

Complaints Policy

First Approved	January 2012
Review Frequency	4 yearly and withing 6 months following Council Elections
Status	LGA Mandatory
Last Reviewed	May 2018 – Resolution Ref: ACM18193 (16 March 220 – Resolution Ref: ACM20528) 17 July 2023 – Resolution Ref: C23271
Next Review Due	July 2027
File Number	18.63.001 / PL2023166
Responsible Division	Office of the CEO
Related Documents	Complaints Handling Procedure Request for Service Policy & Procedure Internal Review of a Council Decision Hardship Policy Safe Environment Policy & Reporting Procedure Safe Environment Codes of Conduct Public Interest Disclosure Policy and Procedure Fraud, Corruption, Misconduct and Maladministration Prevention Policy Unreasonable Complaints Policy Alexandrina Council Customer Service Charter
Applicable Legislation	<i>Local Government Act 1999, sec 119A, sec 120A, sec.270</i> <i>Water Industry Act 2012, sec.37</i> <i>Ombudsman Act 1972</i> <i>Independent Commission Against Corruption Act 2012</i> <i>Public Interest Disclosure Act 2018</i> <i>Disability Services Act 1993</i>

1. Introduction

Local Government provides an extensive range of services, facilities, programs and infrastructure to the community, and discharges a range of obligations under many pieces of legislation.

Alexandrina Council is committed to the provision of quality service to customers and regards complaints and feedback as an opportunity to improve practices and procedures as well as resolve any matters. The aim of this Policy is to provide a fair, consistent and structured process for Council's customers should they be dissatisfied with a Council action, decision or service.

Quality of service is an important measure of effectiveness and Council welcomes feedback and complaints as a way of improving its services and programs, as well as providing an opportunity to put things right. Council will 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. Lessons learnt from complaint investigations will be used to directly inform service improvements.

2. Definitions

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

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 refers to the Alexandrina Council

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

Feedback means those comments, which are sometimes framed as complaints, where the intent is clearly for the matter to be noted, but where there is no implied or expressed expectation of follow up, review or action.

Request for Service is an application to have the council, or its representative, take some form of action to provide a council service or improve a council service. Council also receives complaints and feedback across all areas of its operations and makes the distinction between a request for service and a complaint for the purpose of this policy.

A request for a *review of a Council decision* is distinguished from a complaint by virtue of the complainant formally requesting that Council reconsider the decision-making process and all the evidence relied on to make a decision as per the provisions of the Internal Review of Council Decisions.

3. 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 five (5) 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.

Council will ensure that more complex complaints are dealt with through appropriate, more formal procedures by staff with the authority to make decisions. This process is broadly consistent with the Australian Standard for complaint handling.

4. Principles Underlying the Policy

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

1. *Fairness*: treating complainants fairly through impartiality, confidentiality and transparency at all stages of the process

2. *Accessibility*: Council will ensure that policies, procedures and contact options are available to the public through the website, by phone or in person at Council offices during normal business hours
3. *Responsiveness*: will be achieved by providing sufficient resources, well trained staff, on-going review and improvement of the systems
4. *Efficiency*: complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their complexity
5. *Integration* of different areas of Council will be undertaken where the complaint overlaps functional responsibilities.

5. Types of Complaints

Council receives service requests, complaints and feedback across all areas of operations, and clarification may be necessary to make the distinction for the purposes of this policy.

There are also specific processes available to address issues such as:

- Complaints regarding dissatisfaction with a Council service, or a service that has not been or inadequately supplied (see Complaints Handling Procedure).
- A Request for Service to have Council or its representatives take some form of action to provide a Council service (see Request for Service Policy and Procedure).
- Undertaking a review of the process of how a Council decision was made, as well as the decision itself. A review is available under section 270 of the *Local Government Act 1999* (see Internal Review of a Council Decision Policy and Procedure).
- Reporting or making a complaint of a suspicion of harm or risk of harm to a child or vulnerable person participating in a Council program or service has or is taking place (see Safe Environment Reporting Procedure).
- Genuine financial hardship being suffered due to Council rates or other Council payments (see Hardship Policy).

Objections or review requests can be made in writing via a letter or email and will need to be accompanied by a form which is available to download on Council's website or via customer service. An application for review must be made within 6 months of the making of the decision and be accompanied by the prescribed fee. Council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.

6. Complaints regarding Council Employees (section 119A Local Government Act 1999)

Where a person alleges:

- an employee (or a relative of 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 a person or to influence the employee in the performance or discharge of the employees' functions or duties
- an employee has failed to record, or correctly record, details of a gift or benefit received by the employee (or a relative of an employee) on the gift and benefits register

- 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 Subdivision 2A – Gifts and benefits as prescribed in section 119A(1) of the *Local Government Act 1999*.

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 procedures of the council.

7. Unreasonable Complaints

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. Any decision to suspend action on a complaint will be made by the Chief Executive Officer or their delegate and communicated in writing to the complainant.

Complaints that escalate to unreasonable complainant conduct will be dealt with in accordance with Council's *Unreasonable Complainants Policy*.

8. Alternative Procedures

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours or complaints about State- or privately-owned infrastructure (some roads, streetlights, power etc), will not be handled under this policy. Where possible, information regarding the relevant authority will be provided to the complainant. 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 1999*, such as the *Development Act 1993*, *Planning, Development and Infrastructure Act 2016* 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 1999*. 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.

9. 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. Council will receive a report on the number complaints through the annual report, including the percentage of unresolved complaints, at least once a year.

10. 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.

11. 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. Complainants will be notified in writing, where possible.

When advising a complainant of the outcome of an investigation, Council will also provide information about any right of appeal and the right to make a complaint to an external agency such as the SA Ombudsman or the Energy and Water Ombudsman.

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the Chief Executive Officer or their delegate deems such a course of action appropriate, and the complainant is amenable to that process.

The Elected Council and the Chief Executive Officer are the only representatives authorised to offer financial compensation, in consultation with the Local Government Association Mutual Liability Scheme.

12. Feedback

Feedback which does not constitute a complaint (see definitions) will be acknowledged and the feedback will be directed to the appropriate area of council, but in most cases, a formal investigation will not occur.

13. Documentation

To assist in demonstrating that Complaint Handling processes are fair, transparent, accountable, cost effective and meet community needs, Council will document all complaints received, the process undertaken to resolve the complaint and the outcome of the complaint.

Documentation received will be used in review processes to undertake improvements to Council services.

14. Availability of Policy

This Policy will be available for inspection on the Council's website www.alexandrina.sa.gov.au. Copies can also be provided upon payment of a fee in accordance with Council's Schedule of Fees and Charges.