

## Customer Complaints policy

### Contents

1	Preamble.....	2
2	Policy purpose .....	2
3	Scope.....	2
4	Definitions .....	2
5	Policy Principles .....	3
6	Complaint Handling .....	3
6.1	Tiered resolution approach to complaints.....	4
6.2	Alternate processes or remedies.....	4
6.3	Remedies .....	5
6.4	Privacy and confidentiality.....	5
6.5	Unreasonable complainant conduct .....	5
7	Complaints regarding Code of Conduct for Council Employees.....	5
8	Relevant legislation and references.....	6
9	Further information .....	6
10	Document control .....	6

## 1 Preamble

The contents of and the commitments that council makes in this policy are not intended to be and should not be interpreted to be any more than a statement of the City of Onkaparinga's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

## 2 Policy purpose

This policy is intended to provide guidance to people who wish to make a complaint and council's commitment to handle complaints about a council action, decision or service fairly, efficiently and effectively. This policy is broadly consistent with the Australian Standard AS ISO10002-2014 for complaint handling.

Council is committed to enhancing customer satisfaction by creating a customer focused environment that is open to feedback, including complaints, and sees complaints as an opportunity to improve practices and procedures as well as resolve the matter

It is acknowledged that any legislative requirement which affects Council will take precedence over Council's policies and procedures.

## 3 Scope

This policy applies to all council employees.

This policy excludes matters that are not council's responsibility such as disputes between neighbours, Elected Member Code of conduct matters or employee grievances.

## 4 Definitions

**Complaint** means 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.*

This does not include:

- a request for service (unless it is a second request, where there was no response to the first request)
- a request for information or explanation of policies or procedures, council assets or services
- an expression of concern about the general direction or the performance of Council or its elected representatives
- negative feedback in a submission or survey, or disagreement with Council's policy, procedures or a lawfully made decision
- matters that are not council's responsibility such as disputes between neighbours
- Elected Member conduct or employee conduct
- staff employment grievance.

**Employee** means 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

**Feedback** may 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.

**Request for service** means an application to have 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 purposes of this policy

## 5 Policy Principles

The following principles are fundamental to the way council approaches complaint handling:

- **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.

Council's commitment to these principles is demonstrated by:

- recognising the value of complaints as an important tool in monitoring and responding to customer and community expectations.
- taking complaints seriously and investigating them thoroughly with the aim of achieving a mutually agreeable resolution within an agreed timeframe.
- providing adequate training, resources and authority to manage complaints efficiently and effectively.
- ensuring that information that can assist the organisation to improve is captured in a form that enables easy and useful analysis.

## 6 Complaint Handling

Council acknowledges and accepts complaints as a way of improving its services and programs as well as providing an opportunity to correct practices or decisions where warranted. A person can make a complaint in a number of ways:

- by telephone, email or written letter or
- by visiting one of council's customer service offices

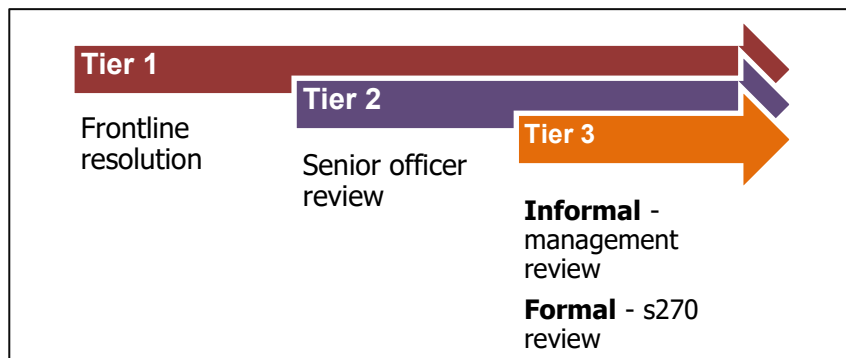
Complaints can vary greatly in their level of complexity and seriousness and it may not always be possible to resolve them at the first point of contact or a person may not be satisfied with the decision.

All complaints received by us will be treated seriously and complainants treated courteously. Emphasis will be placed on resolving complaints where possible. However where a complaint cannot be resolved in the first instance we will ensure they are dealt with by officers with the authority to make decisions and aim to respond within 14 business days and resolve the complaint within that time.

If a resolution is not possible within this timeframe, for example because further information is waiting to be received, the complainant must be kept informed of progress, either by email, letter or personal contact.

The chart below shows the escalation stages.

### 6.1 Tiered resolution approach to complaints



We prefer to work with you to resolve complaints; however, a person has the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time.

Note that the Ombudsman generally prefers a council to have had an opportunity to resolve a complaint before they consider a complaint for investigation.

