



## Complaints Policy

Strategic Reference	Provide leadership, good governance, and efficient, effective and responsive Council services
File Reference / Record No	18/067/229 / NGO191693
Responsibility	Chief Executive Officer
Version Number	15.0
Last Revised Date	February 2024
Minute Book Reference	C24019
Next Review Date	February 2028
Applicable Legislation	Local Government Act 1999 (S270 (a1) (a2))
Related Policies	Request for Service Policy Internal Review of Council Decisions Policy and Procedure
Related Procedures / Documents	Request for Service Procedure Complaints Procedure Freedom of Information Statement

### 1. Introduction

The District Council of Yankalilla provides an extensive range of services and infrastructure to community and visitors alike, and discharges obligations under a variety of legislation.

Council is committed to the provision of quality service to customers and considers complaints as an opportunity to improve practices and procedures as well as resolve the matter. This policy aims to provide a fair, consistent, and structured process for Council's customers if they are dissatisfied with a Council action, decision or service. Lessons learned from both positive and negative feedback, as well as complaint investigations will be used to directly inform service improvements.

Emphasis will be placed on resolving complaints as quickly as possible. However, where complaints cannot be settled in the first instance Council will ensure they are dealt with through appropriate, formal procedures by staff with the authority to make decisions. This is consistent with the Australian Standard for complaint handling.

Complaints Policy <i>The electronic version held on ERDMS is the controlled version of this document.</i>				Version 15.0
<b>Effective Date:</b>	November 2015	<b>Review Date:</b>	February 2024	
<b>Warning:</b>	This document is uncontrolled when printed.			



## 2. Scope

- 2.1. The Policy is intended to ensure that Council responds and addresses customer complaints in a consistent, efficient, and fair manner.
- 2.2. This Policy and corresponding Procedure applies to all areas of Council and all employees and volunteers.
- 2.3. The following is outside the scope of the Policy;
  - 2.3.1. Elected Member Behaviour, as guided by the Behavioural Management Policy
  - 2.3.2. Requests for information – refer to Freedom of Information Statement
  - 2.3.3. Employee, volunteer, or contractor grievances
  - 2.3.4. Service requests including:
    - requests for action
    - requests for approval
    - routine enquiries regarding the business of the District Council of Yankalilla
    - requests for the provision of information, services, and assistance
    - requests for details/explanation of policies and procedures
  - 2.3.5. Comments made about products, services, facilities, employees, and contractors of Council.
  - 2.3.6. Where there is a reasonable suspicion that the complaint involves corruption in public administration, serious or systemic misconduct in public administration, or serious or systemic maladministration the matter must be reported to the Office of Public Integrity in accordance with the Independent Commissioner Against Corruption Act 2012.

## 3. Principles

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

- 3.1. **Fairness:** To ensure the complaint handling process is fair and reasonable complaints are dealt with in a consistent, objective, and unbiased manner. Council will take every reasonable step to ensure that people making complaints are not adversely affected because a complaint is made by them or on their behalf.
- 3.2. **Accessibility:** Council publicises how and where complaints may be made ensuring transparency and accessibility for all complaints is made.
- 3.3. **Responsiveness:** will be achieved by providing sufficient resources, well trained staff, assessment, and review of complaints made, and the seeking of opportunities to improve systems or processes.
- 3.4. **Efficiency:** complaints will be resolved as quickly as possible while ensuring they are dealt with at a level reflecting their complexity and priority
- 3.5. **Integration** of different areas of Council where the complaint overlaps functional responsibilities.

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			



- 3.6. Confidentiality: Personal information related to complaints is kept confidential. Where appropriate the confidentiality of information related to a complaint will be respected. Complaints about employees or volunteers will remain confidential during the investigation process.

The objective of the Policy is to satisfy the mandatory requirements of Section 270 (a1) and (a2) of the Local Government Act 1999.

#### 4. Definitions

**Comments** mean positive or negative, verbal, or written opinions or reactions (a view or judgement formed which is not based on fact or knowledge) regarding Council's products, services, facilities, employees or volunteers.

**Complaint** An expression of dissatisfaction with a product or service delivered by the Council or its representative 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.

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

**CEO** is the Chief Executive Officer of the District Council of Yankalilla, or their delegate.

**Council** means District Council of Yankalilla.

**Dispute** is an unresolved complaint escalated either within or externally of Council.

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

**Internal Review** is when a customer seeks a review of a decision made by the Council, an employee of the Council, or persons acting on behalf of the Council. These are dealt with through Councils Internal Review of a Council Decision Policy

**Request for Service** means the seeking of service, approval, information, action, or assistance in line with Council's service offering – see Request for Service Policy.

