


	<h1>COMPLAINTS POLICY</h1>	Policy #	1.49 / 5
		Issued:	21 Dec 2022
POLICY		Next review	Dec 2026

<b>Classification:</b>	Governance	<b>Classification:</b>	Statutory
<b>First Issued:</b>	16th April 2013	<b>Review Frequency:</b>	Within 6 months of an election
<b>Legislation:</b>	Local Government Act 1999		
<b>Relevant Policies:</b>			
<b>Related Procedures:</b>	Complaint Handling Procedure 1.49.1		
<b>Responsible Officer:</b>	Manager Governance	Signed:	
<b>Adopted:</b>	21/12/2022		

## Part 1— Complaints regarding product and service delivery of council

### 1. Introduction

The District Council of Ceduna provides an extensive range of services and infrastructure to its 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.

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 is broadly consistent with the Australian Standard for complaint handling.

#### 1.1 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.

### 2. Interpretation

**Council** refers to the District Council of Ceduna

**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.

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

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### 3. Definition of a Complaint

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. (See Request for Service Policy)

**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.

### 4. 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 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.

Except for minor level 1 responses, (See clause 6 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.

A person can make a complaint in a number of ways:

- Complete the appropriate form on Council’s website
- Telephone
- Email
- Letter
- Visit Council’s Administration Office.

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.

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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.

#### 4.1 Seven 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 - simple problems may not need to be investigated
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

#### 5. Timeframes for Response

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.

#### 6. 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 procedure consists of a three tiered scheme.

##### 1. Immediate response to resolve the complaint

All 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.

##### 2. Complaint escalated to a more senior officer

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 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.

##### 3. Internal review of a Council decision by statutory process

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Internal review of a Council decision is available under section 270 of the *Local Government Act 1999* [see Council’s Internal Review 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.

Council’s detailed Complaints Procedure is available to the public. See clause 13 *Further Information* below

While Council prefers 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. 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.

### 6.1 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*, 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*. 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.

### 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 that, if the specified behaviour(s) or actions continue, restrictions may be applied.

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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 complainant.

### 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 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.

### 9. 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.

### 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.

### 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.

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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.

## 12. 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.

## 13. Further information

This policy will be available for inspection at the Council offices listed below during ordinary business hours at 44 O’Loughlin Terrace Ceduna, and available to be downloaded, free of charge, from Council’s internet site: [www.ceduna.sa.gov.au](http://www.ceduna.sa.gov.au)

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

## Part 2—Complaints regarding Code of Conduct for Council Employees

### 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 employee’s 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 CEO 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 Officer or their delegate – Manager Governance. In the case of a complaint against the Chief Executive Officer, a complaint must be given to the principal member of the council, 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.

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## 1

## 2 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. This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Council's complaint management system is intended to:

- enable a response to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in Council's administrative process, and
- provide information that can be used to deliver quality improvements in products, services, staff and complaint handling,
- ensure compliance with the **Whistleblowers Protection Act 1993**.

### 2.1 Scope

This policy applies to all staff receiving or managing complaints from the public made to or about Council, regarding products, services, staff and complaint handling.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

### 2.2 Council's Commitment to Complaint Handling

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling.

A person can make a complaint in a number of ways:

- Complete the appropriate form on Council's website
- Telephone
- Email
- Letter
- Visit a Council customer service office.

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.

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

### 3 Timeframes for Response

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.

### 4 Procedures for resolving complaints

Complaints 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.

#### 4. *Immediate response to resolve the complaint*

All 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. These are normally the day to day issues handled by administration staff

#### 5. *Complaint escalated to a more senior officer:*

##### General Matters

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 higher level. This may occur, 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.

##### Complaint made against an action or decision of an employee

Any complaint made against an action or a decision of an employee of council will be referred to that employee's immediate manager for investigation.

Any complaint as a result of an action of a Council employee will be reported by the manager to the CEO.

A complaint against a direct report to the CEO, (a person who is directly accountable to the CEO) will be investigated by the CEO.

The CEO may seek the assistance of another senior manager or third party expert to investigate any complaint.



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A complaint against an action or decision of the CEO will be referred to the Principle Member.

## 6. *Complaint made against a decision of Council*

Any complaint made against a decision of Council will be dealt with pursuant to Section 270 of the *Local Government Act 1999*.

While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant 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 Unreasonable Complainant Conduct

Council is committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- the ability to work and perform functions in the most effective and efficient way possible
- the health, safety and security of Council staff, and
- the ability to allocate resources fairly across all the complaints received.

When people behave unreasonably in their dealings with Council, their conduct may significantly affect the progress and efficiency of the provision of Council's Services. As a result of the evidence presented to Council, Council will take proactive and decisive action to manage the complainant's conduct that negatively and unreasonably affects the Council, and will support Council staff to do the same in accordance with this policy.

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 complainant.

## 6 Privacy and Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by the District Council of Ceduna as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

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.

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## 7 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.

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

## 8 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.

## 9 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them:

- the outcome of the complaint and any action taken
- the reason/s for the decision
- the remedy or resolution/s that is proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, Council makes any adverse findings about a particular individual, Council will consider any applicable privacy obligations, and any applicable exemptions in or made pursuant other Acts, before sharing our findings with the person making the complaint.

## 10 Further information

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.ceduna.sa.gov.au](http://www.ceduna.sa.gov.au) or at the District Council of Ceduna's Administration Office at 44 O'Loughlin Terrace. Ceduna SA 5690

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