

Customer Feedback Policy

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1. Document control

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2. 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 (the council) general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

3. Policy purpose

This policy is mandatory under s270 of the *Local Government Act 1999*. The council is committed to manage and deliver quality customer service. The council values and recognises how customer experience can enhance customer satisfaction and encourages and values feedback including complaints to improve its services, as well as providing an opportunity to correct practices or decisions where warranted. This policy is to provide a fair, consistent, and structured process for feedback including complaints about council actions, decisions, or services.

4. Scope

This Policy applies to feedback (including complaints), received by the council.

It excludes certain matters which are not council's responsibility to be involved in (such as disputes between neighbours). This policy also excludes customer service requests, as these requests will be managed within the department in which the service is requested from (i.e., additional bins will be facilitated via Waste division. Customer service requests are general enquiries and will not normally be escalated as a feedback or complaint.

Some feedback and complaints will be dealt with through other processes, as outlined below:

Type	Process / Contact Customer
Chief Executive Officer (CEO)	Refer to Mayor and managed under Chief Executive Officer Code of Conduct Complaint Handling Procedure
Contractor	Refer to the appropriate Manager responsible for the specific work being undertaken.
Decisions under legislation (not exhaustive list): <i>Freedom of Information Act 1991;</i> <i>Planning Development and Infrastructure Act 2016;</i> <i>Dog and Cat Management Act 1995;</i> <i>Environmental Protections Act 1993;</i> <i>Expiation of Offences Act 1996;</i> section 254 orders under s.256 of the <i>Local Government Act 1999;</i> and <i>Local Nuisance and Litter Control Act 2016</i>	Managed under each legislation's prescribed appeal process. NB- Freedom of Information applications may be referred to the Ombudsman for review.

<i>Public Interest Disclosure Act 2018 (previous Whistleblower legislation)</i>	Refer to council's Public Interest Disclosure Guidelines
Elected Members	Refer to Chief Executive Officer, Mayor or Director Corporate and managed under Procedure for Investigating Complaints under the Code of Conduct for Council Members
Insurance Claims	Contact insurance@onkaparinga.sa.gov.au and claims managed by Local Government Risk Services
Licensed Water Retail Operations	Refer to Licensed Water Retail Operations Enquiry, Complaint and Dispute Resolution Procedure
Objections to property valuations	Contact Valuer-General's Office
Request for a review of a Council decision	Managed under council's Internal Review of Council Decisions (s270) Procedure
Volunteer	Refer to the Volunteer Management Business Partner and council's Managing Volunteer Performance and Behaviour Procedure.

It is acknowledged that any legislative requirement which affects council will take precedence over council's policies and procedures. This policy applies to all council officers.

Relevant sections of key legislation associated with this policy/code and reference materials referred to:

- *Australian Human Rights Commission Act 1986*
- *Independent Commission Against Corruption Act 2012*
- *Inclusive Communities Action Plan 2021-2024*
- *Local Government Act 1999*
- *Local Government (General) Regulations 2013*
- *Public Interest Disclosure Act 2018*

5. Definitions

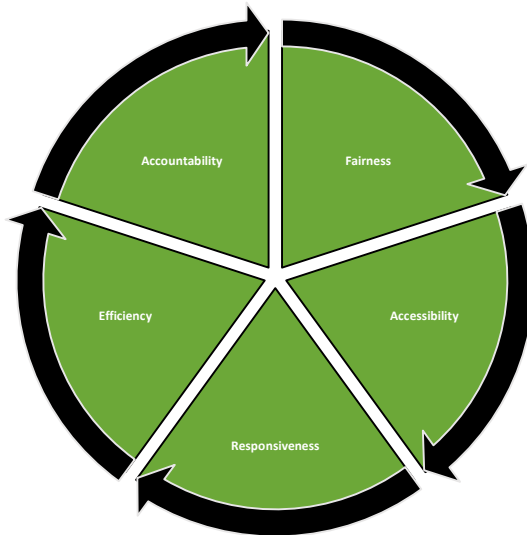
Business Day	A day when the council is open for business, i.e., Monday to Friday, excluding public holidays or Christmas closures.
Complaint	A complaint is made when a customer: <ul style="list-style-type: none">• expresses dissatisfaction with a service/product delivered by council which has, or should have, been received that has failed to reach standards (implied or expected). It includes decisions of council, policies and procedures, fines/charges, employees, agents or the quality of council's services; and/or• informs and notifies council of their belief that the council has failed to act upon a request for services within reasonable timeframes.
Customer	A person who provides feedback or expresses dissatisfaction with a service or believes council failed to meet the normal standards for a service which in their view has been or should have been delivered.
Customer Service Request	A request that a customer makes, requesting a service from council, supported by information which is not related to an escalated complaint.
Employee	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. This can include volunteers.
Feedback	This may take the form of comments, both positive and negative, about services provided by the 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 associated procedures apply.
Frivolous	A complaint which: <ul style="list-style-type: none">• cannot be successfully argued because it is based on inaccurate facts, an error in law or outdated practices; or• has no reasonable prospect of success
Malicious	A complaint motivated by improper, vicious, or mischievous purposes.
Resolved/Unresolved	Where a complaint has been acknowledged/unacknowledged, and an acceptable/unacceptable outcome agreed to by the parties involved.
Request for service	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 purposes of this policy.

