

COMPLIMENTS AND COMPLAINTS HANDLING POLICY



1. PURPOSE

- 1.1 This corporate policy provides guidelines for how the Mount Barker District Council will handle complaints and compliments and how this enables the continuous improvement of Council services.
- 1.2 Local Government provides an extensive range of services and infrastructure to communities and does so within the obligations of many pieces of legislation and through our own policies and strategies.
- 1.3 The Compliments and Complaints Handling Policy provides principles and guidance to:
 - a. simplify the way in which our customers can provide their positive feedback or compliments relating to our services
 - b. ensure a fair, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service; and
 - c. embed a continuous improvement approach to customer satisfaction and customer understanding by creating a Council that is open to feedback (both compliments and complaints) and sees all feedback as an opportunity to improve practices and procedures.
- 1.4 This corporate policy is to be read in conjunction with other related Council and Corporate policies, and informs the distinction between a Request for Service, a Complaint, providing Feedback including Compliments, and a formal request for a Review of a Council Decision (section 270 Request).

2. CORPORATE COMMITMENT

- 2.1 The Corporate Governance Group and employees are committed to the provision of quality service to our customers. We aim to provide services fairly and efficiently.
- 2.2 This corporate policy is based on the following principles, which are the foundation for the way that we approach the management of compliments and complaints.

- 2.3 Our principles include that:
- a. we welcome compliments and complaints as an important form of **accountability** that will ultimately drive the continuous improvement of services
 - b. we will act with **integrity and fairness** and will continue to strive to maintain the highest standards in our dealings with our customers while meeting the needs of our community as a whole.
 - c. we recognise the importance of **transparency** in decision making and the need to provide a fair and objective procedure for resolution of all complaints.
 - d. we believe that customers have a right to expect that principles of **efficiency, effectiveness, impartiality** and **responsiveness** to underpin our service delivery
 - e. we believe that proactive and appropriate **communication and engagement** is at the heart of all that we do.

3. SCOPE

3.1 Application of this Corporate Policy

- 3.1.1 This Corporate Policy is applicable to all Mount Barker District Council employees.
- 3.1.2 This corporate Policy is applicable to compliments and complaints regarding the product, project, program and service delivery of Council.
- 3.1.3 It is acknowledged that any legislative requirement which affects Council or individual employees of Council will take precedence over Council's policies and procedures.
- 3.1.4 We provide several avenues for residents and customers to lodge your compliment, concern, matter or issue raised with Council for review, or to have your concerns heard.
- 3.1.5 Any person may lodge a compliment or complaint with the Council.
- 3.1.6 We request that you contact us first prior to lodging a complaint to provide us with the opportunity to rectify your concern informally in the first instance.
- 3.1.7 We request that you contact the Council administration prior to contacting a Councillor to lodge a complaint to provide us with the opportunity to rectify your concern informally in the first instance.
- 3.1.8 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.

- 3.1.9 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.
- 3.1.10 Feedback which does not constitute a Complaint may not be acknowledged, however the feedback will be directed to the appropriate functional area, but in most cases a formal review will not occur.
- 3.1.11 Where Council has failed to meet the normal standards for a service which has been, or should have been delivered the Compliments and Complaints Handling Policy and the associated procedures apply.

3.2 Choosing the right pathway for your complaint

- 3.2.1 There are several mechanisms that we provide so that we can resolve your complaint in the most efficient and effective manner and via the most appropriate person or agency.
- 3.2.2 Our governance staff can assist members of our community to determine which of the options is the most appropriate option in their circumstances.
- 3.2.3 To assist our customers, the following alternate pathways are available to you if your matter:
- a. is a compliment – you can provide your positive feedback to us via the telephone, email, via our website or by letter.
 - b. is not within Council’s statutory responsibilities such as neighbourhood grievances or civil disputes – these should be taken up privately and may be assisted by legal representation at your own cost.
 - c. is a complaint about the actions or behaviours of one or more of the Elected Representatives of Council – for the process please see the **Code of Conduct - Council Members** available on Council’s website:
<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>
 - d. is a complaint about the actions or behaviours of one or more of Council’s employees – please see our **Employee Conduct Complaint Resolution Procedure** available on Council’s website
<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>
or lodge your complaint in writing to the Council’s Chief Executive Officer by emailing council@mountbarker.sa.gov.au and placing the words Employee Conduct Complaint in the subject line of your email or letter
 - e. if your complaint is about the behaviour or conduct of the Council’s Chief Executive Officer, please lodge your complaint in writing by letter or by emailing council@mountbarker.sa.gov.au and placing the words confidential for the attention of the Mayor, and address your complaint to the Mayor.
 - f. is a matter that you have a reasonable belief relates to corruption, misconduct or maladministration – please visit Office for Public Integrity’s website www.opi.sa.gov.au and make a report via their online form.

