



**Light  
Regional  
Council**

## Complaints Handling Policy

<b>Reference Number:</b>	Section 6 No. 12
<b>Responsible Department:</b>	Governance
<b>Related Policy/Procedure:</b>	6.13 Internal Review of Council Decisions Procedure 6.14 Complaints Handling Procedure under Council Members' Code of Conduct
<b>Date of Adoption:</b>	26 November 2013
<b>Current Review Date:</b>	24 March 2020
<b>Minute Reference:</b>	Page 2020/38
<b>Version Number:</b>	Amendment No. 2
<b>Applicable Legislation:</b>	Local Government Act, 1999
<b>Next Review Date:</b>	June 2023
<b>Review Frequency:</b>	Within 12 months of a Council election or when legislation changes

### 1 Purpose

The purpose of this policy to provide guidance to the Community, Council Members and Council Employees on:

- What constitutes a service request, complaint and feedback and the applicable procedures for assessing and processing each one.
- Utilising the information acquired from Council's community to improve its services and operations.

### 2. Scope

Light Regional Council provides an extensive range of services and infrastructure to communities, and discharges obligations under many pieces of legislation.

This policy is consistent with section 270 of the Local Government Act 1999.

This policy will not apply to any action, decision or service of a Council employee in administering any Act of Parliament, inclusive but not limited to the following:

- Planning, Development and Infrastructure Act;
- South Australian Public Health Act;
- Food Act;
- Expiation of Offences Act; and
- Dog and Cat Management Act.

or any determination made by the Light Regional Council's Council Assessment Panel or Building Fire Safety Committee.

Policy No:	Section 6 No.12	Date of this Policy:	24 March 2020	Page 1 of 7
Version:	Amendment No. 2			

### 3. Policy Aim

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.

This policy is based on five principles, which will be fundamental in the way Council approaches complaint handling. They are:

- Procedural Fairness: treating person making the complaint 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; and
- Integration of different areas of Council where the complaint overlaps functional responsibilities.

### 4. Definitions

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

**Complaint** is 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 reasonably expected. This includes complaints about a service that has been, or should have been delivered but does not include any action, decision or service of a Council employee in administering any Act of Parliament, inclusive but not limited to the following:

- Planning, Development and Infrastructure Act;
- Public Health Act;
- Food Act;
- Expiation of Offences Act; and
- Dog and Cat Management Act.

or any determination made by the Light Regional Council's Council Assessment Panel or Building Fire Safety Committee.

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.

**Council** refers to the Light Regional Council.

**Employee** includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent, voluntary or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

**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 method.

**Person making the complaint** may be an individual or a person submitting the complaint on behalf of a group of people, business or not for profit organisation.

**Procedural Fairness** means any person(s) whom the complaint is about has the opportunity to receive and consider all relevant information related to the matter, prepare and reply to the relevant Council Officer or investigator prior to a determination on the complaint being made.

**Request for Service** occurs when a Customer Request Management (CRM) electronic request or similar means is generated to have Council or its representative take some form of action to provide a Council service.

## 5. Policy Details

### 5.1 Council's Commitment to Complaint Handling

Council welcomes complaints as a way of improving its services.

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 [www.light.sa.gov.au](http://www.light.sa.gov.au) Complaints by anonymous persons will not be accepted.

Except for minor responses, (See clause 5.4(a) Procedures for resolving complaints below) Council will try to ensure that, whenever possible, complaints will be handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint. The person whom the complaint is made against will be notified of the complaint.

A person can make a complaint in several ways:

- Complete the Feedback/Complaint form on Council's website
- Telephone
- Fax
- Email
- Letter
- If a person is unable, for any reason, to make a complaint in writing they may visit a Council customer service office to seek assistance in placing their complaint in writing.

All formal complaints will be recorded in Council's electronic records management system, in accordance with the State Record Act GD20 schedule or subsequent systems. The information may be accessed and analysed within confidentiality provisions for continuous improvement opportunities.

The person making the complaint 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.

## 5.2 Steps of the complaint handling process

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

- Acknowledge complaints promptly
- Assess the complaint
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the person making the complaint with a clear decision
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

## 5.3 Timeframes for Response

Where a complaint cannot be resolved immediately the person making the complaint will be advised of the process to be undertaken. Council will respond within [5] 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 person making the complaint will be informed of the revised timeframe.

## 5.4 Procedures for resolving complaints

Emphasis will be placed on addressing complaints as quickly as possible. However where complaints cannot be resolved 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.

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 procedure consists of a three-tiered scheme.

*a) Immediate response to resolve the complaint*

Staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

*b) Complaint escalated to a more senior officer*

A complaint will be directed to the relevant manager and/or the Chief Executive Officer (CEO) of the Council, 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, and/or
- where a complaint concerns a matter that ranges across more than one Council work area.

*c) Complaint referred to the Light Regional Council Governance Advisory Panel (GAP)*

Where a complaint is relative to the Elected body or a decision of the Elected body the complaint may be referred to the GAP for further investigation, advice and/or recommendations.

Council's detailed Complaints Procedure is available to the public (see 'Further Information' below).

While Council prefers to work with its customers to resolve complaints quickly and effectively, a person making the complaint will always retain 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, the Ombudsman prefers a complaint to be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

## 5.5 Alternative Procedures

There are also other complaint procedures which apply to particular types of complaints:

- Complaints against a Councillor, Chief Executive Officer and Section 41 Committee
- Freedom of Information applications
- Insurance claims
- Decisions made under legislation other than the *Local Government Act*, such as the Planning, Development and Infrastructure Act, Public Health Act, Food Act, Expiation of Offences Act and the Dog and Cat Management Act or any determination made by Council's Council Assessment Panel or Building Fire Safety Committee.

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*. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between the Council and the person making the complaint.

#### 5.6 Unreasonable Conduct by the Person Making the Complaint

All complaints received by Council will be treated seriously and the person making the complaint will be treated courteously. However, occasionally the conduct of a person making the complaint can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or emotionally or physically threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors. Council aims to manage each situation in a fair and equitable manner.

Where a person making the complaint'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 person making the complaint 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 Officer or his/her delegate and communicated in writing to the person making the complaint.

#### 5.7 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's 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.

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

#### 5.8 Privacy and Confidentiality

Person making the complaint have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of the person making the complaint 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, for example, the *Freedom of Information Act 1991*.

## 5.9 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 person making the complaints. The solution chosen will be proportionate and appropriate to the circumstances.

## 5.10 Alternative remedies

When advising a person making the complaint 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. References

Local Government Act 1999, Section 270

Internal Review of Council Decision

## 7. Review and 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.

## History of Policy Amendment

1. Policy adopted at the 26 November 2013 Council meeting. Refer Minute Reference GAP9.2.1/2013.of page 2013/364.
2. Amendment No. 1 adopted at the 22 September 2015 Council meeting. Refer Minute Reference GAP9.2.3/2015 page 2015/304
3. Amendment No. 2 adopted at the 24 March 2020 Council meeting, Minute reference GAP9.2.1/2020, Page 2020/38

## Further information

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded from Council's website: [www.light.sa.gov.au](http://www.light.sa.gov.au) or Light Regional Council's offices located at:

Principal Office

Branch Office

93 Main Street

12 Hanson Street

Kapunda SA 5373

Freeling SA 5372

Copies will be provided to interested parties upon request. Email [light@light.sa.gov.au](mailto:light@light.sa.gov.au)