

Request for Service and General Complaint Handling Policy

Approval Date	18 September 2023
Classification	Statutory Council Policy
Responsible Officer	Chief Executive Officer
Relevant Legislation	Local Government Act 1999 Freedom of Information Act 1991 Independent Commissioner Against Corruption Act 2012 Ombudsman Act 1972 Public Interest Disclosure Act 2018
Related Policies	Internal Review of Council Decisions Policy Fraud and Corruption Prevention Policy Public Interest Disclosure Procedure Rating Policy
Associated Forms	Request for Service/Customer Complaint Form
Last Reviewed 19/10/2020	Next Review September 2027



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1. Introduction

- 1.1. The Town of Walkerville is committed to:
 - 1.1.1. responding to issues raised by people making complaints in a timely, transparent and cost-effective way.
 - 1.1.2. providing information that can be used by us to deliver quality improvements in our services, systems and complaint handling.
- 1.2. This policy establishes a framework for how the Town of Walkerville will respond to customer requests for service and information, and specifically the approach to be adopted when managing unreasonable requests for service, information and complaints by a customer who is dissatisfied with a process, product or service offered or provided by the Council.
- 1.3. The aim of this policy is to provide a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service.
- 1.4. This policy is developed in accordance with section 270 of the *Local Government Act 1999* (the Act).

2. Scope

- 2.1. This policy applies to Council receiving or managing complaints from the public made regarding products services, staff and complaint handling.
- 2.2. Staff grievances regarding their employment, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.
- 2.3. Requests that relate to the impact of the declaration of rates or service charges will be dealt with in accordance with Council's Rating Policy.
- 2.4. The following will not be regarded as a complaint under this policy:
 - 2.4.1 A request for service (unless it is a second request when the service requested has not been completed within the identified timeframe).
 - 2.4.2 A request for information (unless it is a second request for identical information).
 - 2.4.3 A request for an internal review of a Council decision.

3. Definitions

Business Day	Means a day when the Council is normally open for business; that is Monday to Friday between 9am and 5pm, excluding public holidays and the period between Christmas and New Year's Day, when the Community and Civic Centre is usually closed.
Complaint	Means any expression of dissatisfaction in relation to: <ul style="list-style-type: none"> • lack of 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 when a response or resolution is explicitly or implicitly sought.
Complainant	Means any person who makes a complaint about a matter that has directly affected them by any action or inaction by the Town of Walkerville that gives rise to a complaint.
Council	Means, as necessary, as encompassing officers, employees and Elected Members of the Town of Walkerville.
Customer	Means any person or entity that has dealings with the Town of Walkerville.
Employee	Means any person employed by the Town of Walkerville and includes agency staff, contractors and volunteers.
Frivolous or Trivial Complaint	Means a complaint that is considered by the relevant Manager to be minor, without merit or lacking substance or credibility.
Independent Commissioner Against Corruption	Means the person holding or acting in the position of the Independent Commissioner Against Corruption.
Internal Review	Means a review of a decision of Council in accordance with s270 of the Act and Council's Internal Review of Council Decisions Policy.
Manager	Means a member of the Management Team.

Office of Public Integrity (OPI)	Means the entity that is the point of contact for any person wishing to make a complaint or report under the <i>Independent Commissioner Against Corruption Act 2012</i> .
Request for Information	Means when a customer is seeking information, e.g.: <ul style="list-style-type: none">• the status of a request for service• the status of a planning application• 'how to' requests• content of Council policies, etc.
Request for Service	Means a request from a customer seeking action on a particular matter or for the Town of Walkerville to provide a particular service, e.g.: <ul style="list-style-type: none">• pot hole repairs• waste collection• installation of speed humps• footpath repairs• reports of stray dogs, etc.
Vexatious Complaint	Means any complaint: <ul style="list-style-type: none">• 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.

4. Principles

- 4.1. Council acknowledges that treating customers fairly requires impartiality, confidentiality and transparency at all stages of the process.
- 4.2. Council will promote to its community the methods by which they can request services and make general complaints.
- 4.3. Council is committed to providing sufficient resources and well-trained staff to manage service and complaint matters, and to review its systems for opportunities for improvement.
- 4.4. In processing requests for service, emphasis will be placed on:
 - public safety and emergencies
 - statutory responsibilities
 - relevant Council policies
 - fulfilling Council's strategic and business plans
 - using Council resources effectively
 - established service standards and response times for Council activities
 - guidelines and conditions of externally funded programs
- 4.5. Where delivering a request for a service would result in a new level of service, the ongoing sustainability implications for Council will be considered.

5. Policy Statement

- 5.1. A complainant must have been directly affected by any action or inaction by the Town of Walkerville that gives rise to a complaint.
- 5.2. Where possible, complaints will be addressed at the first point of contact.
- 5.3. Complaints will be dealt with expediently, courteously and in accordance with this Policy.
- 5.4. All complaints will be considered on their merits, the principles of natural justice will be observed and complainants will not suffer any reprisal from the Town of Walkerville for making a complaint.
- 5.5. All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised.
- 5.6. A complainant may, at any time in the review process, seek external review through Ombudsman SA, other legal processes or the Courts.
- 5.7. If the Ombudsman, in accordance with the *Ombudsman Act 1972*, refers a complainant or complaint to the Town of Walkerville, the complaint will be investigated in accordance with this Policy unless otherwise determined by the CEO.

5.8 Anonymous complaints

- 5.8.1 Anonymous complaints relating to allegations of maladministration, corruption or illegal activity occurring in the organisation must be made according to the process outlined in the Public Interest Disclosure Procedure.