- g. is a request for a formal internal review of a Council decision – please see our **Section 270 Internal Review of Council Decision Policy** available on Council's website:
<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>
 - h. relates to a request for infrastructure maintenance or repair - please see our **Request for Service Policy** available on Council's website:
<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>
or lodge a Request for Service with us to council@mountbarker.sa.gov.au or by using the online form accessible via the Contact Us section of our website. <https://www.mountbarker.sa.gov.au/council/contact-us>
 - i. a request to review a decision or a dispute about an insurance claim against the Council will be referred to the **Local Government Mutual Liability Scheme** for final determination. Please provide details of such a request in writing to council@mountbarker.sa.gov.au
 - j. Objections to property valuations should be referred to the **Valuer-General's office** <https://www.agd.sa.gov.au/planning-land-use/office-valuer-general>
 - k. is relating to a request for **Internal Review of a Freedom of Information determination**, please place this in writing and clearly marked FOI Internal Review and addressed to the Council's Chief Executive Officer – refer <https://www.mountbarker.sa.gov.au/council/contact-us/freedomofinformation>
 - l. Is relating to an **External Review request of a Freedom of Information determination**, these should be made to the South Australian Ombudsman – refer <https://www.ombudsman.sa.gov.au/freedom-of-information>
 - m. Decisions made under legislation other than the *Local Government Act*, such as the *Development Act 1993* or *Expiation of Offences Act 1996* may have their own appeals processes defined by that legislation.
 - n. Matters relating to **competitive neutrality** should be referred to the Australian Competition and Consumer Commission (ACCC). Refer <https://www.accc.gov.au/>
- 3.2.4 We will not investigate a complaint where it involves a matter that is currently being managed or investigated by another agency such as a court, Tribunal, South Australian Police, a Minister of the Crown, a South Australian government department, a Federal government department, the South Australian Ombudsman or the Office of Public Integrity unless directed to do so by the relevant agency.
- 3.2.5 In some instances, it may be appropriate to consider mediation or some other form of alternate dispute resolution, this alternate pathway will be at the discretion of the Chief Executive Officer or his delegate. Where this alternate is offered to you, any person directly involved in mediation will need to agree to this option.

- 3.2.6 There are also other complaint procedures which apply to specific types of complaints. If the complaint would be more properly dealt with by another process this will be explained to the complainant at the earliest opportunity.
- 3.2.7 These alternate pathways do not negate or in any way intend to remove a person's right to make a complaint directly to:
- a. The South Australian Ombudsman at www.ombudsman.sa.gov.au
 - b. Office for Public Integrity at www.opi.sa.gov.au

3.3 Complaints not within Council's Statutory Responsibilities

- 3.3.1 Complaints which are determined to be about matters that are not within Council statutory responsibilities, such as civil disputes between neighbours, will not be handled under this Policy and the complainant may be referred to a more appropriate agency. The complainant will be notified in writing of Council's decision in the matter.

4. DEFINITIONS

Act means the *Local Government Act 1999*

Business Day means a day when the Council is normally open for business, i.e. Monday to Friday 8.30am to 5.00pm, excluding public holidays.

CEO means the CEO of the Mount Barker District Council (including their delegate)

Council refers to Mount Barker District Council

Complaint shall mean an expression of dissatisfaction with a service which has, or should have, been received. Our Compliments and Complaints Handling Policy states that a complaint is defined as:

- a. 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.
- b. the lack of action on a request for service
- c. delays in the provision of a service
- d. the quality of the services provided or works carried out.

Where Council has failed to meet the normal standards for a service which has been, or should have been delivered the Compliments and Complaints Handling Policy and the associated procedures apply.

Where ambiguity exists, Council will deal with a matter as a request for service, rather than a complaint, in the first instance.

Compliment means a positive expression of acknowledgement of a council service, project or program.

CM (Content Manager) is our Electronic Document Records Management System.

Contractors are a company or person(s) engaged by Council to provide assets, goods, works or services.

