

Complaints Procedure

Strategic Reference	Provide leadership, good governance, and efficient, effective and responsive Council services
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Responsibility	Chief Executive Officer
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Relevant Legislation	Local Government Act 1999 (S270 (a1) (a2))
Related Policies	Complaints Policy Elected Member Behavioural Management Policy Request for Services Policy Fraud & Corruption Prevention Policy Public Interest Disclosure Policy
Related Procedures / Documents	Request for Services Procedure Public Interest Disclosure Procedure

1. Statement

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 the matter.

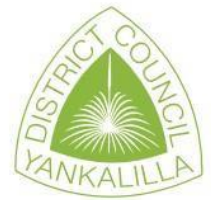
Section 270 of the Local Government Act 1999 requires Council to maintain a procedure about "complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council."

This Complaints Procedure commences at the point that a complaint is received and covers processes for:

- resolving complaints
- using complaint investigations to directly inform service improvements.

The aim of this Procedure is to ensure complainants receive a fair, consistent and structured process when managing complaints about actions of the Council, its officers, or representatives.

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2. Principles

This Procedure and the Policy it accompanies are based on six principles, which will be fundamental in the way Council approaches complaint handling. They are:

Fairness: To ensure the complaint handling process is fair and reasonable complaints are dealt with in a consistent, objective and unbiased manner. Council will take every reasonable step to ensure that people making complaints are not adversely affected because a complaint is made by them or on their behalf.

Accessibility: Council publicises how and where complaints may be made ensuring transparency and accessibility for all complaints is made.

Responsiveness: will be achieved by providing sufficient resources, well trained staff, assessment and review of complaints made, and the seeking of opportunities to improve systems or processes. Assess and review complaints and keep complainant informed.

Efficiency: complaints will be resolved as quickly as possible while ensuring they are dealt with at a level reflecting their complexity and priority

Integration of different areas of Council where the complaint overlaps functional responsibilities.

Confidentiality Personal information related to complaints is kept confidential. Where appropriate the confidentiality of information related to a complaint will be respected. Complaints about employees or volunteers will remain confidential during the investigation process.

3. Scope

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation.

Where Council has failed to meet the normal standards for a service which has been, or should have been delivered, this procedure applies.

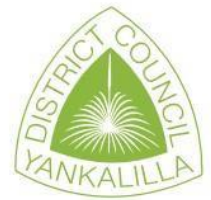
This procedure applies to all Council staff who may be involved in receiving or processing a complaint in the course of their work.

Officers will act reasonably and transparently, demonstrate good customer service, undertake their responsibilities in a proficient manner and use their judgement where necessary to ensure an outcome in line with Council's Complaints Policy.

This procedure does not apply to matters that do not fall within Council's jurisdiction. These types of issues will be addressed by the relevant agencies, or for the complainant to progress under other means.

Officers will not comment or action any complaint made on social media platforms.

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4. Definitions

For the purposes of this Procedure the following definitions apply:

Comments means positive or negative, verbal, or written opinions or reactions (a view or judgement formed which is not based on fact or knowledge) regarding Council's products, services, facilities, employees or volunteers.

Complaint means an expression of dissatisfaction with a product or service delivered by the Council or its representative 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.

Business day means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).

CEO is the Chief Executive Officer of the District Council of Yankalilla, or their delegate.

Council means District Council of Yankalilla.

Dispute is an unresolved complaint escalated either within or externally of Council.

Employee includes a person employed directly by Council in a full-time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.

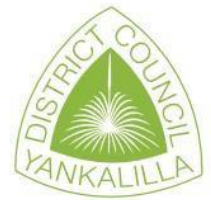
Internal Review is when a customer seeks a review of a decision made by the Council, an employee of the Council, to persons acting on behalf of the Council. These are dealt with through Councils Internal Review of a Council Decision Policy

Request for Service means the seeking of service, approval, information, action, or assistance in line with Council's service offering – see Request for Service Policy

A **Vexatious** Complaint is a complaint that is made to harass, annoy, delay or cause detriment or trouble to the Council. A complaint may be considered vexatious if:

- it comprises false allegations;
- there is an absence of any reasonable grounds for lodging the complaint;
- a complainant has consistently, over a period of time, complained about minor or trivial matters;
- the complaint has previously been dealt with, and no new information has been provided by the complainant;
- the complainant, or the person on whose behalf the complaint was made, does not have a sufficient personal interest in the matter raised in the complaint; or
- it is frivolous or not made in good faith; and
- it does not have any serious purpose or value, is unnecessary or unjustifiable.

