



COUNCIL POLICY

Grievance Policy & Procedure

Approved by: Corporate & Financial Services Committee on 26 February 2007

Subsequent Amendments:

Date, authorisation and reference to aspects amended

Document Owner

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1. INTRODUCTION

The Adelaide City Council is committed to accountable and transparent decision making processes, and providing access to a fair and objective procedure for the internal review of decisions made by Council, employees of Council and other persons acting on behalf of Council.

1.1 Scope

Section 270 of the Local Government Act 1999 requires all Councils to establish procedures for the review of decisions of:

- The Council;
- Employees of the Council; and
- Other persons acting on behalf of the Council.

1.2 Purpose

Council's Corporate Complaint Handling Policy covers actions that are required to be taken towards the resolution of complaints received by Council. This Policy encourages complaints to be handled quickly at the first point of contact. It is anticipated that most complaints will be satisfactorily resolved at this point and that further escalation will be unnecessary.

On the occasions where a complaint cannot be resolved under the Complaint Handling Policy or if the complainant requests a review of a decision made by the Council, an employee of the Council, or another person acting on behalf of the Council pursuant to Section 270 of the Local Government Act, where existing review processes or statutory appeal processes do not exist, the Grievance Policy and Procedure will apply.

The Grievance Policy and Procedure has been developed to inform and assist those persons seeking a formal review of decisions who have sufficient interest in the matter, the subject of the decision.

1.3 Legislative and Corporate Requirements

The Adelaide City Council's Grievance Policy and Procedure, has been developed and adopted in accordance with Section 270 of the Local Government Act 1999.

This Policy and Procedure is to be implemented in conjunction with other relevant Corporate Policies and Strategies including the:

- Strategic Management Plan;
- Customer Service Strategy;
- Complaint Handling Policy;
- Code of Conduct for the Lord Mayor and Councillors of the City of Adelaide;
- Employee Code of Conduct Operating Guidelines; and
- Whistleblowers Policy.

2. DEFINITIONS

2.1 Applicant refers to the person who lodges a formal request for internal review.

2.2 Grievance refers to where a person disagrees with a decision or policy of Council made by resolution or delegated authority, or is unhappy with the resolution of a complaint.

2.3 Decisions refers to any decision made by Council, employees of Council or other persons acting on behalf of the Council.

3. PROCEDURE

3.1 When will the Policy & Procedure apply?

The Grievance Procedure will apply to written requests for the review of decisions, except where existing review processes or prescribed statutory appeal or review procedures are available, which include:

- Freedom of Information Act;
- City of Adelaide Act;
- Development Act;
- Public and Environmental Health Act;
- Environmental Protection Act;
- Food Act;
- Local Government (Elections) Act;
- Electoral Act;
- Expiation of Offences Act;
- Dog and Cat Management Act;
- City of Adelaide By Laws;
- Local Government Act (Conflict of Interest provisions relating to Members of Council, Orders and Rating and Valuation matters);
- Industrial Relations Act;
- Road Traffic Act and the Australian Road Rules;
- Fire and Emergency Services Act;
- Water Resources Act;
- Australian Competition and Consumer Commission; and / or
- Where other review processes are available such as for Home and Community Care Services where specific complaint/review mechanisms have been provided or identified

Any grievances that relate to the Lord Mayor or individual Councillors will be directed to the Chief Executive Officer for action and be dealt with in accordance with the “Code of Conduct for the Lord Mayor and Councillors of the City of Adelaide”.

Serious and proven allegations of employee fraud and corruption will be referred to the Anticorruption Branch of the South Australian Police, following internal investigation by the Manager, Corporate Governance and Manager, Human Resources to establish bone-fides of the allegation.

The Council may refuse to consider an application for a review if it relates to:

- Any decision in relation to an employment matter relating to an employee of Council;
- An application that is considered to be frivolous or vexatious; or
- Where it is considered that the applicant does not have sufficient interest in the matter.

3.2 Who can lodge a request for review?

Any person who is affected by the decisions made by the Council, an employee of the Council or another person acting on behalf of the Council may lodge a request under this Grievance Policy and Procedure.

