1. PURPOSE:

The delivery of services is a key component of council's operations and requests for work to be undertaken or a service provided are a routine occurrence.

Council is committed to the provision of quality service to customers and aims to provide services fairly and efficiently. It also monitors requests to identify ways in which it can proactively improve its service provision.

This policy aims to provide guidance to elected members, the community and employees on:

- what constitutes a request for a service or an improvement to a service;
- distinguishing between requests, complaints and feedback to council and giving direction on management of requests;
- how council assesses and processes requests including the collation of information which can be used to directly inform service improvements.
2. LEGISLATIVE CONTEXT:

Section 270 of the Local Government Act 1999 requires council to develop and maintain policies, procedures and practices for ‘any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council’ as well as ‘complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council’.

3. SCOPE:

This policy applies to elected members and council employees who may receive a request for service or complaint from a member of the community.

This policy does not apply to the following areas, as alternative legislation or processes take precedence:
- Review of a council decision
- Freedom of Information applications
- A complaint about an elected member or employee of council
- Insurance claims
- Decisions made under other legislation
- Complaints alleging fraud, corruption or other criminal behaviour
- Complaints about matters that are not council’s responsibility, such as disputes between neighbours.

4. DEFINITIONS:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Business Day</td>
<td>A day when the council is normally open for business, ie Monday to Friday, excluding public holidays and the period between Christmas and New Year when the council office is usually closed.</td>
</tr>
<tr>
<td>Complaint</td>
<td>An expression of dissatisfaction with a product or service delivered by 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.</td>
</tr>
<tr>
<td>Employee</td>
<td>Includes a person employed directly by council in a full time, part time or casual capacity (whether that position is permanent or contractual or voluntary) and persons providing services to, or on behalf of, the council even though they may be employed by another party.</td>
</tr>
<tr>
<td>Feedback</td>
<td>Can take the form of comments, both positive and negative, about services provided by council without necessarily forming the basis of a request for service or complaint. Feedback may however influence future services reviews and delivery methods.</td>
</tr>
<tr>
<td>Request for Service</td>
<td>An application to have council or its representative take some form of action to provide or improve a council service.</td>
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5. POLICY PRINCIPLES:

5.1 Council acknowledges that treating customers fairly requires impartiality, confidentiality and transparency at all stages of the process.

5.2 Council will promote to its community the methods by which they can request services and make complaints.

5.3 Council is committed to providing sufficient resources and well trained employees to manage service and complaint matters, and to review its systems for opportunities for improvement.

5.4 Customer requests and complaints will be dealt with in accordance with this policy in a timely manner that takes into account a response that is considerate of the matter’s complexities, and takes up opportunities for improvement across the organisation where appropriate.

5.6 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

6. REQUEST 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.

6.1 Recording Requests for Service
A person can make application for a service in a number of ways:
- completion of the appropriate form via council’s website
- telephone
- fax
- email
- letter
- petition to council
- visit council’s office

All requests will be recorded in council’s records management systems in such a way that the information can also be analysed for service improvement opportunities.

6.2 Reasonable Request for Service
In determining how to respond to a request for service, employees will consider:
- An assessment of risk
- Statutory responsibilities
- The content of council’s Strategic Management Plans, Annual Business Plans, annual works program and budget
- Relevant council policies and codes
- Established service standards and response times for regular council activities
• Where delivering the request would result in a new level of service and
  the ongoing sustainability implications for council.

6.3  **Processing a Request for Service**

In council’s experience, most requests fit within well established guidelines
that 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 in accordance with clause 7 of this policy.

6.4  **Timeframes for Response**

The circumstances of individual requests for service will vary due to the
nature of the service to be provided. In the majority of cases requests will be
processed within a short timeframe and the applicant advised verbally or by
return post/email.

Routine requests are often subject to service response standards. Requests
for major works or new services will be referred to council for consideration
as part of the next annual business plan cycle or budget review process if
considered to be a matter of higher urgency.

Council employees will respond to requests for service within 10 business
days advising of council’s intentions in regard to the request.

