

General Complaints Policy



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Responsible Manager	Manager Customer & Communications
Other key internal stakeholders	Director Organisational Services & Excellence Manager Governance & Policy Manager Organisational Development
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PURPOSE

This policy establishes guidelines and procedures for how the City of Tea Tree Gully (the Council) will handle general complaints and, ultimately, enable the continuous improvement of services.

POLICY

The Council:

- Welcomes general complaints as an important form of feedback that will ultimately drive the continuous improvement of services
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealings with its customers while meeting the needs of the community
- Is committed to identifying, investigating and, where possible, resolving general complaints and grievances
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the resolution of all general complaints
- In resolving ongoing general complaints, is conscious of not over-committing resources and funds to the detriment of the community at large
- Is committed to tracking the progress of general complaint handling within the organisation and reporting on this as part of its overall performance
- Believes customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will underpin Council service delivery.

These principles are of utmost importance in the Council's endeavours to retain the trust, confidence and support of its community.

This Policy aims to ensure:

- Improved customer service through consistent, effective management of general complaints
 - General complaints are resolved in a timely manner, namely that Council aims to resolve complaints within five business days from receipt
 - Advises customers of the progress of a complaint within five business days, when the complaint requires additional information or investigation
 - Provides updates, at a minimum, each five business days until resolution or a decision is made, or alternative timelines are agreed
- That the complainant understands what the Council can and cannot do and, will and will not do
- That the Council's limited resources are not utilised on malicious, frivolous, unreasonable, persistent or vexatious general complaints
- That the complainant is informed of the role of Elected Members in relation to decision making
- Resolution processes in relation to general complaints will be equitable, transparent and accountable
- General complaints will be recorded in the Council's Electronic Records and Document Management System to enable tracking and effective response
- That all customers are treated consistently, honestly, fairly and in an appropriate manner
- That Council will use general complaints received to assist with its continuous improvement across the organisation.

This policy does not apply to complaints involving the following issues:

- Competitive neutrality
- Conflicts of interest and Conduct complaints- refer to Code of Conduct for Volunteers and Code of Conduct for Council Members
- Access to information - refer to Freedom of Information (FOI)
- Decisions on development applications where the grievance relates to procedural matters or a decision to approve/refuse a development application. Such matters are managed through a formal appeal process lodged with the Environment Resources and Development Court. Complaints relating to the impact of an approved development will be considered having regard to the requirements of this policy
- Matters before a Court, Tribunal, South Australia Police, a Minister of the Crown, a South Australian or Federal Government department, or the South Australian Ombudsman
- Formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest - refer to Fraud and Corruption Prevention Policy
- Complaints or appeals against expiation notices.

General complaints are classified as an expression of dissatisfaction with:

- Council's decisions, policies, procedures, processes, charges, employees, agents and services offered
- The lack of action on a request for service
- Delays in the provision of a service
- The quality of the services provided or works carried out
- The general conduct of Council's employees or agents/contractors.

Lodging General Complaints

General complaints or concerns may be lodged with the Council in the following ways:

- In writing including by letter, email (customerservice@cttg.sa.gov.au), facsimile or via the internet at the Council's website www.cttg.sa.gov.au
- In person
- By telephoning Council on 8397 7444.

On receiving a complaint, Council employees will confirm that the complaint is a general one or advise the customer of the manner, or policy under which the matter will be managed (for example a request for service or an Internal Review of Council Decisions). Thereafter, the complaint will be managed via the Council's Customer Request Management System in line with identified service levels set out in this Policy.

Once a general complaint has been lodged, the Council will acknowledge its receipt and the customer will be notified of the appropriate timeframe within which an investigation will be undertaken and a determination made to resolve the general complaint.

Where a general complaint is lodged with an Elected Member the member should direct it, in the first instance to Council's Contact Centre via phone or email.

Where, following an appropriate written response to a complainant, the Council receives further general complaints that detail the same or substantially similar matters to those received previously, the Council employee or Elected Member will refer the complaint to the Internal Review of Council Decision process.

Anonymous General Complaints

Where validating evidence is presented an anonymous general complaint will be investigated and actioned. If no evidence is presented and the complainant is anonymous, the general complaint will be investigated at the discretion of management.

