POLICY 2.26
Governance
Requests for Services and Complaint Handling Policy
Version: 3 **| Next Review:** November 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

The District Council of Tumby Bay (the Council) delivers an extensive range of services and infrastructure to its community, and providing services to the community is a key component of the Council's operations.

The Council is committed to providing a courteous and professional approach to the management of customer contact and the provision of quality service to customers and aims to provide services fairly and efficiently.

Council's dual role as a service provider and a regulatory body can create situations where not all customer requests can be met. However, Council has an obligation to provide customers with an accessible, fair and equitable mechanism to access services, make service requests and obtain assistance.

2. POLICY OBJECTIVES

The Requests for Services and Complaint Handling Policy (the Policy) is required by section 270(a1) of the *Local Government Act 1999* (the Act) and forms part of the Council's processes for dealing with requests and complaints, including to:

- provide guidance on what may constitute a reasonable request for a service or an improvement to a service,
- distinguish between requests, complaints and feedback to Council and give direction on management of requests and complaints, and
- establish a standardised process for assessing and processing requests and complaints including the collation of information which can be used to directly inform service improvements

The purpose of the Policy is to ensure that Council:

- provides a fair, consistent and structured process for customers dissatisfied with a Council action, decision or service,
- treats customers in a courteous, consistent, timely and fair manner,
- appropriately fulfils reasonable requests from customers,
- identifies ways in which services can be proactively improved, and
- regards complaints as an opportunity to improve practices and procedures and inform service improvements.

3. POLICY SCOPE

This Policy applies to all Council staff and Council Members involved in delivering customer service and handling complaints. It also sets expectations for customers to engage respectfully with Council representatives, with the understanding that respectful and courteous behaviour will be reciprocated in all interactions.

4. KEY PRINCIPLES FOR REQUESTS FOR SERVICES & COMPLAINT HANDLING

The Policy is based on five key principles, which are fundamental in the way Council approaches requests for services and complaints:

- **Fairness** which requires impartiality, confidentiality, equal treatment and transparency at all stages of the process.
- **Accessibility** which requires broad public awareness of the Council's policies and procedures and range of contact options.
- **Responsiveness** which requires sufficient resources, appropriately trained staff and the ongoing review and improvement of the Council's systems and processes.
- **Efficiency** which requires timely and effective resolution of requests and complaints, while ensuring requests and complaints are dealt with at a level that reflects the complexity.
- **Integration** which requires collective input from different areas of Council where the customer request and/or complaint overlaps functional responsibilities.

5. DEFINITIONS

For the purposes of this Policy, ***a complaint*** is defined as:

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.

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.

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this policy.

A ***Request for Service*** is an application to have Council or its representative take some form of action to provide a Council service.

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, 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 the associated procedures apply.

6. MAKING A REQUEST FOR SERVICE AND/OR COMPLAINT

A person can make a request for a service or make a complaint to Council via the form on Council's website, telephone, email, letter, petition to Council or in person by visiting the Council Office.

7. RECORDING REQUESTS FOR SERVICE AND/OR COMPLAINTS

All requests for service and complaints received will be recorded in Council's electronic records management system in such a way that the information can also be analysed for opportunities to improve services.

8. REQUEST FOR SERVICE

8.1. Reasonable request for service

In applying this Policy, the processing of requests for service and complaints, emphasis will be placed on:

- Public safety and emergencies
- Fulfilling Council's strategic and business plans
- Using Council resources effectively
- Guidelines and conditions of externally funded programs (if applicable)

In determining how to respond to a request for service Council will consider:

a) an assessment of risk,

b) statutory responsibilities,

c) the content of Council's Strategic Management Plans, Annual Business Plans and Annual Budget,

d) relevant Council policies, procedures and codes and/or

e) established service standards and response times for regular Council activities.

Requests for service will be assessed in the context of the services and work provided for in the Annual Business Plan and Budget and according to the conditions of externally funded programs (if applicable).

8.2. Processing a request for service

Council aims to manage requests efficiently and effectively.

Employees are provided with a level of authority to advise applicants of the likely timeframe to complete the action required. Where further evaluation is necessary, the applicant will be informed accordingly.

If a request cannot be fulfilled in a reasonable timeframe the applicant will be advised, including an explanation of why the decision was taken.

Where an applicant is not satisfied with the Council's decision, it is open to the applicant to lodge a complaint against the decision under clause 9.3(c) this Policy.

8.3. Timeframes for response

The circumstances of individual requests for service may vary. In the majority of cases requests will be processed promptly and the applicant advised of the outcome.

Routine requests are often subject to service response standards.

