Complaint Handling Policy

1. PURPOSE AND SCOPE

1.1 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.

1.2 Pursuant to the requirements of section 270 of the *Local Government Act 1999* (the **Act**), the purpose and scope of this Policy relates to the management of *"complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council."*

1.3 While Council receives, accepts and actions reasonable customer requests for services and maintenance issues reported by the community and/or for the improvement of services, this policy does not apply to the Customer Service Request reporting and actioning process. However, this Policy does apply to a complaint regarding an unsatisfactory outcome of a customer service request in instances where a complainant may be genuinely and unjustly disadvantaged.

1.4 This Complaints Handling Policy commences at the point that a complaint is received and covers processes for resolving complaints and using complaint investigations to directly inform service improvements.

1.5 The aim of this Policy is to ensure complainants relating to the actions of the council, employees of the council, or other persons acting on behalf of the council receive a fair, consistent and structured process when staff are managing complaints about actions of the Council or its officers or representatives.

1.6 This Policy does not apply to matters that do not fall within Council's jurisdiction. These types of issues will be referred to other agencies.

2 DEFINITIONS

Customer Service Request is written or verbal application to have Council or its representative take some form of action to provide a Council service or maintenance to an existing Council asset.

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	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.

3 RESPONSIBILITY

3.1 This Policy applies to all Council Employees who may be tasked with or involved in receiving or processing a complaint in the course of their work.

3.2 Employees 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 this Policy.

4 GENERAL NOTES

4.1 Customer Service Requests and feedback are received across all areas of operations and further clarification may be required and necessary to make the distinction for the purposes of this Policy.

4.2 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.

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

5 TIMEFRAMES FOR RESPONSE

5.1 Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council will respond within ten (10) 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.

6 PROCEDURES FOR RESOLVING COMPLAINTS

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

6.2 The complaints resolution procedure consists of a three-tiered scheme.

6.2.1 *Immediate response and resolution*

All Employees are empowered to handle minor 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.

6.2.2 *Escalation to a senior officer*

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, or where it cannot be resolved in the first instance by an Employee.

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.

6.2.3 *Internal review of a Council decision by statutory process*

Internal review of a Council decision is available under section 270 of the Act. 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.

6.3 While minor complaints may be reported verbally for resolution in the first instance, it is encouraged that they be submitted in writing.

6.4 All other formal complaints assessed under this Policy must be submitted in writing to council@dckem.sa.gov.au Attn: Chief Executive Officer, or in an instance where a complaint is made against the Chief Executive Officer, Attn: Mayor.

6.5 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. Noting this however, 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.

7 ALTERNATIVE PROCEDURES

7.1 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 Mayor under Council's Behavioural Management Policy.
- Complaints against the Chief Executive Officer where an external independent review may be undertaken.
- 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*.

7.2 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 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.

8 MALICIOUS, FRIVOLOUS OR VEXATIOUS COMPLAINTS OR REQUESTS FOR SERVICE

8.1 If Council or the Chief Executive Officer determines that a request or complaint is malicious, frivolous, or vexatious, the Council or the Chief Executive Officer may dismiss the request and not take any further action in relation to it.

8.2 In making a determination that a request or complaint is malicious, frivolous and/or unreasonable, the Council or the Chief Executive Officer must take into account:

- any similar requests previously made by the person (i.e. about the same service or specific concern);
- the response and outcome to previous requests made by the person (if any);
- whether the service is capable of being provided by or required to be provided by the Council;
- the outcomes sought by the person; and
- the resources required to provide the service (to ensure that it is not an unreasonable diversion of public resources).

8.3 Where a decision is made to take no further action, this will be communicated in writing to the person making the request or complaint. A person that persists submitting the same or similar requests or complaints will be treated as an Unreasonable Complainant under this Policy and may be managed and dealt with under the provisions for dealing with Unreasonable Complainant Conduct.

9 ANONYMOUS COMPLAINTS

9.1 Council will receive, consider, assess and investigate anonymous complaints.

9.2 Where an anonymous complaint is received, Council Administration will endeavour to its best ability to liaise with the complainant to obtain further relevant information.

9.3 While Council will receive, consider, assess and investigate anonymous complaints, if an anonymous complaint is speculative, defamatory, and/or

provides no material facts or evidence to substantiate a complaint, and/or where the complainant is unreasonable and/or uncooperative, the Council or the Chief Executive Officer may determine that such a complaint be dealt with as a malicious, frivolous, or vexatious matter and dismiss it without taking further action.

10 UNREASONABLE COMPLAINT CONDUCT

10.1 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.

10.2 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.

10.3 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.

11 USING COMPLAINTS TO IMPROVE SERVICE

11.1 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.

11.2 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. This does not include to Customer Service Requests.

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

12 PRIVACY AND CONFIDENTIALITY

12.1 Complainants have a right to expect that their complaint will be investigated confidentially, 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.

12.2 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.

13 REMEDIES

13.1 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.

13.2 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.

13.3 Compensation will only be offered in cases where the loss or suffering is considered substantial. The Council and the Chief Executive Officer 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.

14 ALTERNATIVE REMEDIES

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

14.2 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.

15 AVAILABILITY OF THE POLICY

15.1 This policy will be available for inspection at the Council office, 11 Railway Terrace Karoonda, during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.dckem.sa.gov.au.

15.2 Copies will be provided to interested parties upon request. Email council@dckem.sa.gov.au grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

16 DOCUMENT AND ADMINISTRATION CONTROL

COUNCIL POLICY	
Policy title:	Complaint Handling Policy
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Relevant Legislation	• *Local Government Act 1999* • *Public Interest Disclosure Act 2018* • *Elected Member Behavioural Standards Policy* • *Employee Code of Conduct*