

 City of Mount Gambier	C200 - REQUEST FOR SERVICE AND COMPLAINT POLICY	Version No:	5
		Issued:	16 July 2019
		Next Review:	March 2021

1 INTRODUCTION

Local Government provides an extensive range of services and infrastructure to communities and discharges obligations under many pieces of legislation.

Section 270 of the *Local Government Act 1999* requires Council to develop and maintain policies, practices and procedures for dealing with:

‘any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council.’

‘complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.’

Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures and to resolve matters.

This policy aims 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
- Establish a standardised process for assessing and processing requests including the collation of information which can be used to directly inform service improvements
- Provide a fair, consistent and structured process for Council’s customers if they are dissatisfied with a Council action, decision or service.

2 PRINCIPLES UNDERLYING THIS POLICY

This policy is based on five principles which are fundamental to 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.

In processing requests for service 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.

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3 INTERPRETATION

In this Policy:

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

A **Complaint** is an expression of dissatisfaction with a product or service delivered by the Council or its representatives that have failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.

Council refers to the City of Mount Gambier.

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.

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.

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

Where ambiguity exists, Council will deal with a matter as a Request for Service, rather than a Complaint, in the first instance.

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.

4 REQUESTS FOR SERVICE

Requests for service will be assessed in the context of the services and work provided for in Council's Annual Business Plan and Budget and according to the conditions of externally funded programs.

4.1 Reasonable Request for Service

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

- An assessment of risk
- Statutory responsibilities
- The content of Council's Strategic Management Plans, Annual Business Plan and Budget and annual works program.
- Relevant Council policies and codes
- Established service standards and response times for regular Council activities.

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4.2 Processing a Request for Service

In Council's experience, most requests fit within well established guidelines which will be explained to an applicant at the outset. 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 before committing Council to undertake the work 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 this 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 Council's Complaints Policy.

4.3 Timeframes for Response

The circumstances of individual requests for service will vary greatly. In the majority of cases requests will be processed promptly and the applicant advised verbally or by return post/email.

Routine requests are often subject to service response standards. For example, uncollected rubbish bins will be collected within 3 business days and assessment of public safety concerns will occur, where practicable, the same day a 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 for consideration as part of the next annual cycle of review and public consultation. Council staff will respond within 10 business days advising of Council's intentions in regard to the request given major works may require gathering of information in addition to the information provided with the request.

4.4 Recording Requests for Service

A person can make application for a service in a number of ways:

- Completion of the appropriate form on Council's website
- Telephone
- Email
- Letter
- Petition to Council
- Visit a Council customer service office.

All requests will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

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

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5 COMPLAINT HANDLING

Council welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right. Lessons learnt from complaints will be used to directly inform service improvements.

Emphasis is 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.

Except for minor tier 1 responses, (refer 5.2 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 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.

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.

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

1. Acknowledge complaints promptly
2. Assess the complaint - simple problems may not need to be investigated
3. Plan the investigation where one is warranted
4. Investigate the complaint
5. Respond to the complainant with a clear decision
6. Follow up any customer service concerns
7. Consider whether there are systemic issues which need correction.

5.1 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 [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 complainant will be kept regularly informed of progress, either by email, letter or personal contact.

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5.2 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 three tiers.

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.

Internal review of a Council decision by statutory process

3. *Internal review of a Council decision under s270 of the Local Government Act 1999.*

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.

Refer Council's Internal Review of Council's Decisions Policy.

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.

5.3 Alternative Procedures

There are other complaint procedures which apply to particular types of complaints. If the complaint would be more appropriately 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*.

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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.

5.4 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, a 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.

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 in accordance with Council's Unreasonable Complainant Policy.

5.5 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.

5.6 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.

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5.7 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.

As a general principle the complainant should, so far as possible, be put in the position they 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.

5.8 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.

6 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 and within 12 months after each general election of Council.

7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and to download free of charge from Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request and payment of a fee in accordance with Council's Schedule of Fee and Charges.

8. FURTHER INFORMATION

The City of Mount Gambier's Contact Officers for advice about the policy and procedures for complaints are the following:

Chief Executive Officer
General Manager, Council Business Services
Manager, Governance and Property

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For further information about this Procedure please contact any of the above mentioned Officers, c/-

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File Reference:	AF18/56
Applicable Legislation:	Local Government Act 1999 s270
Reference: Community Plan	Our People Our Economy Our Location
Related Policies:	Internal Review of Council's Decisions Policy C290 Fraud & Corruption Prevention Policy F225 Members Complaints Handling Policy M265 Records Management R180 Public Interest Disclosure Policy P900 Whistleblower's Protection Policy W150 (revoked)
Related Procedures:	Complaints Procedures Unreasonable Complainant Conduct Records Management Procedures
Related Documents:	Managing Unreasonable Complainant Conduct - Practice Manual Code of Conduct for Council Employees Code of Conduct for Council Members

DOCUMENT DETAILS

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