Confidentiality

The Council will ensure that confidentiality is maintained where appropriate and possible. Care will be taken to ensure (where possible) that the complainant does not experience any form of victimisation or retribution as a result of the general complaint.

Unreasonable General Complaints

When complainants behave unreasonably in their dealings with Council, their conduct can significantly affect Council's objectives. As a result, Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects Council and will support Council employees and Elected Members to do the same in accordance with this Policy.

Most complainants who have dealings with Council employees or Elected Members act reasonably and responsibly in their interactions, even when they are experiencing high levels of distress, frustration and anger about their general complaint.

Occasionally, a complainant may not accept the Council employee or Elected Member determination or response to their general complaint. In a very small number of cases some complainants behave in ways that are inappropriate and unacceptable despite Council's best efforts to help them. They are aggressive and verbally abusive towards Council employees and/or Elected Members. They can threaten harm and violence, bombard the office with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept the decisions and recommendations of Council employees, Elected Members and Council in relation to their general complaint.

Unreasonable complainant conduct is any behaviour by a current or former complainant that because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, Council employees, Elected Members, other service users or the complainant themselves.

Unreasonable complainant conduct is defined as:

- Persisting unreasonably with a general complaint by showing an inability to accept the final decision even though it has been comprehensively considered by the Council, and even where all avenues of internal review have been exhausted
- Using unreasonable demands by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond the Council's power to deliver, demanding unreasonable outcomes, wanting to alter past events, or engaging in unreasonable persecution of individuals)
- By demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists
- Being uncooperative or deliberately obstructive by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this

- By displaying unhelpful behaviours (e.g. withholding information, dishonesty, misquoting others, inundating Council with documents)
- Using unreasonable arguments by holding irrational beliefs, or by continuing with a general complaint which is unsupported by any evidence. By insisting that a particular solution is the only correct one, without consideration for valid contrary or alternative arguments
- Using unreasonable behaviours by displaying confrontational behaviour, including rudeness, aggression or threats
- Where the general complaint is about something that is beyond the Council's jurisdiction or outside of the Council's control.

Where a complainant engages in unreasonable conduct the Council employee or Elected Member may deal with the general complaint and complainant in accordance with this Policy.

Managing Malicious, Frivolous, Persistent and Vexatious General Complaints

Following an investigation, the Council may determine a general complaint is malicious, frivolous, unreasonable, persistent or vexatious.

A determination that a general complaint is malicious, frivolous, unreasonable, persistent or vexatious must take into account:

- Any previous complaints of a similar nature submitted by the complainant
- The response and outcome to the previous general complaints
- The resources required to address the general complaint (to ensure that it is not an unreasonable diversion of public resources)
- The principles of equity and procedural fairness.

A decision to take no further action on the general complaint once all other avenues for review have been tired may be made by a Director or the CEO and the complainant will be informed in writing.

Where the Council determines a general complaint to be malicious, frivolous, unreasonable, persistent or vexatious it will respond in a consistent manner, taking into account the individual circumstances of each general complaint.

Limiting contact between the Council and members of the public

The Council is entitled to expect that members of the public who have a general complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Council to place certain limits on the type of services that will be made available to complainants when their behaviour continues to be unacceptable.

The Council may impose limits on the times and days that correspondence may be accepted from a complainant, or may request that all general complaints and communication be provided in writing.

Where a complainant is making the same or a substantially similar general complaint to numerous Council employees or Elected Members in person, it is appropriate for Council to nominate a particular officer to deal with the general complaints.

In some circumstances it may be appropriate for a Council employee or Elected Member to inform the complainant that they will no longer deal with their general complaints over the telephone, and to terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Council employee or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

Where limitations on contact with a complainant are imposed, the Council will inform the complainant in writing, specifying the limits and the reasons for their imposition.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their general complaint and communication.

The Council is aware of the legitimate right of members of the public to access Council information under the Freedom of Information Act 1991. Any limits will not impede these statutory rights, or any other statutory rights of the complainant.

Declining to further investigate general complaints

Council will consider placing limits on further communications with the complainant where:

- A thorough examination of a general complaint has occurred
- The complainant remains dissatisfied with the outcome of the general complaint and demands further review.

This action will only be taken as a last resort with the decision taken by a Director or CEO after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Council's complaint handling resources.