7.  **COMPLAINT HANDLING:**

7.1  **Making a Complaint**

7.1.1  Council welcomes complaints as a way of improving its services and
programs as well as providing an opportunity to put things right.

7.1.2  A person can make a complaint in a number of ways:
• complete the appropriate form on council’s website
• telephone
• fax
• email
• letter
• visit council’s office

7.1.3  Information about how to lodge a complaint and council’s complaint
handling process will be placed on the ‘contact’ page on council’s
website and publicly displayed at the council office.

7.1.4  Complaints made directly to elected members must be relayed to the
appropriate officer within council’s administration at the first possible
opportunity, to allow the complaint to be formally logged and
appropriate action taken.
7.2 **Processing Complaints**

7.2.1 Employee response to general complaints received will be managed in accordance with the ‘Request for Service and Complaint Handling Procedure’. This will 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.

7.2.2 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.

7.2.3 Employees will record all general complaints received in council’s records management system in such a way that the information can be utilised to respond to the complaint and analyse complaints by category for service improvement opportunities.

7.2.4 Complaints alleging that a council employee has breached the Code of Conduct for Employees should be referred to the Chief Executive Officer (or if related to the Chief Executive Officer must be provided to the Mayor of the council) unless otherwise directed by legislation.

7.3 **Steps to Resolving a Complaint**

The following will be considered to aid efficient and effective complaint handling:

- Acknowledge complaints promptly
- Assess the complaint
- 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.

7.4 **Timeframes**

7.4.1 Upon receiving a complaint, employees will respond within 10 business days, acknowledging receipt of the complaint and where possible, resolving it at that time.

7.4.2 Where a complaint cannot be resolved immediately, the complainant will be advised of the process to be undertaken, the likely timeframe required to investigate and resolve the matter and regularly updated on progress as necessary.

7.5 **Complex Complaints**

7.5.1 Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary, staff will escalate the complaint in accordance with the Request for Service and Complaint Handling Procedure.

7.5.2 In some instances, an alternative complaint handling process must be used due to legislation restrictions. In these instances, employees will advise the complainant of the alternative process requirement and assist them to seek resolution of their concerns. Examples of alternative complaint handling processes include:
Code of Conduct complaints about and elected member
Freedom of Information applications
Insurance claims
Decisions made under legislation other than the Local Government Act, such as the Development Act or Expiation of Offences Act.

7.6 **Internal Review of a Council Decision**
Internal Review of a council decision is available under Section 270 of the Local Government Act 1999 (refer Internal Review of Council Decisions Policy). 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 internal mechanisms at council for handing complaints 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.

7.7 **Complainant Rights to external review**
7.7.1 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: 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.

7.7.2 In some instances, it may be appropriate to consider mediation, conciliation or neutral evaluation under 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 complainant.

7.8 **Unreasonable Complainant Conduct**
7.8.1 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.

7.8.2 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.

7.8.3 Any decision to suspend action on a complaint will be made by the Chief Executive Officer (or nominee) and communicated in writing to the complainant.
7.9 **Using Complaints to Improve Service**

7.9.1 Quality of service is an important measure of council’s effectiveness. Learning from complaints is a powerful way to help to develop the council and increase trust among those who use council’s services.

7.9.2 In addition to making changes to procedures and practices where appropriate, employees will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. This information will be reported in council’s Annual Report.

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

7.10 **Privacy and Confidentiality**

7.10.1 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.

7.10.2 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.

7.11 **Remedies**

7.11.1 Where complaints are found to be justified council will, where practicable, resolve the situation in a manner that is consistent and fair for both council and complainants. The solution chosen will be proportionate and appropriate to the circumstances.

7.11.2 As a general principle, the complainant should, so far as possible, be put in the position he or she would have been in, prior to the complaint. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

7.11.3 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 but must consult with the Local Government Association Mutual Liability Scheme before taking any such action.

7.12 **Alternative Remedies**

7.12.1 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.

7.12.2 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.
8. **AVAILABILITY OF THE POLICY:**

This policy will be available for inspection at the council's principle office, 29 Holland Street Kingston SE, during ordinary business hours and on council's website: www.kingstondc.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by council.