

POLICY DOCUMENT

9.63.26

Policy Name	COMPLAINTS HANDLING POLICY
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Applicable Legislation:	Local Government Act 1999, S270 Freedom of Information Act 1991 Essential Services Commission Act 2002
Related Policies:	9.63.2 Internal Review of Council Decisions Policy
Related Documents:	Water Retail Code – Minor and Intermediate Retailers Ombudsman SA Street address: Level 9, 55 Currie Street, ADELAIDE SA 5000 Postal address: PO Box 3651, RUNDLE MALL SA 5000 Telephone: 08 8226 8699 Toll free: 1800 182 150 (outside metro SA only) Facsimile: 08 226 8602 Email: ombudsman@ombudsman.sa.gov.au .

Part 1 – Complaints Regarding Product and Service Delivery of Council

1. INTRODUCTION

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation.

The City of Port Lincoln 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.

The aim of this policy is to ensure that Council has a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service. Lessons learnt from complaint investigations will be used to directly inform service improvements.

Emphasis will be placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance, Council will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions. This policy is broadly consistent with the Australian Standard for complaint handling.

2. PURPOSE

This policy outlines customer complaints and dispute resolution processes detailing the requirements for recording, managing and responding to complaints received and the escalation process.

This Policy applies to all complaints received from external customers and consumers via telephone, in writing, in person or electronically including complaints received in relation to the sale of Re-use Water under Council's Water Retail Licence issued by the Essential Services Commission of South Australia 14th February 2013.

3. DEFINITIONS

3.1. For the purpose of this policy:

- 3.1.1. **"Business Day"** means Monday to Friday inclusive (except for public holidays).
- 3.1.2. **"Complaint"** means 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 documented. This includes complaints about a request for service that has been, or should have been delivered. A request for service or information is not a complaint.
- 3.1.3. **"Complainant"** is a person who makes a complaint. Complaints may originate from members of the public, elected members, contractors or staff.
- 3.1.4. **"Council"** means the City of Port Lincoln.
- 3.1.5. **"Employee"** means a person employed by the Council in a fulltime, part time or casual capacity (whether that position is permanent or contractual).
- 3.1.6. **"Person related to an employee"** means –
 - (a) member of the employee's family;
 - (b) a family company of the employee;
 - (c) a trustee of a family trust of the employee;

4. PRINCIPLES

This policy is based on five principles, which will be fundamental in the way Council approaches complaint handling. They are:

- **Fairness:** treating complainants fairly requires impartially, confidentiality and transparency at all stages of the process.
- **Accessibility:** to be accessible there must be broad public awareness about Council's policy and a range of contact options.
- **Responsiveness:** this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems.
- **Efficiency:** complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity.
- **Integration** of different areas of Council where the complaint overlaps functional responsibilities.

5. **COUNCILS' COMMITMENT TO COMPLAINT HANDLING**

The City of Port Lincoln will ensure staff are equipped with the necessary knowledge and skills to provide quality service to customers.

This Policy will be made widely accessible to ensure that customers are fully aware of their right to complain.

A person can make a complaint in a number of ways:

- Complete the Customer Service Feedback/Complaint Form on the Council website
- Email
- Fax
- Written Correspondence
- Telephone
- In person

Complainants who make contact with Council via telephone or in person will be required to submit their complaint in writing, by completing the Customer Service Feedback/Complaint form, if the matter can not be satisfactorily resolved at the point of initial contact with Council.

To assist the Council staff to process the complaint, the complainant should include the following details if relevant:

- Date, time and location of event (s),
- Description of the event (s),
- Names of Council employee(s) to whom the complainant spoke and dates,
- Copies or references to letters or documents relevant to the complaint,
- The outcome that the complainant hopes to achieve.

6. **STEPS OF COMPLAINT HANDLING PROCESS**

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly
- Assess the complaint – simple problems may not need to be investigated
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision
- Follow up any customer service concerns
- Consider whether there are systematic issues which need correction.

7. **TIMEFRAME FOR RESPONSE**

Where a complaint cannot be resolved immediately, the complainant will be advised of the process to be undertaken. Council will respond within 10 business days to acknowledge the receipt of the complaint and, where possible, the resolution at that time. If a resolution is not possible within the 10 days, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

8. 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.*

It is preferable that complaints are dealt with promptly at the initial point of contact and at the appropriate officer level. Employees with customer service responsibilities will either handle the complaint, or refer the complaint to another officer in the first instance. Employees who do not have customer service responsibilities (eg: Civil operations or Parks & Gardens employees or employees of contractors engaged by Council) will refer any complaints to a Council Supervisor or the Council's Principal administration office.

2) *Complaint escalated to a more senior employee.*

A complaint will be directed to a more senior employee 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 employee 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 once 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 of Council Decisions Policy](#)). 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 Chief Executive Officer.

9. 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.

10. UNREASONABLE COMPLAINANT 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, and lack of cooperation, argumentative or threatening behaviour. What can be termed as 'unreasonable', will vary depending on a number of factors and Council aims to manage these situations in a fair and equitable manner.

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.

11. 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 Council's services.

In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through a complaints handling system on an annual basis to identify systematic 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.

12. PRIVACY AND CONFIDENTIALITY

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of the complainants will be 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.

13. 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 principal 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 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

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.

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 Ombudsman SA

15. RELEVANT DELEGATED POWERS AND DUTIES

Any actions or decisions made regarding parts 1 & 2 of this Policy, will be enacted upon as per Council's current Delegations Register.

Part 2 – Complaints Regarding Code of Conduct for Council Employees**16. COMPLAINT PROCEDURE**

Where a person alleges –

- An employee (or a person related to an employee) has sought or received a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to be a person or to influence the employee in the performance or discharge of the employee functions or duties; or
- An employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a person related to an employee) on the gift and benefits register; or
- The CEO has not appropriately maintained a register for gifts and benefits received by employees of the council,

they may submit a complaint alleging that an employee of council has contravened or failed to comply with the Code of Conduct for Council Employees, as prescribed in Schedule 2A of the Local Government (General) Regulations 2013.

A complaint must be given to the Chief Executive Officer. In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, except in circumstance where it would be inappropriate to do so (such as where legislation requires the matter to which the complaint relates to remain confidential).

A complaint will be investigated and resolved according to the industrial and human resource management processes of the council.