5.9 Complaints of a serious nature

- 5.9.1 Any formal complaint alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest is required to be reported to the South Australian Police and/or the Office of Public Integrity in accordance with the *Independent Commissioner Against Corruption Act 2012*.
- 5.9.2 All complaints of a serious nature reported to the Town of Walkerville will be dealt with in accordance with the Council's Public Interest Disclosure Procedure and Council's Fraud and Corruption Prevention Policy.

5.10 Privacy and confidentiality

- 5.10.1 The complainant's personal information will be used by the investigating officer when investigating and handling the complaint.
- 5.10.2 The identity of complainants will be made known only to those who need to know in the process of investigating the complaint unless disclosure is required for consideration of the matter by Council or required by law.
- 5.10.3 If the complaint is referred to the Ombudsman and/or the Independent Commissioner Against Corruption (ICAC), the Town of Walkerville will share any relevant information relating to the complaint with the Ombudsman and/or ICAC in accordance with legislation.
- 5.10.4 Information contained within complaints may be accessible under the *Freedom of Information Act 1991*.
- 5.10.5 A complainant may apply directly to the CEO, in writing, to suppress their personal details.
- 5.10.5 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.

5.11 Data collection

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

6. Complaint Handling Model

6.1. Lodging a complaint

- 6.1.1. A complaint may be made:
- in person at the Community and Civic Centre
 - by telephone on (08) 8342 7100
 - by email to walkerville@walkerville.sa.gov.au
 - in writing to :
The Chief Executive Officer
Town of Walkerville
PO Box 55
WALKERVILLE SA 5081
- 6.1.2 Complaints in writing are preferred to ensure that the complaint is clearly defined for both the complainant and the Town of Walkerville.
- 6.1.3 Verbal complaints may be summarised and provided, in writing, to the complainant for verification prior to the commencement of the assessment of the complaint.
- 6.1.4 Assistance in lodging complaints is available on request. This includes assisting customers with language and communication difficulties.
- 6.1.5 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.

6.2 Timeframes and progress notification

- 6.2.1 Whenever possible, complaints will be investigated by a Manager who was not involved in making the original decision.
- 6.2.2 Complaints will be acknowledged in writing within five business days of receipt and will include advice about the expected timeframe for investigating the matter.
- 6.2.3 In most cases, complaints will be investigated within 10 business days.

6.2.4 Where the complaint has not been finalised within 10 business days, the complainant will be kept informed about the progress of the investigation.

6.2.5 The complainant will be advised, in writing, of the outcome of the investigation as soon as possible after a determination is made.

6.3 Complaints that will not be investigated

6.3.1 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.

6.4 Alternate complaint handling mechanisms

6.4.1 In some instances, an alternative complaint handling process must be used due to legislation restrictions. In these instances, the Manager will advise the complainant of the alternative process requirements, and assist them to seek resolution of their concerns. Examples of alternative complaint handling processes include:

- Code of Conduct complaints about an Elected Member or Employees.
- information relating to substantial risks to public, health or safety, or to the environment will be dealt with in accordance with Council's Public Interest Disclosure Procedure.
- information relating to corruption, misconduct and maladministration in public administration will be dealt with in accordance with Council's Public Interest Disclosure Procedure.
- Freedom of Information applications.
- insurance claims.
- decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

- a full list of alternative complaint handling mechanisms is listed in the Internal Review of Council Decisions Policy.

6.5 Unreasonable complainant's conduct

- 6.5.1 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 Town of Walkerville aims to manage these situations in a fair and equitable manner.
- 6.5.2 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.
- 6.5.3 The relevant 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.

6.6 Initial assessment of a complaint

- 6.6.1 An initial assessment of the complaint will include its severity, any safety implications and the need for immediate action.
- 6.6.2 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. **6.7**

Opportunity to provide additional information

- 6.7.1 After receiving the complaint, the investigating Manager 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.
- 6.7.2 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 Manager to be of a different nature a secondary review may commence.

- 6.7.3 Complainants will be invited to comment on any additional information obtained by the investigating Manager during the course of an investigation.

6.8 Complaint remedies

- 6.8.1 When complaints are found to be justified, the Town of Walkerville will, where practical, remedy the situation in a manner which is consistent and fair for both the complainant and the Council.
- 6.8.2 As a general principle, the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.
- 6.8.3 Compensation will only be offered in cases where the loss or suffering is considered substantial. Financial compensation will only be offered by way of a Council decision or at the discretion of the Chief Executive Officer (or nominee).

6.9 Dispute resolution

- 6.9.1 The Town of Walkerville may use alternate dispute resolution methods, e.g. mediation, conciliation or neutral evaluation, to resolve a complaint in circumstances where the Chief Executive Officer or their delegate deems such a course of action appropriate and the complainant is amenable to that process.
- 6.9.2 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 Town of Walkerville and the complainant.
- 6.9.3 If the complaint cannot be resolved the complainant may refer the matter to the Ombudsman, or seek a legal remedy.

6.10 Withdrawal of complaints

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

6.11 Discontinuation of an investigation into a complaint

- 6.11.1 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.
- 6.11.2 If a complaint is discontinued, then the complainant will be advised in writing of the reasons for the discontinuation of the investigation.

6.12 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.

6.13 Using complaints to improve service

6.13.1 Quality of service is an important measure of Council's effectiveness. Learning from complaints is a powerful way of helping to develop the Council and increase trust among the people who use its services.

6.13.2 In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including detail about unresolved complaints, at least once a year.

6.13.3 Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

7. Availability of Policy

7.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au.

7.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

8. Review

8.1. Should the complainant remains dissatisfied after the complaint review, the complainant may lodge a formal request for an Internal Review of a Council Decision. Further information about this process may be found in Council's Internal Review of Council Decisions Policy.

8.2. A complainant may, at any time, lodge a complaint with the South Australian Ombudsman via the Ombudsman SA website or by telephone (08) 8226 8699.