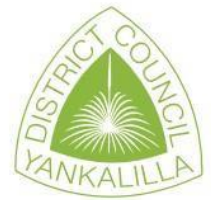
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5. Procedure

- 5.1. Council welcomes complaints as a way of improving its services and programs as well as providing opportunity to rectify the matter raised.
- 5.2. The following steps will be followed to ensure complaints are dealt with efficiently and effectively:
 - 5.2.1. Acknowledge complaints promptly.
 - 5.2.2. Provide a response within ten (10) business days.
 - 5.2.3. Assess the complaint and address appropriately. For example; simple problems may be able to be resolved quickly
 - 5.2.4. Where warranted, plan the investigation.
 - 5.2.5. Investigate the complaint in a professional and timely manner.
 - 5.2.6. Respond to the complainant with a clear decision. This decision is not required to be provided within the ten (10) business days as per 5.2.2
 - 5.2.7. Follow up any customer service concerns.
 - 5.2.8. Analyse and consider if there are systemic issues which need correction.
- 5.3. When immediate resolution is not possible, the complainant will be kept informed of progress, either by email, letter, phone call or personal contact.
- 5.4. Assisting with the lodging of a complaint
 - 5.4.1. It is essential that no one is excluded from lodging a complaint because of any difficulties they may have representing themselves. All staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the complaint in writing when circumstances warrant.
 - 5.4.2. If necessary, staff will arrange access to interpreters, aids, or advocates to ensure that a complainant is treated equitably.
- 5.5. Receiving a complaint
 - 5.5.1. A person can make a complaint in a number of ways:
 - Completion of the appropriate form on Council's website
 - Telephone
 - Fax
 - Email
 - Letter
 - Visit to a Council Customer Service Office
 - 5.5.2. Any comments or requests made through social media are not considered nor treated as an official complaint

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5.6. Written Complaints

- 5.6.1. Written complaints will be acknowledged promptly. Further response shall be provided within ten [10] business days of receipt,. Where possible, resolving it at that time. Actions leading to the resolution of the complaint will be recorded in Council's ERDMS.
- 5.6.2. All written complaints (excluding those on social media) are to be entered into Council' electronic records data management system (ERDMS) and assigned to a responsible staff member for action.
- 5.6.3. Where a complainant presents at Council it is the responsibility of the officer present to determine whether the matter can be dealt with immediately by a frontline officer. If not, the complainant shall be encouraged to provide the complaint in writing.

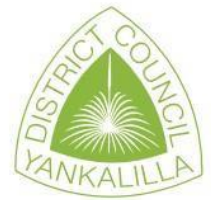
5.7. Verbal Complaints

- 5.7.1. Verbal complaints received by Council are only able to be dealt with if they are minor in nature and able to be resolved immediately.
- 5.7.2. Officers will record the following details of the complaint, including:
 - Date and time of call
 - Taken by
 - Complainants name
 - Complainants address
 - Complainants contact phone numbers
 - If calling on behalf of another, full contact details for that person
 - Issues and allegations as reported
 - How the matter was resolved
 - Who the complaint has been referred to
- 5.7.3. Verbal complaints may also be received by officers in the course of their work. All staff are expected to resolve, reassign, or report these complaints as appropriate, including all details properly recorded in Councils ERDMS for future analysis.
- 5.7.4. If the complaint is considered to be of a serious or complex nature or unable to be resolved immediately the complaint will be required to be received in a formal written manner and will not be formally acted on until the written complaint with all required details is received.

5.8. Acknowledging Complaints

- 5.8.1. Receipt of a complaint will be promptly acknowledged, and a response will be provided within ten (10) business day. Verbal complaints will be acknowledged immediately.
- 5.8.2. Written complaints will be acknowledged in writing either via letter or email as appropriate.

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5.8.3. Where a complaint cannot be resolved immediately the person who received the initial contact is responsible for:

- advising the complainant of the process to be undertaken and;
- ensuring the complaint is properly lodged and assigned.

5.9. Anonymous Complaints

5.9.1. It can be difficult to effectively deal with an anonymous complaint. When taking details of a complaint, it is important for the customer to provide their identity in order for their complaint to be fully processed.