For example, uncollected rubbish bins will be collected within 48-hours and the assessment of public safety concerns will occur, where practicable, on the same day as the request is received. Other requests may be best suited to scheduling to coincide with work in a particular suburb or season. Examples of this include tree pruning on Council streets and attention to minor drainage problems. Requests for major works or new services will be referred to Council for consideration as part of the next annual cycle of review and public consultation.

Council staff will endeavour to respond within 10 business days advising of Council's intentions

in regard to the request.

8.4. Rejected requests

All rejected requests will be recorded and may be reconsidered at a future date, such as in conjunction with the preparation of an Annual Business Plan and associated budget.

Council will receive a report on the number and nature of requests, including the percentage of rejected requests, at least twice a year.

9. COMPLAINT HANDLING

9.1. Council's commitment to complaint handling

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to remedy a situation.

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.

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, formal procedures by staff with the authority to make decisions.

Complaints which are determined to be about matters that are not Council's responsibility, such as disputes between neighbours, will not be handled under this Policy.

Where Council has failed to meet the normal standards for a service which has been, or should have been, delivered the 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.

9.2. Steps of the complaint handling process

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

f) Acknowledge the complaint promptly.

g) Assess the complaint.

h) Investigate the complaint (if required).

i) Respond to the complainant with a clear decision.

j) Follow up any customer service concerns.

k) Consider whether there are systemic issues that need correction.

9.3. Procedures for resolving complaints

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.

The complaints handling procedure consists of a three-tiered scheme.

a) <u>Immediate response to the complaint</u>

All staff are empowered to handle complaints in the first instance and it is preferable that

complaints are dealt with promptly at the initial point of contact and at the appropriate officer level.

b) Escalation of the complaint

A complaint will be directed to a more senior officer, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

c) Review of a Council decision

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999* (refer to Policy 2.27 Internal Review of a Council Decision Procedure). This is a process established by legislation that enables a Council to reconsider all the evidence 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, such as a complaint about a decision of the CEO.

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant retains the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time. Note, however, that as a general rule, a complaint should be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

Except for minor level 1 responses, Council will endeavour to ensure that, whenever possible, complaints are handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

9.4. Dealing with difficult customers

Council recognises that difficult situations may be encountered when dealing with customers and that these situations must be dealt with discreetly, professionally and with respect. If a customer becomes rude, abusive or aggressive, the employee may warn the customer that the conversation will terminate if the behaviour continues.

In this situation the council employee must inform their supervisor of the incident.

9.5. Timeframes for response

Complainants will be advised of the likely timeframe required to investigate and resolve a complaint and regularly updated as to progress where necessary.

Where a complaint cannot be resolved immediately, the complainant will be advised of the process to be undertaken. Council will respond within 10 business days, acknowledging receipt of the complaint and, where possible, resolving it at that time.

If a resolution is not possible at that time, the complainant will be kept regularly informed of progress, either by email, letter or personal contact.

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.

9.6. Alternative procedures

There are also other complaint procedures which apply to particular types of complaints. If the complaint would be more properly dealt with by another process this will be explained to the complainant at the outset. For example:

- Complaints against a Councillor or the Chief Executive Officer
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993* or *Expiation of Offences Act 1996*.

In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation under the Council's scheme authorised by section 271 of the *Local Government Act 1999*. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between the Council and the other party.

9.7. 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/advised 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 Officer (or delegate) and communicated in writing to the complainant.

9.8. 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 Council 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 may be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

9.9. Privacy and confidentiality

Complainants have a right to expect that their complaint will be investigated in confidentially, 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.

9.10. Remedies

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.

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.

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Elected Council and the CEO are the only representatives authorised to offer financial compensation and may consult with the Local Government Association Mutual Liability Scheme before taking any such action.

9.11. Alternative remedies

Council may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or his/her delegate deems such a course of action appropriate and the complainant is amenable to that process.

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.

10. POLICY REVIEW & EVALUATION

In order to ensure Council continues to provide the best possible complaints handling service for its customers, this policy will be subject to periodic evaluation and review. This Policy will be reviewed at least every four (4) years or as required by legislative change.

11. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.tumbybay.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's schedule of fees and charges.

12. FURTHER INFORMATION

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Applicable Legislation	*Local Government Act 1999*
Related Policies	Policy 2.14 - Fraud, Corruption, Misconduct and Maladministration Prevention Policy 2.15 - Public Interest Disclosure Procedure Policy 2.27 - Internal Review of Council Decisions Procedure
Related Documentation	Elected Member Code of Conduct Employee Code of Conduct

AUTHORITY:

Adopted by Council:	10/10/2011	{ Motion 19c/102011}
Amended by Council:	12/05/2020	{Motion 3c/52020}
Adopted by Council:	14/07/2026	{Motion 18c/72026}

SIGNED: 

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Responsible Officer