

CUSTOMER COMPLAINTS POLICY

Policy Type	Council
Responsible Department	Community & Organisational Development
Responsible Officer	Manager Community Connections
Related Policies and Procedures	<ul style="list-style-type: none"> • Procedure for Internal Review of a Council Decision • Public Interest Disclosure Procedure • City of Unley Customer Service Charter • Customer Complaint Procedure • Unreasonable Customer Conduct Procedure • CCTV, Vehicle Cameras and GPS Tracking Policy • Employee Code of Conduct • Volunteer Management Policy
Community Plan Link	4. Civic Leadership 4.1 We have strong leadership and governance
Date Originally Adopted	28 May 2018
Last Review Date	22 July 2024
Next Review Date	June 2027
ECM Document No.	9004641

1. PREAMBLE

- 1.1. The City of Unley is committed to providing an effective customer complaints management process that reflects the needs, expectations and rights of its customers.
- 1.2. This is facilitated by a culture within Council that recognises the customer's right to provide feedback and provides for these issues to be addressed in an efficient, fair and timely manner.

2. SCOPE

- 2.1. It applies to all areas of Council and is applicable to all Employees and Volunteers.
- 2.2. The following is outside the scope of the Customer Complaint Policy:
 - Behavioural Management Policy – Council Members, which includes the Behavioural Standards for Council Members established by the Minister for Local Government and published as a notice in the South Australian Government Gazette. (OPI);
 - Requests for information (refer to *Freedom of Information Statement*);

- Employee or Volunteer grievances;
 - Requests for a service. These may vary but are likely to relate to:
 - requests for approval
 - routine enquiries about the organisation's business
 - requests for the provision of information, services or assistance, including those which
 - may or may not include comments made about the quality or nature of Council services as part of that request;
 - seek an additional or higher level of service than endorsed or funded by Council; or
 - are services or assistance provided by an alternative tier of government or organisation.
 - reports of failure to comply with laws regulated by the organisation
 - requests for explanation of policies, procedures and decisions
 - Opinions and comments of interest made directly or indirectly, explicitly or implicitly about Council's products, services, facilities and Employees and Volunteers.
- 2.3. Where there is a reasonable suspicion that the complaint involves corruption in public administration, serious or systemic misconduct in public administration, or serious or systemic maladministration then the matter **must** be reported to the Office of Public Integrity (OPI), the Ombudsman (Ombudsman SA) or the Independent Commission Against Corruption (ICAC). These types of complaints do not fall within the scope of this policy. For reference:
- 2.3.1. **OPI** receives complaints and reports about corruption, misconduct and maladministration in South Australia's public administration (including councils) and SAPOL.
- 2.3.2. **Ombudsman SA** investigates complaints about misconduct and maladministration about councils, council members and their employees. Such complaints can be made by the public or by council employees
- 2.3.3. **ICAC** can investigate the conduct of corruption of council employees, council members and persons providing contractual services to a council.

3. PURPOSE/OBJECTIVES

- 3.1. The primary objective of the Policy is to satisfy the mandatory requirements of Section 270 (a1)(a2) of the *Local Government Act 1999* (Act).
- 3.1. This Policy is intended to ensure that Council responds to customer complaints fairly, efficiently and effectively.
- 3.2. Council's complaints resolution framework is intended to:
- Proactively demonstrate Council values and culture through enabling Council's Community Focus value;
 - Enable Council to respond to customer complaints in a timely and cost-effective way;
 - Boost public confidence in Council's administrative processes; and
 - Provide information that can be used by Council to deliver quality improvements in its products, services, systems and complaint handling thus reducing complaints about similar issues.
- 3.3. The core principles of the complaint resolution framework are:

