

# PROCEDURE



## Complaints Handling Procedure

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### Purpose

To establish a systematic approach for handling complaints that embodies the principles of procedural fairness and reflects Council's desire to best serve the community.

### Scope

This Procedure applies to complaints received by Council from residents and ratepayers.

This Procedure **does not** apply to:

- Customer action requests;
- Accident/ hazard reports;
- Service requests;
- Complaints pertaining to a councillor or a group of councillors;
- Expressions of dissatisfaction with the general direction or performance of Council or Council decisions.

### Procedure

#### 1. Definitions

1.1. **Complaint:** where a member of the community complains to a Council officer about:

- A programmed service that has not been provided to the predetermined standard (timeline, quality and quantity); or
- A requested service that should have been provided but has not been provided to the predetermined standard (timeline, quality and quantity); or
- Conduct unbecoming of an officer of Council; or
- An issue raised by a community member or community group which the CEO considers would be best managed by following this Procedure.

1.2. **Service Request:** where a member of the community:

- Requests for the provision of a service that is not provided on a programmed basis; or
- Requests for the provision of a programmed service in excess of the predetermined standard (timeline, quality and quantity).

1.3. **CEO:** Chief Executive Officer of Hindmarsh Shire Council

1.4. **Council:** Hindmarsh Shire Council

## 2. *Receipt of Complaint*

Complaints may be lodged through a number of channels and at any level.

### 2.1. **Verbal Complaints**

The Council Officer receiving the complaint will determine the details of the complaint and record them on a complaints form which will be registered into infoXpert and delegated to the appropriate manager or director.

The Council Officer will repeat the details back to the complainant to ensure they are satisfied with what has been recorded.

The Council Officer will explain the process that will occur once the complaint has been received.

The Council Officer will determine whether the complainant is satisfied with the proposed course of action.

The Council Officer will then send the completed form to the appropriate manager. The Manager Governance and Human Services will be CC'd into the email so that the complaint can be recorded in Hindmarsh Shire Council's Complaints Register.

If the nature of the complaint appears to be severe, the Council Officer will encourage the complainant to put the Complaint in writing.

The relevant manager or director will acknowledge receipt of the claim via phone or email within 5 business days of receipt of the complaint.

### 2.2. **Written Complaints**

Written Complaints are registered into infoXpert and delegated to the appropriate manager or director. The complaint will also be delegated to the Manager Governance and Human Services so that the complaint can be recorded in Hindmarsh Shire Council's Complaints Register.

A letter of acknowledgment is to be sent by Council within five business days of receipt of the complaint.

The acknowledgment letter is to explain the course of action that will be taken, commit to an action and ask whether the complainant is satisfied with the proposed course of action.

## 3. *Responsibility for responding to complaint*

### 3.1. **Contracted services**

In-house and external contract complaints will be delegated to the contract manager to resolve with the contractor. It is the responsibility of the contract manager to receive and handle service complaints.

### **3.2. Non-contracted services**

These complaints will be delegated to the relevant manager for investigations and resolution. Where satisfactory resolutions are not obtained by complainants, the matter may be referred to the relevant director to resolve.

## **4. Types of Complaints**

### **4.1. Complaints regarding statutory matters**

Where Council activities are governed by State or Federal legislation, Council is unable to alter its decision making processes and is guided by the requirements of the legislation.

Council has adopted local laws that operate in conjunction with the State legislation. When Council officers commence proceedings, including legal action and issuing infringement notices, and a member of the community wishes to have the decision reviewed, a request for review must be received in writing.

Such Complaints will be handled by the Manager Governance and Human Services.

### **4.2. Risk management complaint**

Where a complainant informs Council that a claim may be lodged for personal injury or property damage.

Such matters will be handled by the Manager Governance and Human Services or the HR and Governance Officer.

### **4.3. Complaints about Council Officers**

Complaints regarding Council Officer behaviour will be handled sensitively and confidentially.

All complaints regarding the behavior of Council Officers must be made in writing and include the detail necessary to allow investigation of the complaint.

The complaint will initially go to the relevant manager of the Council Officer. If the complaint is unable to be resolved this way, the relevant director will become involved.

All aspects of the complaint, discussions and resolution shall be accurately recorded and may form the basis for disciplinary action.

### **4.4. Strategy related issues raised by Community Groups**

Strategy related issues raised by community groups shall be referred to the relevant Director in the first instance.

Where the concerns are complex, the Director shall refer the issue to the CEO. The CEO will consider the matter and determine whether the Complaint should be managed by this Procedure.

## **5. Responding to complaints**

When responding to a complaint, the person must ensure that their reasoning is explained clearly and thoroughly.

The response must also be clear on what decision is being made.

The response must also advise the complainant of what they should do if they are not happy with the outcome.

Complaints must be responded to within 2 weeks of receipt.

## 6. Mediation

Where a Complaint remains unresolved, a senior member of staff shall be nominated to mediate. This officer will investigate the unresolved Complaint with a view to resolving the Complaint.

If mediation is required, the director of the area to which the complaint relates will invite a director from another area to act as mediator.

The mediation process will not be used to review formal Council decisions but rather to check that complaints were handled correctly and that the decision reflects Council policies.

The mediator will:

- Act independently
- Consult with the director to confirm that the complaint has been acknowledged within five business days of receipt, and the complainant has been advised of this Procedure.
- Ask the responsible manager to provide all information associated with the complaint and any additional background.
- Review all the material then talk to the complainant and officers involved.
- Form a decision on the matter in writing and forward to the director and/ or CEO. The decision must be thorough and must explain the reasoning of the decision.
- Advise the complainant in writing of the decision.
- Place copies of all notes, correspondence, and other relevant material on a central file.

If the complaint is not resolved via mediation, the complainant can seek to discuss matters with the CEO.

## 7. Right of appeal

If the complainant is dissatisfied with the outcome of the complaint they are able to contact the State Ombudsman's Office.

## Related Documents

*Hindmarsh Shire Council Verbal Complaint Form*

*Hindmarsh Shire Council's Code of Conduct*

## DOCUMENT CONTROL

Complaints Handling Procedure		<b>Procedure Category</b>	Complaints
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<b>Approved/Adopted By</b>	Chief Executive Officer	<b>Approved/Adopted on:</b>	31 July 2018
<b>Responsible Officer</b>	HR, Governance & Compliance Coordinator		

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