Limits could include:

- Declining to respond to any further communications unless they are in writing
- Informing the complainant that any further general complaints will be filed by the Council with or without acknowledgement unless it includes significant new information or new issues which in the opinion of the Council warrants action
- Informing the complainant that the general complaint will be referred to the Ombudsman (or other external agency) for action.

Supporting Council Employees and Elected Members

The Council has certain obligations under Work, Health and Safety legislation to provide a safe working environment. Council is mindful of the stress that dealing with difficult complainants can place on Council employees and Elected Members.

Management will always provide support to Council employees and Elected Members when dealing with difficult complainants, and ensure appropriate customer service policies are in place.

LEGISLATIVE FRAMEWORK

There is no legislative requirement for the Council to have a policy that deals with aggrieved customers. Council recognises that this policy represents good governance practice. The Ombudsman promotes the principle of having this policy to assist Council in managing complaints received.

The following legislation applies to this policy:

[Local Government Act 1999](#)

Section 270 of this Act requires Council to establish procedures for the internal review of Council decisions and for requests for service.

Under Section 270 of this Act, the Council has the ability to refuse to consider an application for review of a decision on the grounds that the application is frivolous or vexatious, or where the applicant does not have sufficient interest in the matter.

Section 99 (1) (g) of this Act provides that the Council's Chief Executive Officer must ensure that the assets and resources of the Council are properly managed and maintained.

Section 102 of this Act delegates the authority to the Council's Chief Executive Officer to appoint, dismiss and manage employees

Other references

Council's documents including:

- Code of Conduct for Volunteers
- Employee Conduct Policy
- Fees and Charges Register
- Fraud, Corruption, Misconduct and Maladministration Prevention Policy
- Internal Review of Council Decisions Policy
- Ombudsman Enquiry and Investigation Management Policy
- Public Interests Disclosure Policy
- Request for Services Policy

External documents including:

- Code of Conduct for Council Members (gazetted 29 August 2013)
- Commonwealth Ombudsman (Australia) and New South Wales (2009) - [Managing unreasonable complainant conduct practice manual](#).

This policy takes into account the Unreasonable Complainant Conduct Model Policy published by the New South Wales Ombudsman.

STRATEGIC PLAN/POLICY

Strategic Plan

Theme	Objective	Comments
CUSTOMER AND COMMUNITY RELATIONS	<i>Overall community satisfaction with Council</i>	We value and proactively foster good customer relationships

Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement.

DEFINITIONS

For the purposes of this policy the following definitions apply:

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully, or an Acting Chief Executive Officer of the City of Tea Tree Gully (including their delegate)

General Complaint

Is an expression of dissatisfaction with:

- Council’s actions, policies, procedures, processes, charges, employees, agents or services
- The quality of services provided or works carried out
- The lack of action on a request for service
- Delays associated with the provision of a service
- The conduct of Council’s employees or nominated agents/representatives.

General Complaint Resolution

A general complaint is resolved when a customer is satisfied that the Council has made its best attempt to fix the problem. It is possible they may not be completely satisfied with the outcome but they are prepared to accept the outcome without escalating the complaint any further.

The Council

City of Tea Tree Gully as a local government entity, including Council employees and Elected Members.

Customer

Ratepayer, resident, visitor or business.

Frivolous

A complaint that lacks substance or merit, or is obviously untenable.

Malicious

Someone who is motivated by wrongful, vicious, or mischievous purposes.

Persistent

Someone who is refusing to give up or let go and/or is obstinate and/or insistently repetitive or continuous.

Request for Information

When the Council receives a request for information regarding services.

Request for service

When a customer requests the provision of service, or for some action to be taken to address a problem, or a request for a change to the way the Council delivers a service. If a request for service is not dealt with appropriately, it may then become a general complaint.

Review of a Council decision

When a customer seeks a review of a decision made by the Council, an employee of the Council, or persons acting on behalf of the Council. These are dealt with in Council's "Internal Review of Council Decisions Policy".

Unreasonable complainant conduct

Unreasonable conduct by complainants, which goes beyond normal situational stress associated with complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

Vexatious

When a complaint is lodged to deliberately harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is without foundations and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint, or possesses insufficient direct interest in the issue complained about.

POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.cttg.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.