Trivial	A complaint of little or no importance, where the reviewer considers it unreasonable to dedicate resources to an investigation of the matter.
Unreasonable customer conduct	<p>Unreasonable Complainant Conduct is any behaviour by a current or former customer which because of its nature or frequency raises health, safety, resource or equity issues for the council, employees or other service users and customers or the customer himself/ herself.</p> <p>This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or unreasonable behaviours. 'Unreasonable' will depend on the circumstances and council aims to manage these situations in a fair and equitable manner.</p>
Vexatious	A complaint which is from a customer who has consistently, over a period, complained about minor matters or the same matter, which have previously been dealt with and no new information has been provided by the applicant and/or is considered by the reviewer to be mischievous, without enough grounds or serving only to cause annoyance or disrepute.

6. Policy

6.1 CUSTOMER SERVICE PRINCIPLES

The following customer service principles are applied when managing customer feedback including complaints:



- **Fairness:** We will treat customers feedback and complaints impartially, remain non-judgmental and equitable. Ensure actions remain confidential.
- **Accessibility:** Provide the public with a range of contact options and free of charge.
- **Responsiveness:** Your feedback or complaint will be dealt with promptly and courteously.
- **Efficiency:** complaints resolved as quickly as possible, while ensuring that they are dealt with adequately.
- **Accountability:** Ensure that the information upon which we make decisions or base our actions is factually correct.

6.2 FEEDBACK INCLUDING COMPLAINTS

A customer can provide feedback including complaints:

- by telephone
- in writing (email or letter)
- by visiting a council customer service office
- through social media channels or website feedback forms
- by contacting an Elected Member

Feedback including complaints can vary in complexity and seriousness and it may not always be possible to respond at the first point of contact e.g., on the telephone. Depending on the complexity, council may ask for feedback including complaints to be put in writing.

All feedback including complaints received will be treated seriously and customers treated courteously. Emphasis will be placed on resolving matters where reasonable and practicable considering reasonable options and attempting to provide remedies.

Routine requests are often subject to established service response standards. Requests for additional **major** works or new services will need to be referred to Council for consideration as part of the next annual budget cycle and may require public consultation.

6.3 ASSISTANCE WITH PROVIDING FEEDBACK

The Inclusive Communities Action Plan 2021-2024 (ICAP) demonstrates our commitment to ensuring the public can access and take part in social, economic, recreational, and cultural activities within our region.

Access and inclusion are the process whereby every customer, regardless of age, disability, gender, religion, sexual preference or ethnicity, who wishes to, can access and take part in all aspects of an activity or service in the same way as any other member of the public.

It is important to us that no one is excluded because of any difficulties they may have representing themselves. Council officers can help where appropriate or on request, including assistance in providing feedback in writing if required.

6.4 CUSTOMER LIAISON OFFICER

The Customer Liaison Officer (CLO) works with vulnerable or complex-needs customers who require assistance to navigate council services and/or require assistance to comply with council requirements. This includes customers who are experiencing financial hardship or barriers to accessing council or other services and may include customers who have lodged complaints.

The CLO provides effective and timely resolutions on a case management basis. Solutions may be achieved through providing direct guidance to the customer, resolving internal system issues, referrals to appropriate external services, or by developing better practices and supports within council to remove any barriers.

