

S0018: CUSTOMER COMPLAINTS POLICY

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| Policy Type: | Statutory Policy |
| Responsible Department: | City Services |
| 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 |
| Community Plan Link | <i>Civic Leadership:</i> 4.3 Our business systems are effective and transparent. |
| Date Adopted | 28 May 2018: C1171/18 |
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| ECM Doc set I.D. | 3331589 |

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. This Policy is intended to ensure that Council responds to customer complaints fairly, efficiently and effectively.
- 2.2. It applies to all areas of Council and is applicable to all Employees and Volunteers.
- 2.3. The following is outside the scope of the Customer Complaint Policy:
 - Council Member's Code of Conduct complaints (refer to the *Council Members Code of Conduct and Complaints Handling Procedure* under the *Council Members Code of Conduct*);
 - Requests for information (refer to *Freedom of Information Statement*);
 - Employee or Volunteer grievances;

- Service requests. These may vary but are likely to relate to:
 - requests for approval
 - requests for action
 - routine inquiries about the organisation's business
 - requests for the provision of information, services and assistance
 - 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.
- 2.4. 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 in accordance with the *Independent Commissioner Against Corruption Act 2012*. These types of complaints do not fall within the scope of this policy.

3. POLICY OBJECTIVES

- 3.1. The primary objective of the Policy is to satisfy the mandatory requirements of Section 270 (a1) and (a2) of the *Local Government Act 1999*.
- 3.2. Council's complaints resolution framework is intended to:
- Proactively demonstrate Unley values and culture through enabling Council's Customer First 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

- 4.1. **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.
- 4.2. **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.
- 4.3. **Complaint framework** comprises all policies, procedures, practices, hardware and software used by us in the resolution of complaints.
- 4.4. **Business Day** means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).
- 4.5. **CEO** is the Chief Executive Officer of the Corporation of the City of Unley, or their delegate.
- 4.6. **Council** means the Corporation of the City of Unley.
- 4.7. **Dispute** is an unresolved complaint escalated either within or outside of Council.
- 4.8. **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.
- 4.9. **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).
- 4.10. **Policy** means a statement or set of principles that guides decisions and the achievement of Council's vision, themes, and goals.

- 4.11. **Procedure** is a statement or instruction that sets out how Council policies will be implemented and by whom.
- 4.12. **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.
- 4.13. **Request for Service** means the seeking of service, approval, information, action or assistance in line with Council's service offering.
- 4.14. A **Vexatious Complaint** is any request:
- (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
- 4.15. 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 *Volunteer Management Policy*.

5. ROLES AND RESPONSIBILITIES

5.1. Chief Executive Officer

- 5.1.1. The CEO is ultimately 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.

5.2. General Managers

- 5.2.1. General Managers are responsible for resolving customer interactions relevant to their divisions and where cross-division resolutions are required.

5.3. Managers

- 5.3.1. Managers are responsible for resolving customer interactions relevant to their business unit and for ensuring that Employees deal with feedback received in accordance with this Policy.

5.4. Council Officers

- 5.4.1. Includes all levels of Council Employee. Council Officers are accountable for dealing with initial customer interactions relevant to their responsibilities and for the application of this Policy.

5.5. Volunteers

- 5.5.1. Are accountable for dealing with customer interactions relevant to their responsibilities, in accordance with the *Volunteer Management Policy*.

6. POLICY STATEMENT

6.1. Lodgement of Complaints

- 6.1.1. The City of Unley provides and promotes multiple channels for lodging complaints.
- 6.1.2. Complainants can contact Council via mail, email, in person, phone, Council's website and social media.
- 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:

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| Address | City of Unley PO Box 1 UNLEY SA 5061 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.
- 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 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 promptly acknowledged, 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 date 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 the City of Unley 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 with the City of Unley. 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. The Council Officer handling the complaint will be different from the Employee or Volunteer, whose service or conduct is being complained about.
- 6.5.5. 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.
- 6.5.6. Statutory requirements and processes will be met as required.
- 6.5.7. Complainants will be advised of the outcome of the complaint, action taken and the reasons for the decision.
- 6.5.8. 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;
 - a section 270 Internal Review of a Council Decision;
 - an external review; or
 - an external appeal.
- 6.5.9. 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.
- 6.5.10. A section 270 Internal Review of a Council Decision is dealt with in accordance with Council's *Internal Review of Decision Policy and 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 in the City of Unley Corporate Half Yearly Report (January and July), available on www.unley.sa.gov.au.

7. POLICY DELEGATIONS

- 7.1. Nil

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 | Ref/Version No. | Comment |
|------------------|-----------------|---------|
| 28 May 2018 | C1171/18: V1 | |
| 25 November 2019 | C0132/19:V2 | |
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