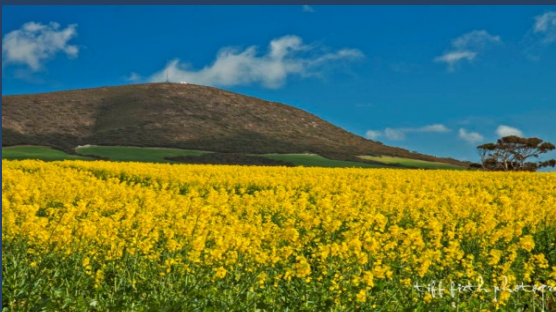
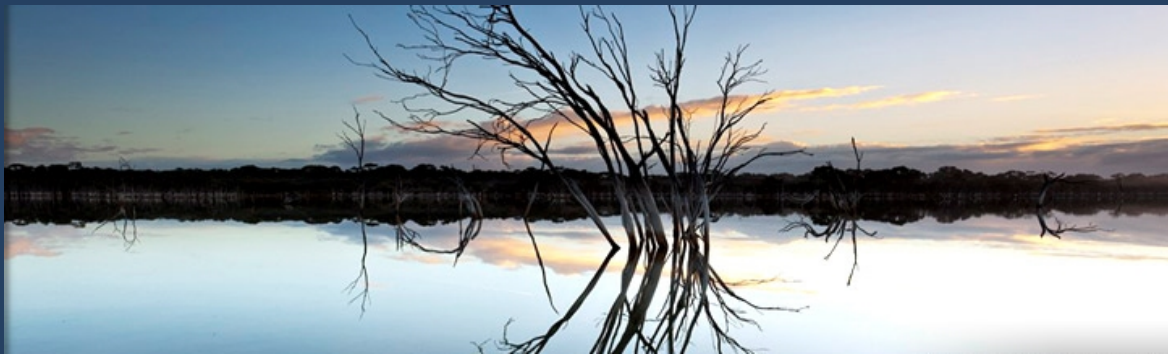




## Policy – Compliments & Complaints



“Working with our Rural & Coastal Communities”

	<b>CR-POL-05 - COMPLIMENTS AND COMPLAINTS POLICY</b>	<b>Version No:</b>	1.3
		<b>Issued:</b>	March 2023
		<b>Next Review:</b>	February 2026

Responsible Department	Corporate Services
Policy Adopted:	15/03/2023
Minutes reference:	18.1 - OCM/23/015
Applicable Legislation:	Local Government Act 1999, S270 Freedom of Information Act 1991 Australian Standard ISO 10002-2006, Customer satisfaction – guidelines for complaint handling in organisations
Related Policies/Procedures:	Elected Member Code of Conduct Employee Code of Conduct Customer Service Charter GOV-POL-08 - Whistleblowers Protection Policy GOV-POL-11 - Internal Review of Council Decisions CR-POL-04 – Requests for services policy
Review frequency:	Upon Local Government Election

## 1. PURPOSE

The Lower Eyre Council provides an extensive range of services and infrastructure to communities, and discharges obligations under many legislative provisions.

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.

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. SCOPE

This policy applies to circumstances where a person is of the opinion that Council has failed to meet the normal standards for a service which has been, or could reasonably have been expected to be delivered.

(continued):

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**2. SCOPE cont'd:**

There are also additional mechanisms available to persons which apply to particular types of complaints. If the complaint would be more properly dealt with by another process, policy or procedure, 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 in line with section 270 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.

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.

**3. POLICY PRINCIPLES**

This policy is based on four principles, which will be fundamental to 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

It is recognised that in some circumstances departmental overlap of different areas of Council will occur where the compliment or complaint overlaps functional responsibilities. The policy principles set out above remain relevant in such circumstances, however it is recognised that such overlap may incur additional time to respond to a complaint.

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#### 4. DEFINITIONS

*For the purposes of this policy the following definitions apply:*

**Council** refers to the District Council of Lower Eyre Peninsula.

**Employee** is any person who is employed by the Council, but also includes any contractors, volunteers, trainees, work experience students and consultants undertaking work 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.

**A complaint** is 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 could reasonably have been expected to be delivered.

Council also receives service requests and feedback across all areas of operations and clarification may be necessary to make the distinction between Complaints and Requests for Service for the purposes of 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. (Refer to Council’s 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

#### 5. 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 Section 8) 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.

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**5. COUNCIL’S COMMITMENT TO COMPLAINT HANDLING**

**cont’d:**

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

- Complete the appropriate form on Council’s website
- Telephone: (08) 8676 0400
- Fax: (08) 8676 2375
- Email: mail@dclep.sa.gov.au
- Letter: PO Box 41, Cummins, SA, 5631
- In person at a Council customer service office
- My Local Services App

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.

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.

**6. 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 service actions
- Consider whether there are systemic issues which need correction.

**7. TIMEFRAMES FOR RESPONSE**

Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken. Council employees will endeavour to follow the timeframes set out in the Customer Service Charter.

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## 8. 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 Policy]. 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.

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.

## 9. UNREASONABLE COMPLAINANT CONDUCT

All complaints received by Council will be treated seriously and 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.

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**9. UNREASONABLE COMPLAINANT CONDUCT** cont'd:

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 staff 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 or to apply restrictions on staff conduct with the person will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

**10. COMPLIMENTS**

Council values positive feedback and compliments as they demonstrate where Council is doing things right and what Council needs to do more of and / or continue to do.

Positive feedback will be used to promote best practices across Council and to recognise staff members who consistently demonstrate excellent customer service and quality workmanship.

Compliments will be processed as follows:

- Referred to the appropriate Manager and / or department and any staff member/s involved.
- Distributed to staff through the staff newsletters for recognition amongst the workforce.
- A copy of the letter of compliment (for an individual employee) will be kept in the employee's personnel file.

**11. USING COMPLIMENTS & COMPLAINTS TO IMPROVE SERVICE**

Quality of service is an important measure of Council's effectiveness. Learning from complaints and positive feedback 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 and compliments received 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 incorporated into the annual report.

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

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## 12. 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.

## 13. 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 the 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 the issue not occurred. 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.

## 14. 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.



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## 15. REVIEW AND EVALUATION

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this policy will be reviewed during the term of each Council.

## 16. FURTHER INFORMATION

Copies of this policy may be purchased for the fees outlined within Council's current Schedule of Fees & Charges. This policy is available for inspection at the Council offices during ordinary business hours or on Council's website ([www.lowereyrepensula.sa.gov.au](http://www.lowereyrepensula.sa.gov.au)) at no cost.

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.2	18/04/2019	Minor amendments to note Councils customer request system
1.2	18/04/2019	Adopted by Council (following Council Election)
1.3	15/03/2023	Adopted by Council (following Council Election)