6.5 FEEDBACK INCLUDING COMPLAINT ESCALATION AND TIMEFRAMES

Level of Complaint	Responsibility and Timeframes
<p>Tier 1</p> <p>Immediate response to resolve the complaint by an officer directly involved</p> <p>(i.e. a service has not been completed within a timely manner)</p>	<p>All officers are permitted to handle feedback including complaints in the first instance. It is preferable it is managed at the initial point of contact at an appropriate officer level.</p> <p><u>Timeframe</u></p> <p>To be resolved in the first instance where possible and practicable. Where a complaint cannot be resolved immediately the officer handling the complaint is responsible for advising the customer of the process to be undertaken and how long it will take to deal with the complaint.</p>
<p>Tier 2</p> <p>Complaint escalation to a more senior officer</p> <p>(i.e. repeated requests for a service have not been resolved, refer to point 6.6)</p>	<p>Feedback including complaints can be directed to a more senior council officer, where circumstances indicate that the complaint would be more appropriately handled at a higher level e.g. escalated to a Team Leader, Manager or Director.</p> <p><u>Timeframe</u></p> <p>Aim to acknowledge within 3 business days.</p> <p>Council will where possible respond within 14 business days and resolve the complaint within that time.</p> <p>If a resolution is not possible within this timeframe, for example because further information is required, the customer will be kept informed of progress either by email, letter or personal contact.</p>
<p>Tier 3</p> <p>Internal review of a council decision or management review (Manager, Director or CEO)</p>	<p>Generally, applies when matters cannot be resolved under Tier 1 or 2 or has been referred to s270 Internal Review application.</p> <p><u>Internal Review</u></p> <p>In accordance with council's Internal Review of Council Decisions (s270) Procedure, this is where a review of a decision is requested with payment of the prescribed fee. This enables council to reconsider the evidence relied on to make the original decision and additional available evidence if relevant.</p> <p><u>Management Review</u></p> <p>Not all actions by a council will be a decision e.g. actions taken during a process of decision making (i.e., investigations, requests for further information, internal consideration of a matter or referral to an external advisor are not decisions). In these cases, a review by management (the relevant Manager/ Director or CEO) will be undertaken.</p> <p><u>Timeframe</u></p> <p>Internal reviews will be completed as detailed in the Internal Review of Council Decisions (s270) Procedure.</p>

Where the matter has been escalated to management, the customer should be kept informed of progress and best endeavours made to resolve the matter within **21 business days**, unless otherwise advised to the customer.

6.6 SPECIFIC MATTERS REQUIRING ESCALATION

Complaints which should be escalated to a higher level (e.g. Tier 2 and 3) include:

- when the issue is outside the officer's delegation or area of expertise;
- when the officer was involved in the original decision;
- where reasonably requested by a customer to be escalated to a more senior level; or
- where there is external agency involvement e.g. Ombudsman SA, Environment Protection Authority, or Office of Public Integrity.

6.7 OMBUDSMAN SA AND OFFICE OF PUBLIC INTEGRITY (OPI)

Council prefers to work with customers to resolve complaints, however, a customer has the right to seek other forms of resolution, such as contacting Ombudsman SA or taking legal action. Generally, Ombudsman SA prefers council to have an opportunity to resolve a complaint before it investigates further.

Details for external agencies are provided below:

Ombudsman SA

Level 9, 55 Currie Street, Adelaide; or PO Box 3651, Rundle Mall SA 5000

Tel: (08) 8226 8699

Webpage: <https://www.ombudsman.sa.gov.au/>

Where corruption, misconduct or maladministration is suspected contact should be made with OPI to make a complaint (Ombudsman SA can also deal with complaints about misconduct and maladministration):

OPI

Tel: (08) 8463 5173

Webpage: <https://www.publicintegrity.sa.gov.au/>

6.8 UNREASONABLE CUSTOMER CONDUCT

Although formal feedback including complaints will be treated seriously and customers treated courteously, occasionally the conduct of a customer can be unreasonable. This may take the form of unreasonable persistence and/or demands, a lack of cooperation, or argumentative or threatening behaviour. What is termed 'unreasonable' will vary depending on several factors and council aims to manage these situations in a fair and equitable manner.

Where a customer's behaviour consumes an unwarranted amount of council resources or impedes the investigation of their feedback, an assessment will be carried out to determine to apply restrictions on contact with the customer. Before making any decision to restrict contact, the customer 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 CEO, or their delegate, and communicated in writing to the customer.