- 3.3.1. **People focus:** Council is open to complaints from members of the public about Council's decisions, products, services, facilities, Employees and Volunteers, or the resolution of a complaint.
- 3.3.2. **Transparency:** Council publicises how and where complaints may be made, and will make the process of complaint resolution and investigation easy for complainants to access and understand, whilst being flexible in how complaints may be made to or about Council.
- 3.3.3. **Responsiveness:** Complaints are acknowledged promptly and addressed according to urgency. The complainant is kept informed throughout the process. Council is genuine in its communication and follows through on its promises. Council's primary focus is resolution.
- 3.3.4. **Fairness:** To ensure the complaint handling process is fair and reasonable complaints are dealt with in an equitable, objective and unbiased manner. Council will take every reasonable step to ensure that people making complaints are not adversely affected because a complaint is made by them or on their behalf.
- 3.3.5. **Support:** Council supports and assists customers who need help to make a complaint. There are opportunities for internal and external review and/or appeal about the organisation's response to the complaint, and complainants are informed about these avenues.
- 3.3.6. **Confidentiality:** Personal information related to complaints is kept confidential. Where appropriate the confidentiality of information related to a complaint will be respected. Complaints about Employees or Volunteers will be kept confidential during the investigation process.
- 3.3.7. **Accountability:** Accountabilities for complaint handling are clearly established, and complaints and responses are monitored and regularly reported to management. Council Officers have appropriate authority and guidance to resolve issues that commonly arise in the resolution of complaints. Council provides appropriate training, support and resources to Council Officers who are responding to complaints.
- 3.3.8. **Continuous Improvement:** Complaints represent an opportunity for improvement in Council's internal procedures and processes, and support ongoing customer satisfaction monitoring such as annual surveying, interviews, forums, program evaluation forms, etc.

4. DEFINITIONS

<u>Term</u>	<u>Definition</u>
Comments	means positive or negative, verbal or written opinions or reactions (a view or judgement formed which is not based on fact or knowledge) about Council's products, services, facilities or Employees or Volunteers for which the person is not seeking a response or action from Council.
Complaint	is an expression of dissatisfaction made to or about Council's decisions, products, services, facilities, Employees or Volunteers, or the handling of a complaint.
Complaint framework	comprises all policies, procedures, practices, hardware and software used by Council in the resolution of complaints.
Business Day	means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).

CEO	is the Chief Executive Officer of the Corporation of the City of Unley, or their delegate.
Council	means the Corporation of the City of Unley.
Dispute	is an unresolved complaint escalated either within or outside of Council.
Employee	includes a person employed directly by Council in a full-time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.
Feedback	is customer participation in formal Council consultation processes (formal feedback opportunities through various public consultation channels such a focus groups, surveys, Your Say Unley, etc) or informally received in person or in writing in the ordinary course of Council's business and for which there is no expectation of investigation or response.
Policy	means a statement or set of principles that guides decisions and the achievement of Council's vision, themes, and goals.
Procedure	is a statement or instruction that sets out how Council policies will be implemented and by whom.
Resolution	is the completion of the complaint process within the agreed time frame, inclusive of receipt, investigation, consideration and determination of a complaint which may or may not involve agreement of all the parties.
Request for Service	means the seeking of service, approval, information, action or assistance in line with Council's service offering.
A Vexatious Complaint	is any request: <ul style="list-style-type: none"> (i) from a complainant who has consistently, over a period of time, complained about minor or trivial matters; (ii) that has previously been dealt with, and no new information has been provided by the complainant; (iii) where the complainant, or the person on whose behalf the complaint was made, does not have a sufficient personal interest in the matter raised in the complaint; or (iv) that is frivolous or not made in good faith; and (v) considered by the CEO having regard to all the circumstances of the request, that an investigation or the continuance of the investigation of the matter raised in the complaint, is unnecessary or unjustifiable
A Volunteer	is an individual who provides services of their own free will, without coercion and for no financial reward, that complement but do not replace the services provided by staff, and who are managed under Council's <i>Volunteer Management Policy</i> .

