

POLICY		Responsible Department	Governance
		Original Adoption Date	30.05.2018
		Current Adoption Date	31.08.2022
		Date of Review	01.07.2025

COMPLAINTS POLICY	
Latest Review Changes	<p>Minor formatting and editorial changes,</p> <p>Addition of the following legislation:</p> <ul style="list-style-type: none"> - <i>Children and Young People (Safety) Act 2017</i> - <i>Disability Services Act 1993</i> - <i>Independent Commissioner Against Corruption Act 2012</i> - <i>Ombudsman Act 1972</i> - <i>Planning & Development Act 2016</i> - <i>Public Interest Disclosure Act 2018</i> - Schedule 2A Water Industry Act 2012, s.37 <p>Addition of the following related policies:</p> <ul style="list-style-type: none"> - Child and Young Person Safe Environment Policy and Code of Conduct - Complaints Handling Procedure - Public Interest Disclosure Policy <p>Removal of reference to the '<i>Whistleblowers Protection Policy</i>' as this was made obsolete by Council 31.07.2019</p>
Previous Council Reviews	30.05.18, 27.05.20

Applicable Legislation

<p><i>Children and Young People (Safety) Act 2017</i></p> <p><i>Disability Services Act 1993</i></p> <p><i>Independent Commissioner Against Corruption Act 2012</i></p> <p><i>Local Government Act 1999 s 270</i></p> <p><i>Local Government (General) (Employee Code of Conduct) Variations 2018</i></p> <p><i>Ombudsman Act 1972</i></p> <p><i>Planning & Development Act 2016</i></p> <p><i>Public Interest Disclosure Act 2018</i></p> <p>Schedule 2A Water Industry Act 2012, s.37</p>

Related Policies

<p>Child and Young Person Safe Environment Policy and Code of Conduct</p> <p>Complaints Handling Procedure</p> <p>Customer Service Policy</p> <p>Fraud and Corruption Prevention Policy</p> <p>Internal Review of Council Decision Policy</p> <p>Public Interest Disclosure Policy</p>
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Related Procedures

Customer Enquiry, Feedback and Dispute Resolution Procedure (2015)
Requests for Service

Reference Documents

LGA Model Complaints Policy (2018)

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COMPLAINTS REGARDING PRODUCT AND SERVICE DELIVERY OF COUNCIL

1. INTRODUCTION

Local Government provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation.

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 procedure is broadly consistent with the Australian Standard for complaint handling.

2. PRINCIPLES UNDERLYING THE POLICY

This policy is based on five principles, which will be fundamental in 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
- **Integration of different areas of Council** where the complaint overlaps functional responsibilities.

3. DEFINITIONS

For the purposes of this policy the following definitions apply;

Complaint	<p>Refers to 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.</p> <p>Council also receives service requests and feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this policy.</p> <p>Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbors, will not be handled under this policy.</p> <p>(A Request for Service is an application to have Council, or its representative take some form of action to provide a Council service)</p>
Council	refers to the Municipal Council of Roxby Downs
Employee	includes 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 (including volunteers) even though they may be employed by another party.

Feedback	<p>Refers to a 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.</p> <p>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.</p>
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4. COUNCIL'S COMMITMENT TO COMPLAINT HANDLING

Council considers 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.

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.

5. UNREASONABLE COMPLAINANT CONDUCT

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. 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 or that delegate and communicated in writing to the complainant.

6. 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 and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

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

7. 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.

COMPLAINTS REGARDING CODE OF CONDUCT FOR COUNCIL EMPLOYEES

8. COMPLAINT PROCEDURE

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 Chief Executive 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 Chief Executive. In the case of a complaint against the Chief Executive, a complaint must be given to the Administrator, 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.

9. REVIEW

This Policy will be reviewed and evaluated no less than once every 3 (three) years.

10. AVAILABILITY

This Policy is available for inspection at the Council Office, 6 Richardson Place during ordinary business hours and is also available from Council's website <https://www.roxbydowns.sa.gov.au/council/about-roxby-council/policies>