The contact may be limited in terms of (not intended as an exhaustive list):

- the number of times and/or the time of day a complainant may make contact
- the employees and Council Members the complainant may have contact with
- the subject matter that council will consider and respond to
- the form in which the contact may take place i.e., the complainant may be directed that he or she can only make contact in writing and not via telephone or in customer.

Complaints will not be investigated if they are considered trivial, frivolous, vexatious, malicious, or not made in good faith.

6.9 COMPLAINTS INVOLVING COUNCIL EMPLOYEES AND GIFTS AND BENEFITS

Where a customer alleges there has been a breach of the legislative Code of Conduct (Schedule 2A of the *Local Government (General) Regulations 2013*) because:

- 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 customer or to influence the employee in the performance or discharge of the employee's 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.

the complaint must be referred to the Manager People and Culture or the Director Corporate to be managed in accordance with the Code of Conduct for Employees. Where it is a complaint against the CEO, a complaint must be given to the Mayor, except in circumstances where it would be inappropriate to do so (i.e., where legislation requires the matter to remain confidential).

These complaints will be investigated and resolved according to industrial instruments and human resource procedures of the council.

6.10 ALTERNATIVE DISPUTE RESOLUTION METHODS

If a review of a request for service or complaint has been completed and the customer is not satisfied with the outcome, the customer may ask for either mediation, neutral evaluation, or conciliation to reach an agreed outcome.

The process for mediation, neutral evaluation or conciliation will be in accordance with that described in Section 271 of the *Local Government Act 1999*. Costs of mediation, neutral evaluation and conciliation will be shared equally by the council and the applicant.

6.11 PUBLIC INTEREST DISCLOSURE INFORMATION (PREVIOUSLY WHISTLEBLOWER LEGISLATION)

Consideration must be given as to if any information falls within the *Public Interest Disclosure Act 2018* (PID Act). Public interest information may be 'environmental and health information' or 'public administration information'. Refer to council's Public Interest Disclosure Guideline. Protections are in place for disclosure of such information.

6.12 AUSTRALIAN HUMAN RIGHTS COMMISSION

Customers should note that the Australian Human Rights Commission is the priority agency to investigate and conciliate any discrimination complaints. The complaints process is free, confidential and detailed on

the Commissions webpage - <https://humanrights.gov.au/> .

6.13 REMEDIES

Where feedback including 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 customer. The solution chosen will be proportionate and appropriate to the circumstances.

Sometimes, it may only be possible to offer an apology or include a change in a decision, a policy, procedure, or practice.

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

6.14 IMPROVEMENT OPPORTUNITIES

We acknowledge that learning from feedback and complaints is an effective method of improving council processes and procedures for service improvement ('lessons learnt'). To assist in this process all complaints are recorded in council's records management system.

Council will develop systems in place for analysing and reporting on outcomes of complaints and their remedies and applying the information to improve customer service. Part of the remedy may be that changes are needed to: policies, procedures, or systems; additional staff training is required; or all of these, to ensure the issue is not repeated.

6.15 PRIVACY AND CONFIDENTIALITY

Generally, a customer's identity relating to feedback including complaints will be provided to those involved in such area of work. Complaints generally will only be made known to those involved in the process of investigating and resolving the matter including senior officers. However, council may be required to disclose details due to:

- a review of a Council decision (*s270*) being considered by the Council in a public meeting
- complying with legislative requirements
- documents requested under the *Freedom of Information Act 1991*
- Ombudsman SA determinations being made public.

7. Further Information

This policy is available for inspection, during business hours at: City of Onkaparinga, Ramsay Place, NOARLUNGA CENTRE SA 5168 or can be downloaded or printing from our website www.onkaparingacity.com

This policy is available for downloading or printing from our website www.onkaparingacity.com.au.

8. Relevant legislation and references

Local Government Act 1999

Local Government (General) Regulations 2013

LGA Model Complaints Policy

LGA Model Internal Review of a Council Decision Procedure

Australian Standard AS ISO10002-2018 Customer satisfaction – Guidelines for complaints handling in organizations.

Complaint Management Framework Ombudsman SA, March 2016

Managing Unreasonable Complainant Conduct 2nd Edition, NSW Ombudsman, May 12

Public Interest Disclosure Act 2018