5. ROLES AND RESPONSIBILITIES

<u>Role</u>	<u>Responsibilities</u>
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Elected Members	<ul style="list-style-type: none"> Responsible for the approval and adoption of this Policy Must comply with the requirements of this Policy
Chief Executive Officer (CEO)	<ul style="list-style-type: none"> Accountable for the management of, and response to, customer interactions dealing with serious matters or where the customer has not been satisfied with Council's response.
Executive Management Team (EMT)	<ul style="list-style-type: none"> Responsible for resolving customer interactions relevant to their divisions and where cross-division resolutions are required.
Management Team	<ul style="list-style-type: none"> Responsible for resolving customer interactions relevant to their business unit and for ensuring that Employees deal with feedback received in accordance with this Policy. Responsible for providing training, coaching and support to staff in the handling of complaints.
Team Leaders and/ or Coordinators	<ul style="list-style-type: none"> Responsible for investigating and, if within the scope of their role, resolving customer interactions relevant to their service or team in accordance with this Policy. Responsible for providing training, coaching and support to staff in the handling of complaints.
All Employees	<ul style="list-style-type: none"> Accountable for dealing with initial customer interactions relevant to their responsibilities and for the application of this Policy.
Volunteers	<ul style="list-style-type: none"> Accountable for dealing with customer interactions relevant to their responsibilities, in accordance with the <i>Volunteer Management Policy</i>.

6. STATEMENT

6.1. Lodgement of Complaints

- 6.1.1. Council provides and promotes multiple channels for lodging complaints.
- 6.1.2. Complainants can contact Council via mail, email, complaint or feedback forms, in person, phone, or Council's website.
- 6.1.3. Complainants also have the opportunity to contact their local Ward Councillors when a complaint or request for service was lodged and the complainant did not receive a response within ten (10) working days.
- 6.1.4. The lodging of a complaint will not automatically suspend or put on hold the matter that is the subject of the complaint.

6.2. Relevant Contact Details

6.2.1. The relevant contact details for making a complaint are:

Address City of Unley
PO Box 1
UNLEY SA 5061
OR
Civic Centre
181 Unley Road
UNLEY SA 5061

Phone: 08 8372 5111

Email pobox1@unley.sa.gov.au

6.3. Facilitating Complaints

- 6.3.1. Council is committed to receiving complaints in good faith.
- 6.3.2. Where a complaint involves multiple areas within Council, responsibility for communicating with the complainant and/or their representative will be coordinated and the Complainant advised accordingly.
- 6.3.3. Council will accept complaints relating to the decisions and actions of officers as well as the decisions and actions of providers delivering service on behalf of Council.
- 6.3.4. Where a complaint made directly to Council involves external service providers, the complainant will, where appropriate, be referred to the relevant provider.
- 6.3.5. People making complaints will be:
- provided with information about Council's complaint resolution process;
 - provided with multiple and accessible ways to make complaints;
 - listened to, treated with respect by Council Officers and actively involved in the complaint resolution process, where possible and appropriate; and
 - provided with reasons for Council's decision/s and any options for redress or review.
- 6.3.6. Council will not investigate or action anonymous complaints. If a complainant is concerned about disclosing their identity, they may request that their identity be kept confidential. Where relevant, a person making a disclosure of public interest information may activate protections under the *Public Interest Disclosure Act 2018*, and in accordance with Council's *Public Interest Disclosure Procedure*.

6.4. Response to Complaints

- 6.4.1. Receipt of a complaint will be acknowledged within the timeframes set out in Council's Customer Service Standards, and a response will be provided within a **ten (10)** business day timeframe.
- 6.4.2. In some circumstances the complaint process may take longer due to the nature and complexity of the complaint, and a Council Officer will contact the complainant to advise of the circumstances, and revised timeframe for receiving the response.
- 6.4.3. The complaint will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised.

