

	<b>Complaint Handling Procedure</b> <i>Procedure No. ADMPR 01</i>	<b>Version No:</b>	1.0
		<b>Responsible Officer/s:</b>	Deputy CEO
		<b>Issued:</b>	6 Aug 2012
		<b>Next Review:</b>	Jul 2019

## 1. Purpose and Scope

Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve services.

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 covers processes for resolving complaints and using complaint investigations to directly inform service improvements

The aim of this procedure is to ensure a fair, consistent and structured process when staff are managing complaints about actions of the Council, its employees or other persons acting on behalf of Council.

## 2. 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.

Council expects that the complaint handling system will be fair to the complainant, the Council and any person against whom a complaint is made. The principles of natural justice and rules of fairness, reasonableness and unbiased decision-making should be applied and all parties involved should be given the opportunity to respond to any issues raised.

## 3. Definitions

**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.

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.

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#### 4. General Notes

A **Request for Service** is an application to have Council or its representative take some form of action to provide or improve 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 for formal review of a decision. Feedback may, however, influence future service reviews and delivery methods.

#### 5. Procedure

Council welcomes complaints as a way of improving its services and programs and programs as well as providing an opportunity to rectify issues. The following steps are to be followed by staff to ensure complaints are dealt with efficiently and effectively:-

- Acknowledge complaints
- Assess the complaint
- Investigate the complaint
- Respond to the complainant
- Follow up any customer service concerns/corrections
- Consider whether there are systemic issues which need correction.

##### 5.1 Types of Complaint Mechanism

Council recognises that complaints are made in various ways; all complaints shall be managed in accordance with this procedure. Complaint mechanisms broadly include:-

- *Written Complaints* - are received by letter, fax, standard form, Council's website, SMS or email and shall be recorded in the complaints system.
- *Verbal Complaints* - are received by telephone or at the front counter. Where possible staff will assist complainants to lodge a complaint form or summarise the complaint and submit on their behalf and record it in the complaints system, subject to Clause 5.3 below.
- *Anonymous Complaints* - are received in various ways, however when the complaint presents to Council officers staff shall encourage complainants to provide their identity in order for the complaint to be fully processed. Anonymous complaints shall still be recorded in the complaints system, and actioned in accordance with this Procedure.

##### 5.2 How to Submit a Complaint

Customers can provide their complaint to Council Administration in writing via letter, email, facsimile, telephone, SMS, in person at the Council offices, Council's website ([www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au)) or via the use of Council's Request for Service/Complaint form.

Council staff will assist a customer to make a complaint when requested. Assistance could include provision of information, assistance with the procedure and/or lodging of the complaint form/documentation.

##### 5.3 Processing of Complaint

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A complaint will be processed through Council's Records management System and logged into the Complaint/Request Register. The complaint shall then be managed in accordance with this procedure.

If the complaint is a verbal report of a minor nature and it is appropriate for front line staff to resolve in the first instance, the complaint shall not be logged into the Complaint/Request Register.

#### **5.4 Initial Complaint Resolution**

All staff are empowered to receive complaints under this procedure.

If the matter is a verbal report of a minor nature and it is appropriate for front line staff to resolve in the first instance, it is preferable that they are dealt with promptly at the initial point of contact, all other matters shall be documented and escalated in accordance with this procedure.

#### **5.5 Escalation of Complaint**

Where front line staff are unable to resolve the complaint, it shall be escalated to the appropriate Manager or the Chief Executive Officer for review, investigation and response.

Wherever possible complaints will be handled independently of the original decision maker or officer involved in the matter than is the subject of the complaint, however in this organisation, due to its size, this will not always be achievable.

#### **5.6 Handling Complaints at a Senior Level**

A complaint should 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. Examples include where the complaint:

- ranges across more than one service area within Council
- concerns a contractor or consultant
- alleges improper conduct by a staff member
- has a high degree of complexity and
- if a complainant is not satisfied with the outcome or handling of the complaint at the frontline level

In the great majority of cases, complaints should be resolved to the satisfaction of all parties at this level.

#### **5.7 Initial contact and Investigation**

The relevant manager will make, where necessary, an initial contact with the complainant to clarify and understand the nature of the complaint and probable resolutions.

The initial contact shall inform the complainant of any investigation undertaken or proposed to be undertaken and seek any further information from the complainant.

Initial contact with the complainant is to build a positive relationship with a view to achieving sound customer outcomes; it should also be explained to the complainant that not all matters can or will be resolved depending on their nature.

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### 5.8 Response and Resolution

The relevant manager will make contact with the complainant to inform them of the investigation outcome and if required further actions taken, or to be taken.

This contact may be made in person, via telephone or via written response.

