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CUSTOMER COMPLAINTS POLICY

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Strategic Plan link:
Strategy 1.1.7 Ensure compliance of relevant Council policies and procedures with legislative requirements.

References and related Policies, Procedures and Forms:
Local Government Act 1999
Development Act 1993
Expiation of Offences Act 1996
DCSB-CR-03.03Requests for Service Policy
DCSB-G-09.01 Code of Conduct for Council Members
DCSB-HR-12.02 Code of Conduct for Employees
DCSB-G-09.11 Public Interest Disclosure Policy
DCSB-G-09.08 Fraud & Corruption Prevention Policy
DCSB-G-09.10 Council Member Conduct Complaint Handling Policy
DCSB-G-09.03 Procedure for Internal Review of Council Decisions
Council Complaints Handling Procedure
Australian Standard ISO 10002-2006, Customer satisfaction –guidelines for complaint handling in organisations
Protocol – Ombudsman Enquiry Procedure

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1. Introduction

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

The District Council of Streaky Bay 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.

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 procedure is broadly consistent with the Australian Standard for complaint handling.

1.1. Principles Underlying the Policy

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 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 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.

2. Interpretation

Council refers to the District Council of Streaky Bay
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 or a volunteer under the direction of Council
Business Day means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.

3. Definition of a 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.

A **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.

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.

4. Council's Commitment to Complaint Handling

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 complain. Information about how to lodge a complaint will be placed in a prominent position on Council's website.

Except for minor level 1 responses, (See 6 Procedures for resolving complaints below) 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.

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

- Complete the appropriate form on Council's website
- Telephone
- Fax
- Email
- Letter
- Visit a Council customer service office.

Complaints that come in over the counter or via the phone will be recorded on Councils Corrective action / complaint register all other written complaints will be recorded so that the information can also be analysed for service improvement opportunities.

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.

4.1 Seven steps of the 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 systemic issues which need correction.

5. Timeframes 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, 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

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*
   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.

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.

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 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.

Council's detailed Complaints Procedure is available to the public. See *14 Further Information* below

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*)

6.1 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.

7. 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.

8. 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 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.

9. Privacy and Confidentiality

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.

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.

10. 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.

11. Alternative 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.

12. Review and evaluation

In order to ensure Council continues to provide the best possible service responses to its customers, this Policy will be subject to periodic evaluation and review.

13. Delegations

Council delegates to the Chief Executive Officer the authorization to approve, amend and review any procedures that shall be consistent with this Policy.

14. 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 internet site: www.streakbay.sa.gov.au

District Council of Streaky Bay
29 Alfred Tce
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

15. Document History

Version No	Issue Date	Description of Change	Date Endorsed
1.00			25 January 2012
1.1			September 2014