a suggestion, feedback or comment, a staff member should forward it to the appropriate area who will make a decision as to whether it will be implemented. The customer should be provided with a reference number and, where possible, the position title of the staff member or area of business, that will receive, and if possible, action their suggestion.

ROLES & RESPONSIBILITIES

Council Employee

It is every staff member's responsibility to assist in managing complaints. If you are in a position to hear a customer complaint it is your responsibility to ensure that the customer knows how to have it resolved. Complaints should be logged in Council's Information Management Tool.

Customer Centre Team

The Customer Centre team will be the main point of contact for customer complaints. It is their responsibility to resolve the complaint at the first point of contact if possible, or forward the relevant information to the actioning officer.

Customer Advocates receiving a complaint are responsible for liaising with other areas of the business to ensure a timely resolution for the customer, or assisting to manage complex complaints when they reach across different Programs and functions.

Associate Directors

Associate Directors will be responsible for resolving complaints relevant to their Programs. While they may delegate this duty, they will be ultimately be responsible for the actions identified and their implementation in response to a complaint.

CEO & Directors

Directors will be responsible for complaints requiring cross-program resolutions and complaints that have not been able to be resolved at the departmental level.

TRACKING & REPORTING OF COMPLAINTS

Associate Directors, Directors and the CEO can request a complaints report at any time from the Manager, Customer Experience. Reports can be tailored to assist teams to monitor changing customer expectations and needs, assess how well the resolution process is working, and identify improvements to our service delivery.

The Governance Program will report to the Executive Strategic Risk & Internal Audit Group monthly on the progress and resolution of requests for internal reviews under Section 270. An annual report will be prepared detailing the number of Section 270 requests, the types of matters to which they related, outcomes of the reviews, and other matters that may be prescribed by the regulations. This annual report will be presented to Council as part of the Annual Report required by section 131 of the Local Government Act 1999.

OTHER USEFUL DOCUMENTS

Related documents

- [Code of Conduct for Council Employees](#)
- [Code of Conduct for Council Members](#)

Relevant legislation

- Local Government Act SA 1999
 - Independent Commissioner Against Corruption Act 2012
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GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Complaint: is an expression of dissatisfaction with a product or service delivered by 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.

Employee: is any person who is in in an employment relationship with CoA (which includes, subsidiary staff), volunteers, along with temporary labour and consultants working for Council.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **2** years unless legislative or operational change occurs beforehand. The next review is required in **2024**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2022/24215	CEO	11 April 2022	- Minor review and revision - Legislative updates to Section 270 in the LGA
ACC2019/90360	Audit Committee/ Council	19 July 2019	Major review of document
ACC2011/141865	CEO	December 2016	Minor revision
ACC2011/141865	CEO	4 November 2011	Development operational process

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