

Policy Section:	1. Corporate Governance
Policy Name:	Complaints
Classification:	Mandatory
Adopted:	9 November 2021
Frequency of Review:	Biennial
Last Review:	October 2021
Next Review Due:	October 2023
Responsible Officer(s):	Governance Officer & Chief Executive Officer
Policy Manual File Ref:	CC10/2601
Council File Reference:	CR21/72660
Legislation Authority:	Local Government Act 1999 (the Act), S270 Public Disclosure Act 2018
Related Policies:	Requests for Services Internal Review of a Council Decision Ombudsman Enquiry and Investigation Management Code of Conduct for Council Members (regulated Code) Fraud, Corruption, Misconduct and Maladministration Prevention Policy
Related Procedures:	Complaints Resolution Requests for Services Internal Review of a Council Decision

1. INTRODUCTION

- 1.1 Section 270 of the *Local Government Act 1999* requires Council to maintain “policies, practices and procedures” for dealing with requests for service and complaints including a procedure about “the review of decisions of —
- (a) the council;
 - (b) employees of the council;
 - (c) other persons acting on behalf of the council.”
- 1.2 Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation.

COMPLAINTS POLICY

- 1.3 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. The aim of this policy is to provide 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.
- 1.4 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. KEY PRINCIPLES

- 2.1 This policy and the procedure it accompanies is based on five principles, which will be fundamental in the way Council approaches complaint handling. They are:
 - 2.1.1 Fairness: treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process.
 - 2.1.2 Accessibility: to be accessible there must be broad public awareness about Council's policy and a range of contact options.
 - 2.1.3 Responsiveness: this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems.
 - 2.1.4 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.
 - 2.1.5 Integration of different areas of Council where the complaint overlaps functional responsibilities.

3. INTERPRETATION

- 3.1 **Council** refers to the Town of Gawler Council.
- 3.2 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.
- 3.3 **Business Day** means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.
- 3.4 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.
- 3.5 Where Council has failed to meet the normal standards for a service which should have been delivered this policy applies.
- 3.6 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.

- 3.7 A **Request for Service** is an application to have Council or its representative take some form of action to provide a Council service. (See Requests for Services Policy)
- 3.8 **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.
- 3.9 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.

4. DEFINITION OF A COMPLAINT

For the purposes of this policy, a complaint is defined as:

- 4.1 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.
- 4.2 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 policy.
- 4.3 Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this policy.
- 4.4 A Request for Service is an application to have Council or its representative take some form of action to provide a Council service. (See Requests for Services Policy).
- 4.5 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.
- 4.6 Where Council has failed to meet the normal standards for a service which has been, or should have been, delivered this policy and the associated procedures apply.

5. ASSISTING WITH THE LODGEMENT OF A COMPLAINT

- 5.1 It is essential that no one is excluded from lodging a complaint because of any difficulties they may have representing themselves. All staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the complaint in writing when circumstances warrant.
- 5.2 If necessary arrange access to interpreters, aids or advocates to ensure that a complainant is treated equitably.

6. RECEIVING A COMPLAINT

- 6.1 A person can make a complaint in a number of ways:
 - 6.1.1 Completion of the appropriate form on Council's website
 - 6.1.2 Telephone
 - 6.1.3 Email

- 6.1.4 Letter
- 6.1.5 Visit to a Council customer service office

7. THREE TIER PROCESS

- 7.1 Council has a three tier process for managing customer complaints, set out below, which includes immediate, informal resolution as well as established processes for review by senior staff.

Tier 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.

Tier 2 Complaint escalated to a more 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. 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.

Tier 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* at the request of a complainant. This is a process established by legislation that enables a complainant to request that a Council 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.

8. COUNCIL'S COMMITMENT TO COMPLAINT HANDLING

- 8.1 Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.
- 8.2 This policy will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be placed in a prominent position on Council's website.
- 8.3 Except for minor level 1 responses, Council will try to ensure that, whenever possible, complaints will be handled independently (within Council) of the original decision-maker or officer involved in the matter that is the subject of the complaint.
- 8.4 A person can make a complaint in a number of ways:
- 8.4.1 Complete the appropriate form on Council's website
 - 8.4.2 Telephone
 - 8.4.3 Email
 - 8.4.4 Letter
 - 8.4.5 Visit a Council customer service office.
- 8.5 All complaints will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

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- 8.6 Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and will be updated as to progress where necessary.
- 8.7 Employees will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

9. TIMEFRAMES FOR RESPONSE

- 9.1 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, 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.

9. UNREASONABLE COMPLAINANT CONDUCT

- 9.1 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.
- 9.2 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.
- 9.3 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.

10. USING COMPLAINTS TO IMPROVE SERVICE

- 10.1 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.
- 10.2 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.
- 10.3 Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

11. PRIVACY AND CONFIDENTIALITY

- 11.1 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.
- 11.2 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.

12. RELEVANT DOCUMENTATION

- 12.1 Commonwealth Ombudsman, *Better Practice Guide to Complaint Handling*
- 12.2 Ombudsman South Australia Information Sheets - www.ombudsman.sa.gov.au/publications/information-sheets/
- 12.3 Ombudsman Victoria, *Good Practice Guide*
- 12.4 NSW Ombudsman, *Effective Complaint Handling Guidelines*, 2nd edition; and *Managing Unreasonable Complainant Conduct Practice Manual 2009*
- 12.5 Australian Standard ISO 10002-2014, Customer satisfaction – guidelines for complaint handling in organisations.

13. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed on a biennial basis to ensure that its commitment to the principles of good conduct and standards of behaviour is being achieved.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

14. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

15. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at www.gawler.sa.gov.au.

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.