### 5.9 Timeframe for Complaint Handling

Council officers will strive to respond within 5 Business Days of receipt of the complaint initially.

Council officers will strive to resolve complaints within 30 Business Days, however there will be exceptions as outlined below where this target will not be applicable.

Where the complaint needs Council consideration or detailed investigation (especially complaints about third parties), the complainant will be notified of the next Council meeting date or when investigations may be concluded and when they can expect a response.

### 5.10 Finalising Documentation

The relevant manager will complete the complaint documentation outlining the response and/or actions taken and return it to an Administration Officer for input into the Complain/Request Register.

### 5.11 If You Are Not Satisfied With the Response to Your Complaint

You may seek for the Chief Executive Officer to review the complaint and response, or if the Chief Executive officer has reviewed the complaint or made the decision, seek a formal internal review of the decision under Council's Procedure for Internal Review of Council Decisions.

### 5.12 Complaints Concerning Professional Advice

The Local Government Association Mutual Liability Scheme (LGAMLS) will be notified in the event of complaints received concerning the provision of professional advice. The facets of this procedure shall be followed, however shall also include the release of information as deemed necessary to the LGAMLS.

## 6. Additional Procedures for Other Complaints

Complaints made which are managed through alternative policy, procedural or legislative processes shall still be recorded in Council records management system and logged into the Complaint/Request Register.

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## 7. Internal Review

Internal review of a Council decision is available under Section 270 of the *Local Government Act 1999*. This more formal process, which is established and mandated by statute, is generally a last resort in the complaint handling process. However, this process may also be used in relation to more serious situations which require an immediate, high level response, such as a complaint about a decision of the Chief Executive Officer or a resolution of Council.

## 8. Confidentiality and Information Provision

Council must handle complaint information according to its Privacy Policy. Confidentiality is not to be used as a reason not to deal with a complaint.

Information gathered during the complaint process will only be:-

- Used in order to deal with and resolve the complaint or to address systemic issues arising from a complaint
- Shared with Council staff and members on a need to know basis
- Disclosed only in accordance with legal requirements, including the *Freedom of Information Act*.

Information may be disclosed publicly in a de-identified format for annual reporting, training and other purposes required by legislation or where the matter/complaint is referred to Council for determination.

## 9. Unreasonable Complainant Conduct

All complaints received by Council are treated seriously. However there may be occasions when the conduct of a complainant is unreasonable, resulting in a decision to take no further action on a complaint.

Council, where possible, will manage unreasonable complainant conduct in a manner consistent with the Australian Parliamentary Ombudsman "Managing Unreasonable Complainant Conduct Practice Manual".

## 10. Reporting Service Improvement

At least monthly the Management Team will review the Complaint/Request Register to ensure complaints are being addressed and resolved.

Council recognises that complaints are a source of information to improve service provision, procedures and responses to complaints and shall annually analyse and report on complaints received and actions taken.

## 11. Records Management

All complaints including all supporting documents, notes, photographs and correspondence shall be recorded in Council's Records Management System and retained and stored in accordance with the *State Records Act* General Disposal Schedule 20.

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## 12. Availability of Procedure

This Procedure will be available for inspection at the following locations during ordinary business hours:-

- Principal Office, 324 Commercial Street West, Mount Gambier, 5290
- Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell, 5291
- Council's website: [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au).

A copy of this procedure may be purchased upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

## 13. Review

This Procedure shall be reviewed by the District Council of Grant at minimum within four (4) years of adoption date, (or on significant change to legislation or other matters which could affect this procedure).

Action	Date	Minute Reference
Adopted by Council	6 August 2012	12178.2
Reviewed	23 May 2016	Management Team

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### What is a Request/Complaint

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

Examples include:-

- a request for information about Council services, policies or procedures
- a request for service or action to be taken in relation to a service or product provided by Council, such as a report of damaged or faulty infrastructure or hazards,
- advice of potholes or fallen branches
- a suggestion for a proposed service or product improvement, such as more mobile garbage bin areas
- a follow up or further request for service that has not been completed by Council but is still within the timeframe advised to the customer, such as the customer was told their rubbish bin would be collected within three days and the customer contacted Council again within one day
- Complaints about the activities of third parties (eg. barking dogs or food premises)

**Note:** a request about the same matter may be received from more than one person. This is still defined as a Request for Service.

A Complaint is an expression of dissatisfaction with a service which has, or should have been received.

Examples include:-

- the manner in which Council has dealt with a matter concerning the activities of a third party (eg. barking dogs or food premises)
- a Request for Service not being completed by Council even though it was promised

If there is uncertainty, the matter will be dealt with as a Request for Service in the first instance