Councillor/Council Member means Elected Member

CRM (Customer Request Management) is our management system for Customer Requests for Service **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 even though they may be employed by another party. Includes any person engaged by Council under an a volunteers or work experience persons.

Elected Member means an elected member of the Council.

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 also be taken into account and used to influence future service reviews and delivery methods

Request for Service shall mean an application to have Council or its representative take some form of action to provide or improve a Council service, and includes information provision. Council also receives compliments, complaints and feedback across all areas of operations and clarification may be necessary to make the distinction for the purposes of this corporate policy. Refer 'Request for Service Policy.'

<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>

Review of a Council Decision is a structured formal process under section 270 of the Act for any party dissatisfied with an actual decision which has been made by Council or its agents. Refer 'Internal Review of a Council Decision Policy.'

<https://www.mountbarker.sa.gov.au/council/governance/policiesandby-laws>

Volunteers and Work Experience Persons are individuals assisting Council in clearly defined, approved activities and who operate under Council supervision and direction

5. ROLES & RESPONSIBILITIES

Our **Council** is committed to creating an environment where feedback in all forms, including compliments and complaints, is seen as an opportunity to enhance our programs, services and projects and assist us with our continuous improvement.

Our **Chief Executive Officer** will:

- a. provide mechanisms for compliments and complaints to be lodged
- b. ensure there are systems available to capture compliments and complaints
- c. lead a culture that welcomes both compliments and complaints as a way of improving its services and programs as well as providing an opportunity make amendments to our future service provision where appropriate
- d. ensure adequate policies, procedures and systems are in place to implement and routinely review administrative directions consistent with this Policy
- e. ensure that the resourcing of the management of compliments and complaints is appropriate.

Our **General Managers** will model a culture that welcomes both compliments and complaints as a way of improving its services and programs and takes views this as an opportunity to assess the Council's programs, services and projects for continuous improvement, amendment to service levels or other appropriate strategic amendment.

Our **Risk and Governance Officer** will:

- a. ensure that systems are in place in order to appropriately deal with compliments and complaints, their triaging and management through to resolution and communication back to the applicant.
- b. amend this policy with any legislative updates, formatting or other minor changes to the Policy without materially changing the approved intent of the Policy
- c. work with complainants to assist them to determine which pathway is the most appropriate option to take in relation to their circumstances or concerns

Our **Employees, Contractors, Volunteers and Work Experience Persons** will:

- a. contribute to a culture that welcomes feedback of all forms, including complaints as a way of improving its services and programs.
- b. understand the policies that address complaints and the review of decisions.
- c. refer complainants to the appropriate person for assistance and management of their complaint
- d. ensure that requests are implemented within the stated timeframes
- e. ensure that request are captured as part of Council's records management systems.

6. CORPORATE POLICY STATEMENT

6.1 Our Commitment

- 6.1.1 We commit to handle complaints about a council action, decision or service objectively and efficiently.
- 6.1.2 We are committed to the provision of a customer focussed organisation and we regard complaints as an opportunity to improve practices and procedures as well as resolve to the best of our ability, the inherent matter.
- 6.1.3 We acknowledge and accept complaints as a way of improving our services and programs as well as providing an opportunity for continuous improvement.
- 6.1.4 This policy provides principles and guidance to inform an objective, consistent and structured process for Council's customers if they are dissatisfied with a Council action, decision or service.

- 6.1.5 We will take the lessons learnt from complaint investigations to inform service improvements, including viewing data about complaints in a strategic way by the use of trending and other data analysis.
- 6.1.6 We will place an emphasis on resolving complaints as efficiently as possible. However, where complaints cannot be settled in the first instance we will ensure that they are dealt with through appropriate, more formal procedures by the most appropriate person (which may be a staff member or external independent person engaged by the Council) with the authority to make decisions.
- 6.1.7 We will keep complainants informed of the progress of their complaint at regular intervals.
- 6.1.8 We will keep complaints confidential and only those staff who are responsible for the management of complaints will be aware of the matter. We will inform you if we require to consult or engage with other employees or external parties to appropriately deal with your matter.

