



COMPLAINT HANDLING PROCEDURES

PURPOSE AND SCOPE

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation. 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 Handling 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, which is available on Council’s website, is to ensure complainants receive a fair, consistent and structured process when staff are managing complaints about actions of the Council or its officers or representatives. This procedure does not apply to matters that do not fall within Council’s jurisdiction. These types of issues will be referred to other agencies.

RESPONSIBILITY

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.

LEGISLATION

Local Government Act 1999, section 270
Complaints Policy
Customer Service Policy
Requests for Service Policy
Elected Member Code of Conduct
Employee Code of Conduct Policy
Internal Review of Council Decisions Procedure
Whistleblowers Policy
Fraud & Corruption Policy

DEFINITIONS

An **Employee** is any person who is employed by the Council, but also includes any contractors, volunteers, trainees, work experience students and consultants undertaking work for, or on behalf of the Council whether they are working in a full-time, part-time or casual capacity.

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



COMPLAINT HANDLING PROCEDURES

Council defines a **complaint** as:

An expression of dissatisfaction with a product or service delivered by the Council or its representatives 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.

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

GENERAL NOTES

Council also receives service requests and feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this procedure.

A **Request for Service** is an application to have Council or its representative take some form of action to provide a Council service.

Feedback can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

Communication with the complainant is an important ongoing process while undertaking the actions necessary to resolve a complaint. When immediate resolution is not possible, the complainant must be regularly kept informed of progress, either by email, letter or personal contact.

PRINCIPLES UNDERLYING THE PROCEDURE

TIMEFRAMES FOR RESPONSE

Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council will respond within ten business days, acknowledging receipt of the complaint and, where possible, resolving it at that time. If a resolution is not possible at that time, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

PROCEDURES FOR RESOLVING COMPLAINTS

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

1. Immediate response to resolve the complaint

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

2. Complaint escalated to a more senior officer



COMPLAINT HANDLING PROCEDURES

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

3. Internal review of a Council decision by statutory process

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999* [see Council's Internal Review Procedure]. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

Council's detailed Complaints Procedure is available to the public. See *13 Further Information* below

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Note however that as a general rule, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

ALTERNATIVE PROCEDURES

There are also other complaint procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation under the Council's scheme authorised by section 271 of the *Local Government Act*. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between the Council and the other party.

UNREASONABLE COMPLAINT CONDUCT

All complaints received by Council will be treated seriously and complainants will be treated courteously. However, 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 Council aims to manage these situations in a fair and equitable manner.



COMPLAINT HANDLING PROCEDURES

Where 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.

Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

USING COMPLAINTS TO IMPROVE SERVICE

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 our services.

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 the percentage of unresolved complaints, at least once a year.

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

PRIVACY AND CONFIDENTIALITY

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by the Council, except where required by law.

All complaints lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

REMEDIES

Where complaints are found to be justified Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

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.

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Elected Council and the CEO are the only representatives authorised to offer financial compensation and may consult with the Local Government Association Mutual Liability Scheme before taking any such action.

ALTERNATIVE REMEDIES



COMPLAINT HANDLING PROCEDURES

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or his/her delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, Council will provide information about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

REVIEW AND EVALUATION

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this policy will be subject to periodic evaluation and review every two years, including within 6 months following a Council Election.

Other related policies include Elected Member Code of Conduct, Employee Code of Conduct and Whistleblowers Protection Policy.



COMPLAINT HANDLING PROCEDURES

DOCUMENT CONTROL

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Author (to whom changes are to be recommended)			
Position	Incumbent		
Chief Executive Officer	Martin Borgas		
Contributors			
Position	Incumbent		
Reviewed by			
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Approved by			
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This policy is available for inspection at Council’s office at 11 Railway Terrace, Karoonda or via the Council website, www.dckem.sa.gov.au .			