

# Complaints Handling Policy



## 1. Policy Statement

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.

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 and more formal procedures by staff with the authority to make decisions.

## 2. Scope

This Policy applies to:

- requests for service made to the Council, for individuals and organisations that utilise the services provided by Council;
- complaints made concerning services provided by Council, its employees and other people acting on behalf of Council; and
- decisions made by Council, its employees and its agents.

This Policy enables decisions made by Council to be reviewed.

A request to review a decision may be denied where there are alternate forums for the review of such a decision (a court established specifically for that purpose (Development, Industrial), where the request is vexatious or where the person making the application has insufficient interest in the decision.

### **Chief Executive Officer (CEO) Commitment**

The CEO is committed to providing a high level of Customer Service within the City of Playford. The CEO is ultimately responsible for the level of Customer Service although responsibilities arising out of the implementation of the Complaints Handling Policy are delegated throughout the organisation.

### **Management Commitment**

Managers and their teams are responsible for compliance with the Complaints Handling Policy and accompanying procedures. Complaints to Managers may be either a direct complaint concerning their team or an escalated complaint. Managers are committed to resolving complaints and improving performance from the suggestions and complaints received.

The logo for the City of Playford, featuring the text 'CITY OF' above the word 'Playford' in a stylized script font, with a green graphic element below it consisting of three horizontal lines of varying lengths.	Policy No.:	NA	Version No.:	3.0
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### 3. Definitions

**Complaint** - for the purposes of this policy, a complaint is defined 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.*

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.

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.

**Council** refers to the City of Playford Council

**Employee** includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

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

**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.

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

### 4. Legislation and References

- Local Government Act 1999 – Section 270
- ICAC 2012
- Ombudsman Act 1972

### 5. Policy

#### 5.1 Principles

This policy is based on five principles, which will be fundamental in the way Council approaches request for service, complaint handling and internal review of Council decisions. They are:

- Fairness – treating complainants fairly requires impartiality, confidentiality and transparency at all stages of the process.
- Accessibility – to be accessible there must be broad public awareness about Council's policy and range of contact options.
- Responsiveness – this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems.
- Efficiency – customer requests will be dealt with as quickly as practical while adhering to this policy.

- Integration of different areas of Council where the complaint overlaps functional responsibilities.

## **5.2 Commitment to Complaints Handling**

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.

Complaints handling consists of a three tiered scheme.

### *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* [see Council's Internal Review of a Council Decision 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.

Applications for the review of decisions must be lodged within six (6) months of the decision in question being made. However, in exceptional but reasonable circumstances, the Manager Corporate Governance may agree to accept a late application. This will be assessed on a case by case basis.

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

This policy will be made widely accessible to ensure that customers are fully aware of their right to make a complaint. Information about how to lodge a complaint will be placed in a prominent position on Council's website.

Except for minor Tier 1 responses, Council will try to ensure that, whenever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

Except for minor Tier 1, complaints must:

- a) Be in writing;
- b) Be clearly marked 'Confidential';
- c) Identify issue and if applicable who is the subject of the complaint;

- d) Identify the complainant by Name, Address, Contact Number(s) and/or Email Address;
- e) Be specific and provide as much supporting evidence as possible to substantiate the complaint and to assist with an assessment and/or investigation.

Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

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.

### **5.3 Complaints Handling Process**

The following steps will be followed by employees 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 systemic issues which need correction.

Council's detailed Complaints Handling and Internal Review of a Council decision Procedure is available to the public.

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. (See Council's *Protocol – Ombudsman Enquiry Procedure*)

### **5.4 Timeframes for Responses to Complaints**

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.

### **5.5 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 Council Member or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Employees of Council

- Whistleblower
- Decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.
- Rate Relief Policy

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.

## **5.6 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, 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.

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.

## **5.7 Using Complaints to Improve Services**

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.

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

## **5.8 Privacy and Confidentiality**

Complainants have a right to expect that their complaint will be investigated in private, to the highest 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 formally lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

## **5.9 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.

### **5.10 Alternate Remedies**

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.

### **5.11 Further Information**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: [www.playford.sa.gov.au](http://www.playford.sa.gov.au)

- **Playford Civic Centre**  
10 Playford Boulevard, Elizabeth
- **Playford Operations Centre**  
12 Bishopstone Road, Davoren Park

## **6. Responsibilities**

The Governance team is responsible for communication of this policy, however it is the responsibility of all employees to adhere to this Policy.

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. The Policy will be reviewed every 4 years and within 12 months of a general periodic election.

## **7. Relevance to Strategic Plan**

### **Strategy 1 - Our foundations – services, city presentation and community pride**

#### **Outcomes:**

- 1.1 Liveable City with mix of services and facilities
- 1.2 Environmental responsibility
- 1.3 Attractive and sustainable open spaces
- 1.4 Improved visual amenity
- 1.5 Enhanced reputation

## Strategy 5 - Building our capabilities

### Outcomes:

- 5.1 Highly performing organisation
- 5.2 Delivering value for money services
- 5.3 Effective government and private sector partnerships.

## 8. Supporting Documentation

### 8.1 Related Policies:

- Code of Conduct for Council Members
- Code of Conduct for Council Employees
- Whistleblower Policy
- Request for Service Policy

### 8.2 Related Procedures:

- Code of Conduct – Council Member Complaints Handling Procedure
- Complaints Management Procedure – Section 21A of Development Act 1993
- Internal Review of Council Decisions Procedure
- Complaints Handling Procedure
- Protocol – Ombudsman Enquiry Procedure

## 9. Approval and Change History

Version	Approval Date	Approval by	Change
1	23/03/2010	Council	New Policy
2	22/03/16	Council	<ul style="list-style-type: none"><li>• New Corporate Template</li><li>• Change of Policy Name</li><li>• Entire Re-Structure</li><li>• Incorporation of additional elements as per section 270 of the Local Government Act 1999</li></ul>
3	28/03/2017	Council	<ul style="list-style-type: none"><li>• Addition of review timeframe for Tier 3 complaints – Internal review of a Council decision.</li><li>• Addition of the Rate Relief Policy under 5.5</li></ul>