### 6.2 Alternate processes or remedies

There are some complaints which may be more properly dealt with by another process for example:

- Complaints against a Councillor or the Chief Executive Officer should be directed to the Mayor
- Review of a Freedom of Information determination may be referred to the Ombudsman
- Insurance liability claims will be referred to the Local Government Mutual Liability Scheme (LGAMLS) for determination
- Decisions made under legislation that have their own prescribed appeal procedures (for example appeals under the Development Act 1993 are dealt with by the Environment and Resources and Development Court )
- Objections to property valuations should be referred to the Valuer General's office
- Appeals against orders made pursuant to s254 of the *Local Government Act 1999*.

### 6.3 Remedies

Where complaints are found to be justified we will, where practicable, remedy the situation in a manner which is consistent and fair for both council and the complainant. The solution chosen will be proportionate and appropriate to the circumstances. Sometimes, however, it may only be possible to offer an apology.

Compensation may only be offered after consideration by the Chief Executive Officer or by the Local Government Association Mutual Liability Scheme (LGAMLS).

### 6.4 Privacy and confidentiality

A person has a right to expect that their complaint will be investigated in private, to the extent possible. Their identity will only be made known to those involved 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.

### 6.5 Unreasonable complainant conduct

All complaints received by council will be treated seriously and complainants treated courteously, however, occasionally the conduct of a complainant can be unreasonable.

This may take the form of unreasonable persistence, unreasonable demands, a lack of cooperation, or 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 their delegate, and communicated in writing to the complainant.

## 7 Complaints regarding Code of Conduct for Council Employees

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; or
- 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; or
- 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 Code of Conduct for Council Employees, as prescribed in Schedule 2A of the *Local Government (General) Regulations 2013*.

A complaint must be given to the Manager Culture and People or the Director, Corporate and City Services.

In the case of a complaint against the CEO, 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.

## 8 Relevant legislation and references

### Legislation, Codes, Guidelines and Standards

*Local Government Act 1999*

*Local Government (General) Regulations 2013* (Schedule 2A Code of conduct for employees)

Customer satisfaction - guidelines for complaint handling in organisations, Australian Standard ISO 10002-2014

Complaint Management Framework Ombudsman SA, March 2016

Managing Unreasonable Complainant Conduct 2<sup>nd</sup> Edn, NSW Ombudsman, May 2012

Code of Conduct Council Members (as amended from time to time)

Whistleblower Protection Policy

## 9 Further information

This policy is available for inspection, during business hours at:  
City of Onkaparinga, Ramsay Place, NOARLUNGA CENTRE SA 5168.

It is also available for inspection, downloading or printing from our website  
[www.onkaparingacity.com](http://www.onkaparingacity.com)

*Licensed Water Retail Operations Enquiry, Complaint and Dispute Resolution Procedure*

This document outlines our customer enquiry, complaints and dispute resolution processes if you are supplied with water and or wastewater services by Council under the *Water Industry Act 2012*. More information about Council's water business can be found on our website  
[www.onkaparingacity.com](http://www.onkaparingacity.com)

## 10 Document control

<b>Author (to whom changes are to be recommended):</b>		
<b>Position</b>	<b>Name</b>	
Team Leader, Corporate Governance	Kathryn Brown	
<b>Stakeholders (audience – engagement groups):</b>		
Culture and People		
<b>Reviewed by:</b>		
<b>Position</b>	<b>Name</b>	<b>Date reviewed</b>

*Uncontrolled once removed from webpage or Onkanet (printed or downloaded).  
Before using a printed or downloaded copy, verify that it is the current version.*

Manager Governance Director Corporate and City Services		Desma Morris Alison Hancock	03/08/2018
<b>Approved by (document owner):</b>			
<b>Position / Group</b>	<b>Name</b>	<b>Approval date</b>	<b>Approval ECM number</b>
Director Group	N/a	06/08/2018	N/a
<b>Current version:</b>			
<b>Current version number</b>	<b>Release date</b>	<b>Review cycle</b>	
V 1.0	06/08/2018	Review every 3 years from Approval date Risk calculation: Consequence rating- Low Likelihood rating- Low Overall risk rating- Low	
<b>History:</b>			
<b>Date</b>	<b>Author</b>	<b>Version</b>	<b>Nature of change</b>
04/10/2019 21/03/2018 1/06/2018	Jane Gordon Kathryn Brown Kathryn Brown	V2.0 V2.1	V2.0 amended broken links V2.0 Addition of Section 7 following legislative amendment effective 2 April 2018 – Schedule 2A Local Government (General) Regulations 2013 refers V2.1 Addition to Section 6 timeframe indicators as per Ombudsman's suggestion
<b>Related documents: (internal documents that need to be reviewed when this document is amended)</b>			
<b>Title of document</b>			<b>Document number</b>
Complaint procedure for employees Internal review of council decision (s270) Whistleblower Policy Whistleblower procedure			3960801 3960850 3554658 3631018
<b>Document location:</b>			
<b>Published location</b>			<b>Original in ECM</b>
Onkanet and public website			ECM 3960754

*Uncontrolled once removed from webpage or Onkanet (printed or downloaded).  
Before using a printed or downloaded copy, verify that it is the current version.*