5.9.2. Anonymous complaints must still be logged in Council's ERDMS and, if warranted, addressed by the department involved in order to identify possible areas for service improvement.

5.10. Assignment of Complaints

5.10.1. Assignment of the complaint will include determining who will investigate and at what level the complaint should be dealt with in the first instance. Wherever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

6. Responsibilities of Staff when Handling Complaints

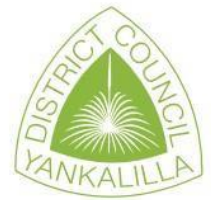
6.1. Council expects that the complaints handling process will be fair to the complainant, the Council and any person against whom a complaint is made. The rules of fairness, reasonableness and unbiased decision-making should be applied, and all parties involved should be given the opportunity to respond to any issues raised.

6.2. To this end staff are expected to:

- 6.2.1. Treat complaints seriously and complainants with sensitivity, respect, and courtesy
- 6.2.2. Give the complainant an opportunity to have their complaint dealt with by an officer not previously involved in the matter.
- 6.2.3. Ensure any conflicts of interest are disclosed and acted upon
- 6.2.4. Judge complaints on their merits and facts, after obtaining and considering all relevant information
- 6.2.5. Give equal treatment to all people.
- 6.2.6. Ensure an appropriate remedy is provided where the complaint is substantiated.
- 6.2.7. Provide all parties with clear reasons as to why any actions have been taken.
- 6.2.8. Inform complainant of any further avenues of review

6.3. Being responsive to complainants reflects Council's commitment to quality service and can prevent the escalation of complaints. Complaints are to be dealt with quickly, transparently and within established timelines:

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- 6.4. Council will advise complainants of the process to be followed and how long it will take to deal with the complaint by
 - 6.4.1. Keeping them informed of progress and the reasons for any delays.
 - 6.4.2. Resolve or make further enquiries as soon as possible.
 - 6.4.3. Where a complaint is not resolved to the customer's satisfaction, explain the decision clearly and offer possible alternative actions or review opportunities.
- 6.5. Council must handle complaint information according to the privacy statement, set out in Council's Complaints Policy. Council's policy states that "the identity of complainants will be made known only to those who need to consider or know about the complaint and will not be revealed to any other person or made public by the Council, except where required by law". Confidentiality is not to be used as an excuse to avoid dealing with a complaint.
- 6.6. Information gathered during the complaint process will only be:
 - 6.6.1. used in order to deal with and resolve the complaint or to address systemic issues arising from a complaint.
 - 6.6.2. shared with Council staff on a need-to-know basis.
 - 6.6.3. disclosed only in accordance with legal requirements, including the Freedom of Information Act, and after consultation with person affected.
- 6.7. Information may be disclosed publicly in a de-identified format for annual reporting, training and other purposes required by legislation.

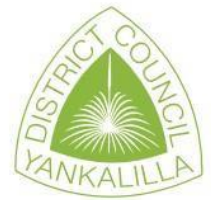
7. Responsibility of Elected Members when Handling Complaints

Elected Members are to support, assist and encourage community members to lodge a complaint using the mechanisms provided by council as per 5.5.1.

8. Level 1 - Frontline Resolution of a Complaint

- 8.1. All staff are empowered to handle complaints in the first instance. It is preferable that complaints are dealt with promptly at the initial point of contact and at the appropriate officer level. Dealing with a complaint at this level can include referral to another officer who has had no involvement in the matter, or to a more senior officer.
- 8.2. Understanding Complaints
 - 8.2.1. Make contact with the complainant as soon as possible and arrange to meet if necessary to fully understand the concerns. How the first contact with a complainant is handled is extremely important.
 - 8.2.2. Even when the outcome is not what they anticipated, the complainant should feel that the complaint has been taken seriously and they have been afforded procedural fairness.

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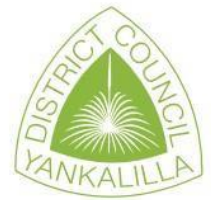
8.3. Referring a Complaint

- 8.3.1. If it is necessary to refer the matter to another staff member (either at the same Level, or as a Level 2 or 3), ensure they are fully briefed and able to make a decision on the matter, or the next step needed to be taken. Transferring a complaint can be frustrating for the complainant, so ensure they do not need to repeat the details again.
- 8.3.2. Advise the complainant of the reason for the transfer of responsibility and explain the process and timeframes which will be followed.
- 8.3.3. Ensure that the complaint has been logged in Councils ERDMS and updated before referring to another officer.

