

# Complaints and Grievance Procedure



## 1. Rationale

To detail the City of Marion's procedures for managing complaints and grievances, to set expectations for customers and staff in how complaints will be managed, and to explain the procedure so all staff understand their role in the complaint handling process.

## 2. Procedure Scope and Implementation

This procedure applies to all City of Marion employees (including the CEO), consultants/contractors, volunteers and Elected Members or members of the public who make a complaint. All staff are empowered and encouraged to handle complaints in person in the first instance and it is preferred that they are promptly dealt with at the initial point of contact. This procedure applies to complaints which are not resolved at this first 'local' level and require escalation or referral to other staff or agencies.

An overview of the reporting and investigation procedure is provided on the following pages.

### 2.1. Making or Receiving a Complaint

A person can make a complaint in person, over the phone or in writing via email or post. If the complaint requires an Internal Grievance Review, the complaint must be submitted in writing. Where required, assistance may be provided in preparing a written complaint, including the provision of interpreters, aids or advocates if necessary.

All complaints will be electronically recorded in the City of Marion records management system to ensure that relevant information can be analysed for any service improvement opportunities.

Often complaints can be resolved at this first point of contact and all council employees are encouraged to promptly address complaints person to person at this local level wherever possible. If the complaint is received in writing, Council staff will acknowledge the receipt of a complaint within one (1) to three (3) working days and, where possible resolve it within this time.

If the complaint is unable to be resolved at this point and requires the provision of further information, escalation to a more senior staff member or a thorough investigation, the following steps will be followed.

### 2.2. Escalation to Supervisor or Manager for further review

The purpose of this review is to resolve the complaint by reaching a fair and objective view on the issues identified by the complainant and to provide an appropriate solution or remedy.

It is expected that all complaints will be dealt with transparently and within appropriate timeframes. Depending on the nature and complexity of the complaints, Council staff will advise the complainant if the matter will not be resolved within 10 working days and the likely timeframe required to resolve the complaint. Regular progress updates will be provided where necessary. At the conclusion of the investigation, the findings will be communicated to the complainant and they will be offered a resolution.

Where a complaint is not resolved to the customers' satisfaction, the decision will be explained clearly and any alternative actions or review opportunities will be provided to the complainant.

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## 2.3. Internal Grievance Review (Review of Decisions pursuant to section 270 of the Local Government Act 1999)

If a complainant is not satisfied with the reviews completed to date or the matter progresses straight to an Internal Grievance Review, then a written grievance may be formally lodged with the Manager Office of the CEO requesting a review of the decision. Requests for review must include:

- a statement clearly indicating which decisions the applicant wishes to be reviewed;
- a statement outlining the reasons why the review is requested;
- any other relevant information; and
- their name and contact details.

Applications for a review of a decision are to be acknowledged within five (5) working days. In the majority of cases, requests for review will be considered and determined within 6 – 8 weeks. Some reviews may take up to six months depending on the nature and complexity of the matter. Applications must be accompanied by a prescribed fee of \$20 as set out in the Local Government (Application for Review Fee) Notice 2021. Council is entitled to waive this fee in exceptional but reasonable circumstances.

### Establishing a Review Panel

If determined appropriate, the Manager Office of the CEO will establish an internal review panel of senior staff who have not been involved in the decision making process to date. The Panel will consist of at least three people (including the Manager Office of the CEO) who will bring independent views and opinions regarding the matter.

The Review Panel may seek legal advice on a matter if required.

### Referring to an independent investigator

The Manager Office of the CEO may, on a needs basis, refer a matter to an independent investigator. The independent investigator may be a:

- Consultant experienced in investigations and reviews
- A lawyer within Councils legal services panel.

Costs associated with this investigation will be incorporated within the Corporate Governance Budget.

Matters can be referred to an independent investigator based on the following:

- The complexity of a matter,
- If the matter is time critical,
- If specialist skills and advice is required,
- Matters relating to the decision making or conduct of Council (and Elected Members), the Chief Executive Officer, General Managers or the Manager of Corporate Governance.

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## Review of Staff or Representative Decision

The grievance will be assessed by the Manager Office of the CEO who will determine if the matter will be reviewed by themselves, an internal review panel or outsourced to an independent investigator.

The complainant will be advised in writing of the process to be undertaken and expected timeframes. The complainant will receive a preliminary report before the matter is finalised as a matter of procedural fairness. A final report will be prepared once feedback has been received on the preliminary report.

In preparing the preliminary report, consultation will occur with staff and elected members involved in the decision making process. This will include the gathering of information, documentation and, if required, an interview and statement from those involved. Staff and elected members will be requested to review the preliminary report prior to it being released to the complainant, for factual accuracy of the matter. The findings and recommendations of the section 270 review must remain independent from those involved in the original decision making process.

The Manager Office of the CEO will advise Council and/or Ward Councillors (as appropriate) of the request to Review a Staff or Representative Decision.

## Review of Council or CEO Decision

If an Internal Grievance Review is received for a decision of the CEO or Council, upon receiving the request for review, the Manager Office of the CEO will advise the CEO and Council of the request and conduct a preliminary investigation to prepare a report for the next General Council Meeting, including a recommendation regarding how the review will be undertaken. A review of this nature, will be completed by either an independent investigator or an internal review panel.

## Review of Manager Office of the CEO

If the complaint concerns a decision or action of the Manager Office of the CEO, the Chief Executive Officer will assign the matter to be investigated to an appropriate person of their choice.

## Standard Process for Investigation

The standard process for investigating a matter will include:

- Establish if the grievance can be determined within the Complaints and Grievance Policy and Procedure.
- Establish how the matter will be investigated and if a review panel needs to be formed or the matter be outsourced.
- Determine:
  - the scope of the review
  - key decision makers /stakeholders in the process
  - estimated time frame
- Establish the facts including;
  - Obtaining statements from stakeholders
  - Interviewing any relevant staff, elected members or the complainant

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- Establishing legislative framework
- Gathering facts and information
- Prepare a Preliminary Report that includes:
  - Details of the complaint
  - Scope of the review
  - Details of the investigation
  - Findings
  - Recommendations

The preliminary report will be reviewed for factual accuracy by staff and elected members involved in the grievance.

The preliminary report must be provided to the complainant for review for a minimum of 10 working days.

- Prepare a final report that includes:
  - Any feedback received from the complainant and undertake any further enquires.
  - The final determination of the complaint/grievance.
  - The external review processes if the complaint/grievance remains unresolved.

The final report must be provided to the complainant in writing (either by email or hardcopy).

## Reporting on process improvement, findings and/or recommendations

All findings and/or recommendations from Internal Grievance Reviews that require action will be tracked to ensure implementation.

Any finding or recommendation not implemented within specified timeframes will be raised and escalated accordingly.

All Internal Grievance Reviews completed will be reported within the City of Marion's Annual Report.

## Availability of the Procedure

This procedure will be available on the City of Marion website and available internally on the Policy Register.

## **3. Review and Evaluation**

The review of this Procedure is to be conducted every four years and in accordance with the Policy Framework. An interim review is to be carried out in the event of an amendment to any relevant Acts; or a matter reported via this Procedure is not managed appropriately.