3.3 How to lodge a request

Requests for the review of a decision under Section 270 of the Local Government Act 1999, are to be made in writing to the Manager, Corporate Governance being the relevant person for the purposes of this Policy and Procedure and must include:

- A statement clearly indicating which decisions the applicant wishes to have reviewed;
- A statement outlining the reasons the review is requested;
- Any other relevant information; and
- Their name and contact information.

Assistance will be provided to applicants where necessary, including the use of an interpreter, providing assistance for people with a disability, or referring applicants to an advocate to help prepare a written application.

Council will not charge a fee on an application for review.

Council undertakes to maintain the confidentiality of the applicant, the application and the internal review process as far as is possible, and to this extent, the Council will attempt to ensure that only parties relevant to the decision and the matter the subject of the review will be involved. Applicants will be encouraged to observe confidentiality also, as this is likely to achieve the fairest result for all concerned.

If the application and the review is required to be reported to Council and therefore becomes the subject of a Council report, the applicant will be advised if that is the case, as it may not be possible to keep the matter confidential if it is outside the criteria of Part 3 of Chapter 6 of the Local Government Act 1999.

Circumstances where a matter and application will be referred to the Council are set out below.

3.4 How will a request be handled?

Principles of natural justice will be observed in dealing with all matters. All parties will have the opportunity to express their point of view, provide relevant information, and respond to issues raised.

The Manager, Corporate Governance is responsible for dealing with the requests for review of a Council decision. The Manager, Corporate Governance will assess the request, determine the appropriate action, arrange for an independent review if necessary and arrange for the outcome of the review to be communicated to the applicant.

Should the Manager, Corporate Governance be directly involved in the decision the subject of the application and review, the Chief Executive Officer shall be authorized to assign another Officer to carry out those matters that the Manager, Corporate Governance would normally do.

Matters to be referred to Council for consideration or re-consideration, include requests for review of Council decisions regarding:

- Decisions made by resolution of Council;
- Council endorsed objectives and policies;
- The Internal Review of a Council Decision Procedure, or the process applied;
- Recommendations to refuse to review a decision raised by an applicant on the grounds that it is frivolous or vexatious, or where the applicant does not have a sufficient interest in the matter; or

- Any other matter that the Manager, Corporate Governance judges to require Council consideration.

3.5 Timeframes

A request for review of a Council decision will be formally acknowledged within five (5) days of receipt, including advice to applicants about the expected timeframe for dealing with the matter.

In most cases applications for review will be considered and the applicant advised of the outcome within 21 days of receipt of the request, although in some circumstances it may take longer. However, in all cases, the applicant will be kept informed about the progress of the review, and will be advised in writing of the outcome of the review process.

3.6 Suspension of Council's Review in Consultation with the Ombudsman

The applicant may seek review by the Ombudsman at any stage through the review process pursuant to the Ombudsman Act 1972. In this event, after liaison with the Ombudsman the review may be suspended until the outcome of the Ombudsman's review is completed.

3.7 Where the applicant considers that the Review has been unsatisfactory

If applications for review are not resolved satisfactorily, applicants will be advised of other options for review, including the Ombudsman and the Civil Registry of the District Court.

At any stage of the process, the applicant may direct their grievance to the Ombudsman.

4. REPORTING

A complete set of records will be registered in Council's record management system relating to the application, the investigation and the outcomes.

The Manager, Corporate Governance will report to the Chief Executive Officer on the progress and resolution of requests for review.

The Manager, Corporate Governance will also as required notify the applicant on the progress of the application as set out above.

On an annual basis a report will be initiated for Council, which details:

- The number of applications for review made under Section 270 of the Local Government Act 1999;
- The kinds of matters to which the applications relate;
- The outcome of applications made of under Section 270 of the Local Government Act 1999; and
- Such other matters as may be prescribed by the regulations.

5. POLICY REVIEW

This Policy and Procedure will be reviewed in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies/ procedures or if deemed necessary by the Manager, Corporate Governance.

6. ACCESS TO THE GRIEVANCE POLICY & PROCEDURE

Copies of the Grievance Policy and Procedure are available for public inspection on the Adelaide City Council's website (www.adelaidecitycouncil.com) and at the Customer Centre, 25 Pirie Street Adelaide without charge.

7. FURTHER INFORMATION

For further information about the Grievance Policy and Procedure and other options for review, please contact:

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