8.4. When to Immediately refer a Complaint

- 8.4.1. There are also other complaint procedures which apply to particular types of complaints. If the complaint would be more appropriately dealt with by another process this should be explained to the complainant at the outset. For example:
 - Freedom of Information applications
 - Insurance claims
 - Decisions made under legislation other than the Local Government Act, such as the Planning, Development and Infrastructure 2016, or Expiation of Offences Act 1996.
- 8.4.2. Ensure that the complainant has sufficient information to initiate the alternative process.
- 8.4.3. There are some types of complaints which must be automatically transferred to the Chief Executive Officer (or Mayor in the case of a complaint against a Council Member or the Chief Executive Officer). These include:
 - Complaints about a decision of the Council body
 - Complaints in relation to a Council Member or the Chief Executive Officer
 - Where the problem is clearly outside of the staff member's delegation or area of expertise
 - Complaints alleging fraud, corruption or other criminal behaviour, which should be referred to the Anti-Corruption Branch or other relevant branch of SAPOL
 - Complaints involving an allegation of serious or controversial conduct by a staff member where disciplinary action is a possible outcome.
- 8.4.4. Ensure that the complaint is documented and recorded in Council's ERDMS or request immediate assistance from a senior officer, depending on the circumstances and nature of the complaint.

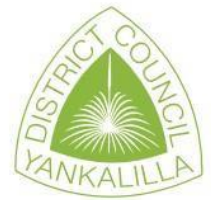
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9. Level 2 - Handling Complaints at a Senior Level

- 9.1. Where circumstances indicate the complaint would be more appropriately handled at a higher level, refer the matter to a more senior officer in Council. Examples include where the complaint:
 - 9.1.1. Ranges across more than one service area within Council
 - 9.1.2. Concerns a contractor or consultant
 - 9.1.3. Alleges improper conduct by a staff member
 - 9.1.4. Has a high degree of complexity and
 - 9.1.5. If a complainant is not satisfied with the outcome of handling of the complaint at the frontline level.
- 9.2. It is aimed for complaints to be resolved to the satisfaction of all parties at this level in the majority of cases.
- 9.3. Process of referring to a Senior Officer
 - 9.3.1. Records management staff are trained to assign complaints to the appropriate officer who has the skills, knowledge and authority to investigate a specific matter.
 - 9.3.2. As good practice, complaints should be escalated to the appropriate Manager or Director of the area to which the complaint is directed, provided that the Manager or Director has not been involved in the subject of the complaint and is able to bring an objective mind to the resolution of the complaint.
 - 9.3.3. Ensure that the referral occurs promptly, and the complainant understands the process and timeline for the next action.
 - 9.3.4. Officers should document their involvement to date in the Council's ERDMS
- 9.4. Deciding how to Proceed
 - 9.4.1. Each complaint 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.
 - 9.4.2. The first step is to assess the nature of the complaint, as not all complaints require investigation but must still be documented in the Council's ERDMS. Many complaints involve communication problems or misunderstandings that can be resolved informally by talking to the complainant, discussion between the parties, or through other processes such as mediation.
 - 9.4.3. Certain types of investigations such as public interest disclosure complaints are subject to particular legislative requirements. In these cases, the assessment of the complaint and the nature of the investigation must be undertaken in light of the relevant legislative framework.

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- 9.4.4. Determine what course of action is most appropriate in the particular circumstances.
- 9.4.5. Issues to consider in the assessment of a complaint include:
- how serious the complaint is and the significance it has for the complainant and Council
 - the need and requirement of immediate action
 - complexity
 - 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.
 - the time that has elapsed between event and complaint.
- 9.4.6. If an investigation is not warranted, Council will contact the complainant to provide a formal response or propose other actions. All actions will be documented in the ERDMS.
- 9.5. Undertaking an Investigation
- 9.5.1. Every effort should be made to finalise the complaint at this level. See Remedies below.
- 9.5.2. Ensure that the complainant receives regular updates about the progress of the investigation and a formal response including reasons for the decision.
- 9.5.3. Document all actions in the Council's ERDMS