- 6.4.4. Throughout the process, people's expectations will be managed, and a Council Officer will inform them of the following:
- the complaints process;
 - the expected time frames for Council's actions;
 - the progress of the complaint and reasons for any delay;
 - their likely involvement in the process, and
 - the possible or likely outcome of their complaint.
- 6.4.5. Complainants will be advised when Council is not the relevant authority to deal with any part of their complaint, and provided advice about where such issues and/or complaints may be directed (if known and appropriate) e.g. Ombudsman, State Government, Australian Government Aged Care Complaints Commissioner, etc. Some legislation (Act, Regulation, Rule by By-Law) specifically makes provision for an appeal, or an internal or external review of a decision.
- 6.4.6. Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, legislative requirements and any relevant confidentiality obligations.
- 6.4.7. Council will also make an assessment as to whether there has been a disclosure of public interest information, whether identity protection should be afforded and whether to protect the complainant's identity before the substance of the complaint is addressed in accordance with the *Public Interest Disclosure Act 2018*.
- 6.4.8. If the complaint is assessed by the Chief Executive Officer to be a Vexatious Complaint, the complainant will be informed of that decision, and of the reasons why Council has declined to take any further action.
- 6.4.9. If a complainant persists or acts unreasonably in their contact with Council, their behaviour may be dealt with under the *Unreasonable Customer Conduct Procedure*.
- 6.5. Complaint Resolution & Internal Review of a Council Decision**
- 6.5.1. Council is committed to resolve complaints and will undertake investigations and research where required to ensure appropriate complaint resolution.
- 6.5.2. Where possible, Council will endeavour to resolve complaints at first contact. Council Officers will be empowered to resolve complaints promptly and with as little formality as possible. Flexible approaches to problem solving have been adopted to enhance accessibility for people, and/or their representative, in making complaints.
- 6.5.3. Complaints regarding regulatory investigations or expiations must follow the formal process, in accordance with the relevant statutory requirements.
- 6.5.4. Where a complaint involves the conduct of a Council Officer and may be a breach of the Employee Code of Conduct the counselling and disciplinary process of that policy will be applied.
- 6.5.5. The Council Officer handling the complaint will be different to the Employee or Volunteer, whose service or conduct is being complained about.
- 6.5.6. Each complaint will be assessed on its merits and the people making the complaint and/or their representative will be involved in the process as far as possible.
- 6.5.7. Statutory requirements and processes will be met as required.

- 6.5.8. Complainants will be advised of the outcome of the complaint, action taken and the reasons for the decision, to the extent that this:
- 6.5.8.1. does not unreasonably affect the privacy or entitlement to confidentiality of any other party or parties involved;
 - 6.5.8.2. is not information pertaining to the outcomes of staff counselling or disciplinary action; or
 - 6.5.8.3. prejudices any future investigation or action which Council or any other legal authority intends to undertake.
- 6.5.9. In the event the complainant is not satisfied or does not agree with the outcome or decision, it is still considered a resolution. If the complainant is not satisfied with the outcome or decision, they will be advised of any options for review that may be available to them, such as:
- a Second Tier Review, conducted by the Council Officer immediately senior to the original decision making Officer;
 - an Internal Review of a Council Decision pursuant to Section 270 of the Act;
 - an external review; or
 - an external appeal.
- 6.5.10. A Second Tier Review will assess the validity of the complaint and make a determination to:
- (i) affirm the original decision or action;
 - (ii) vary the original decision or action; or
 - (iii) make a new decision or action.
- 6.5.11. A Section 270 Internal Review of a Council Decision is dealt with in accordance with Council's *Internal Review of Decision Procedure*. It will examine the process by which the original decision was made, not the decision itself. The review may or may not result in the disputed decision being reconsidered and overturned. The internal review process will aim for procedural fairness to ensure that all parties have the opportunity to express their point of view in relation to the decision under review, provide relevant information and respond to issues raised.

6.6. Corporate Reporting

- 6.6.1. Reports on Council's complaint resolution will be published as part of the City of Unley's Corporate Quarterly Report available on www.unley.sa.gov.au.

7. DELEGATIONS

Full information about the sub-delegated powers and duties is contained in the Council Delegations Register.

8. LEGISLATION

- 8.1. This is a mandatory policy as required under section 270 of the *Local Government Act 1999*, which requires Council to have policies, procedures and practices for dealing with:
- (a1)(a) *Any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council; and*
 - (a1)(b) *Complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council*
 - (a2) *The policies, practices and procedures required under subsection (a1) must be directed towards to*

- (a) *dealing with the relevant requests or complaints in a timely, effective and fair way; and*
- (b) *using information gained from the council's community to improve its services and operations.*

9. AVAILABILITY OF POLICY

9.1. The Policy is available for public inspection during normal office hours at:

The Civic Centre,
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council's website www.unley.sa.gov.au.

10. DOCUMENT HISTORY

Date	Version No.	Comment
28 May 2018	Version 1	C1171/18
25 November 2019	Version 2	C0132/19
22 July 2024	Version 3	C1335/24