6.2 Council's Approach to Managing Your Complaint

- 6.2.1 All complaints must be in writing and should be addressed to the Chief Executive Officer.
- 6.2.2 A person can make their compliment or complaint in writing in a number of ways:
 - a. complete the online form on Council's website – contact council <https://www.mountbarker.sa.gov.au/council/contact-us>
 - b. email to council@mountbarker.sa.gov.au
 - c. letter
 - d. visit a Council customer service office
- 6.2.3 In instances where you are unable to provide us your complaint in writing, we will accept a complaint via the telephone or in person at our Customer Service Centre.
- 6.2.4 If your complaint is taken over the telephone or in person, we will provide you with a written copy of what we heard to ensure that we have taken down the details correctly. We will not take any action until you have confirmed in writing the details of your complaint with us.
- 6.2.5 We will not accept complaints via social media platforms. Depending on the seriousness and complexity of social media commentary, the author may be contacted by Council administration and requested to provide further information in a defined form as per 6.2.2 above. Further details on how we interact with social media platforms is included in our Social Media Corporate Policy and Procedures.

- 6.2.6 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, and may include reporting to CGG, Council and the Community.
- 6.2.7 Complainants should be aware that all documents captured in Council's records management systems are subject to disclosure through the *Freedom of Information Act 1991*.
- 6.2.8 We will advise complainants of the likely timeframe required to investigate and resolve a complaint and regularly provide updates to you where necessary.

6.3 Timeframes for Response

- 6.3.1 Where a complaint cannot be resolved immediately by the local functional work area the complainant will be advised of the process to be undertaken.
- 6.3.2 Council will acknowledge receipt of written complaints within five (5) business days, and, where possible, resolving it at that time. If a resolution is not possible at that time, the complainant will be kept informed regularly of progress, either by email, letter or telephone contact.
- 6.3.3 In all cases, we aim to resolve your complaint within thirty (30) business days from receipt of the complaint in writing.

6.4 Procedures for Resolving Complaints

- 6.4.1 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.
- 6.4.2 We are committed to a fair, objective and unbiased approach to complaint management. Therefore, a Council employee must not manage a complaint of which they are the subject of that complaint.
- 6.4.3 Examples where escalation to a senior officer may be appropriate, include:
 - a. where an officer has been involved in the matter that is the subject of the complaint,
 - b. where the complaint is about an issue that requires a decision to be made at a more senior level,
 - c. where the complaint has been received by the person who is the subject of the complaint or
 - d. where there is a history of matters between the subject employee/service provision and the complainant
 - e. where the staff member has a close association with the subject matter of the complaint
 - f. where a complaint concerns a matter that ranges across more than one Council functional work area

- g. where the council officer has assessed that the risk to Council's reputation, resources or operations is such that it warrants a senior officer involvement.

6.5 Immediate Response to Resolve the Complaint (Level 1 Complaint)

- 6.5.1 All staff are empowered to handle complaints in the first instance or designated to escalate the complaint within their own functional work area. It is preferable that complaints are dealt with promptly at the initial point of contact and at the appropriate officer level. The Council employee will make a record of the complaint and any actions taken to resolve the complaint and lodge this into the Council's records management system within the designated location.

6.6 Complaint escalated to a more senior office (Level 2 Complaint)

- 6.6.1 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 more senior level. The Chief Executive Officer will designate who these senior officers are for the purposes of this policy. A senior officer will be a member of the Leadership Group.

6.7 Internal review of a Council decision by formal statutory process (Level 3 complaint)

- 6.7.1 An Internal review of a Council decision is available under section 270 of the Act (Refer Council's Internal Review of a Council Decision Procedure.) This is a formal process. This is a process established by legislation that enables a Council to reconsider all the evidence it 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.
- 6.7.2 While we prefer 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.
- 6.7.3 Generally, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances. Refer Council's *Protocol – Ombudsman Enquiry Procedure* available on Council's website.

6.8 Using Complaints to Improve Service

- 6.8.1 Quality of service is an important measure of Council's effectiveness. Learning from complaints is a powerful way of helping us to develop the Council and increase trust among the people who use our services.

- 6.8.2 In addition to making changes to procedures and practices where appropriate, Council will review, evaluate, monitor and report the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service.
- 6.8.3 If considered appropriate by the Chief Executive Officer, complainants will be provided with an explanation of changes proposed or made because of the investigation of their complaint.