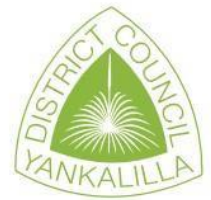
10. Level 3 - Internal Review

- 10.1. An internal review of a Council decision is available under section 270 of the Local Government Act 1999. This more formal process, which is established and mandated by statute, is generally a last resort in the complaint handling process. However, this process may also be used in relation to more serious situations which require an immediate, high-level response, such as a complaint about a decision of the Chief Executive Officer or a resolution of Council.
- 10.2. For more detail in relation to a section 270 review, see Council's Internal Review of Council Decision Policy

11. Remedies

- 11.1. Where a complaint is considered justified, determine an appropriate remedy or response to the complaint. By working to address the complaint, Council is making a commitment to meeting the complainant's needs, improving internal processes, and maintaining a positive reputation.

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11.2. An apology which is not an acceptance of liability is normally appropriate. Other remedies offered should be fair and reasonable for both Council and the complainant. The range of possible outcomes includes:

- an explanation
- an apology
- mediation
- an admission of fault
- a change in decision
- a change to policy, procedure, or practice
- a correction of misleading records
- financial compensation, including a refund of any fees (in line with appropriate delegations)
- the waiving of debt (in line with appropriate delegations)
- the remission of a penalty (in line with appropriate delegations)
- protection to the complainant
- disciplinary action
- referral of a matter to an external agency for further investigation or prosecution.

11.3. The remedy or response may be just one, or a combination of these actions. The chosen remedy needs to be proportionate and appropriate to the failure in service and take account of what people are looking for when they complain. Normally remedies other than compensation will satisfy a complainant. Compensation is therefore a final option and will apply only in cases where the loss or suffering is considered substantial.

11.4. Refer all recommendations for financial compensation to the Chief Executive Officer.

11.5. 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.

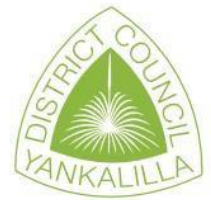
11.6. If an apology is required do so promptly and advise the complainant that appropriate action will be taken to ensure the problem is not repeated.

12. Unreasonable Complainant Conduct

12.1. All complaints received by Council are treated seriously. However, there may be occasions when the conduct of a complainant is unreasonable. This may result in a decision to restrict or take no further action on a complaint.

12.2. Should a complainant become unreasonable, for example unreasonable persistence, vexatious, unreasonable demands, lack of cooperation, argumentative or threatening behaviour the complainant will be warned that if such behaviour or actions continue, restrictions may be applied. What is determined as unreasonable will vary depending on a number of factors. Council will manage such situations in a consistent, fair, and equitable manner.

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- 12.3. Where a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation, a decision may be made to apply restrictions of contact with the person. Before restricting contact, the complainant will be warned that if the specified behaviours or actions continue restrictions may be implemented.
- 12.4. A decision to suspend or restrict action on a complaint will be made by the Chief Executive Officer.

13. Service Improvement

- 13.1. Learning from complaints is a powerful way of helping to improve Council's processes and procedures and increase trust among the people who use Council services. Council therefore should have systems to:
- record, analyse and report on the outcomes of complaints and remedies and
 - apply the information to improve customer service.
- 13.2. Part of a remedy may be to review and implement changes to policies, procedures, systems, staff training or all of these, to ensure that the maladministration or poor service is not repeated. It is important that lessons learned are put into practice.
- 13.3. All complaints must be recorded in Council's ERDMS in such a way that the information can be reviewed and analysed for service improvement opportunities.
- 13.4. At intervals determined by the number of complaints received, or a minimum of once per annum, the data on complaints is reported to Executive Management in order to ensure that systemic problems are identified and addressed.

14. Records Management

- 14.1. All documents, notes, photographs, and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by Section 125 of the Local Government Act 1999.
- 14.2. All complaints must be recorded in Council's ERDMS in such a way that the information can also be analysed for service improvement opportunities.

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15. Availability

This policy is available for inspection at the Council office during ordinary business hours and provided to interested parties as per Council's Fees and Charges Register. Copies are available to be downloaded, free of charge, from Council's website: www.yankalilla.sa.gov.au

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16. Review

This Policy will be reviewed every four (4) years or more frequently if legislation or Council require.

17. Document History

Date	Version	Council Resolution No.	Description of changes
20 February 2024	1.0	C24019	Adoption of Procedure – previously part of Customer Complaints Policy. Document separated into Policy & Procedure documents.

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