6.9 Privacy and Confidentiality and Document Controls

- 6.9.1 Complainants have a right to expect that their complaint will be investigated in private, to the appropriate 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 disclosed or made public by the Council, except where required by law.
- 6.9.2 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. You will be consulted with if a Freedom of Information application involves documents that are capturing matters of your personal affairs (as defined by the FOI Act).
- 6.9.3 Complaints that have arisen from or are managed via the *Public Interest Disclosure Act*, will be managed in accordance with the privacy and confidentiality provisions of that Act. For further information please see [link to PID Procedure][link to OPI website]. Or refer to Council's Public Interest Disclosure Act 2018 Procedure available on Council's website.

6.10 Remedies

- 6.10.1 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 complainants. The solution chosen will be proportionate and appropriate to the circumstances. Complainants will be notified in writing.
- 6.10.2 As a general principle the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.
- 6.10.3 Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the Chief Executive Officer or their delegate deems such a course of action is appropriate and the complainant is amenable to that process.

- 6.10.4 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.
- 6.10.5 Compensation will only be offered in cases where the loss or suffering is considered substantial. The Chief Executive Officer is the only representative authorised to offer financial compensation. The Chief Executive Officer may consult with the Local Government Association Mutual Liability Scheme or Council through a formal council resolution before taking any such action.

7. TRAINING / EDUCATION

We will ensure that designated employees are trained in contemporary complaints handling practices to manage complaints efficiently and effectively and are provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve. Training may be ongoing and include refresher training.

All employees during their induction will be made aware of the Compliments and Complaints Handling Policy.

8. REVIEW

To ensure Council continues to provide the best possible complaints handling service for its customers this Corporate Policy will be reviewed every three years; or earlier in the event of changes to legislation or related Policies and Procedures; or if deemed necessary by the Risk and Governance Officer of the Chief Executive Officer or their delegate.

9. ACCESS TO THE CORPORATE POLICY

The Corporate Policy is available to staff via the Policies section of the Intranet, and on Council's website under Policies and By-Laws.

10. FURTHER INFORMATION

For further information on this corporate Policy, please contact:

Title: Manager, Library and Customer Services

Address: PO Box 54, Mount Barker
South Australia, SA, 5251

Telephone: 08 8391 7200

Email: council@mountbarker.sa.gov.au

REFERENCE NUMBER	DOC/21/103917
PREVIOUS DOCUMENT NUMBER:	13/119549
RESPONSIBLE OFFICER/ DEPARTMENT:	Manager Library and Customer Services General Manager Community Services
APPLICABLE LEGISLATION:	Local Government Act 1999 (SA) Local Government (General Regulations) 2013– Schedule 2A Fair Work Act 1994 (SA) Work Health and Safety Act 2012 (SA) and Regulations Ombudsman Act 1972 (SA) Independent Commissioner Against Corruption Act 2012 Water Industry Act 2012 Public Interest Disclosure Act Freedom of Information Act
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Leadership and Good Governance Delivery Guideline 1 LGG Strategy 1.5 Demonstrate accountability through clear, relevant and easily accessible policies, corporate reporting and legislative compliance.
RELATED POLICIES / CORPORATE POLICIES:	<ul style="list-style-type: none"> • Request for Service Policy • Unreasonable Complainants Policy • Internal Review of a Council Decision Policy/Procedure • Fraud, Corruption, Misconduct and Maladministration Prevention Policy • Code of Conduct for Council Members • Employee Code of Conduct
SUPPORTING PROCEDURES:	<ul style="list-style-type: none"> • Compliments and Complaints Handling Procedure • Request for Service Procedure • Employee Conduct Complaint Resolution Procedure (external complaints only) • Licensed Water Retail Operations Enquiry, Complaint and Dispute Resolution Procedure • Public Interest Disclosure Act 2018 Procedure • Protocol – Ombudsman Enquiry Procedure • NSW Ombudsman – Managing unreasonable conduct by a complainant Guidelines 2021
PREVIOUS CORPORATE POLICY DATE:	20 August 2012
ENDORSED BY CORPORATE GOVERNANCE GROUP	25 August 2021
APPROVED BY CEO:	
NEXT REVIEW DATE:	25 February 2024

DOCUMENT HISTORY:			
DOCUMENT VERSION	DATE	AUTHOR (PERSON TO WHOM CHANGES ARE TO BE RECOMMENDED)	NATURE OF CHANGE
VERSION 1.0	25 August 2021	Risk & Governance Officer	Complete Review
DOCUMENT LOCATION:	Council website 27 August 2021 Available for inspection, downloading or printing from our website www.mountbarker.sa.gov.au		