**A Vexatious Complaint** is a complaint that is made to harass, annoy, delay or cause detriment or trouble to the Council. A complaint may be considered vexatious if:

- It comprises false allegations.
- There is an absence of any reasonable grounds for lodging the complaint.
- A complainant has consistently, over a period of time, complained about minor or trivial matters.
- The complaint has previously been dealt with, and no new information has been provided by the complainant.
- The complainant, or the person on whose behalf the complaint was made, does not have a sufficient personal interest in the matter raised in the complaint; or
- It is frivolous or not made in good faith; and
- It does not have any serious purpose or value, is unnecessary or unjustifiable.

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			



## 5. Council's Commitment to Complaints Handling

- 5.1. Council welcomes complaints as a way of improving its services and programs as well as providing opportunity to rectify the matter raised.
- 5.2. Council is committed to receiving complaints in good faith.
- 5.3. Complaints received will be treated seriously and complainants will be treated courteously.
- 5.4. Council provides and promotes multiple channels for lodging complaints.
- 5.5. Complainants can contact Council via mail, email, in person, phone or Council's website.
- 5.6. Any comments or requests made through social media are not considered, nor treated as an official complaint.
- 5.7. This Policy will be made widely accessible to ensure customers are aware of their right to complain.
- 5.8. Maintaining a safe environment for children, young people, and vulnerable persons is of the highest priority to Council and complaints regarding Council services in this area are encouraged.
- 5.9. Feedback from children, young people, vulnerable persons and their families regarding services provided are also encouraged to assist Council in improving services on an ongoing basis.
- 5.10. All complaints will be recorded in Council's electronic records management system to enable the information to be analysed for service improvement opportunities.
- 5.11. Complainants will be advised of the likely time frame required to investigate and resolve the complaint.
- 5.12. Complaints regarding regulatory investigations or expiations must follow the formal process and in accordance with the relevant statutory requirements.
- 5.13. Statutory requirements and processes will be met as required.
- 5.14. Employees will be trained to manage complaints efficiently and effectively common and provided with a level of delegated authority to address complaints they are expected to resolve.
- 5.15. The following steps will be followed for the efficient and effective handling of complaints:
  - 5.15.1. Acknowledge complaints promptly.
  - 5.15.2. Assess the complaint and address appropriately. For example, simple problems may be able to be resolved quickly.
  - 5.15.3. Where warranted, plan the investigation.
  - 5.15.4. Investigate the complaint in a professional and timely manner.
  - 5.15.5. Respond to the complaint with a clear decision.
  - 5.15.6. Follow up any customer service concerns.

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			



5.15.7. Analyse and consider if there are systematic issues needs correction.

5.16. The lodging of a complaint will not automatically suspend or put on hold the matter that is the subject of the complaint.

## 6. Facilitating

### 6.1. Complaints

6.1.1. Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, however if necessary, will be escalated as set out below.

- LEVEL 1  
Immediate response to resolve the complaint.

Where possible, Council will endeavour to resolve complaints at first contact. Council Officers will be empowered to resolve complaints in the first instance and with as little formality as possible. Flexible approaches to problem solving are supported to enhance accessibility for people in making complaints.

- LEVEL 2  
Complaint may be escalated to a more senior officer.

A complaint directed to a more senior officer of council where circumstances indicate that the complaint will be more appropriately handled at a higher level.

- LEVEL 3  
Internal review of a Council decision process.

An internal review of a Council decision is available under section 270 of the Local Government Act 1999. This process is established by legislation that enables Council to reconsider the evidence relied upon to make the original decision and consider any 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.

Council's Internal Review of a Council Decision Procedure will be followed for Level 3 complaints.

6.1.2. Except for Level 1 responses Council aims, whenever possible, for complaints to be handled independently of the original decision maker or officer involved in the matter.

6.1.3. Where a complaint involves multiple areas within Council, responsibility for communicating with the complainant and/or their representative will be coordinated.

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			



- 6.1.4. Council will accept complaints relating to the decisions and actions of officers as well as the decisions and actions of providers delivering service on behalf of Council.
- 6.1.5. Where a complaint made directly to Council involves external service providers, the complainant will be referred to the relevant provider.
- 6.1.6. People making complaints will be:
  - 6.1.6.1. provided with information about Council's complaint resolution process;
  - 6.1.6.2. listened to, treated with respect and actively involved in the complaint resolution process where possible and appropriate; and
  - 6.1.6.3. provided with reasons for Council's decision/s and any options for redress or review.
- 6.1.7. It may be more appropriate for particular types of complaints to be dealt with by another process. For example:
  - 6.1.7.1. Complaints against a Chief Executive Officer
  - 6.1.7.2. Complaints regarding Council Member behaviour
  - 6.1.7.3. Freedom of Information applications
  - 6.1.7.4. Insurance claims
  - 6.1.7.5. Decisions made under legislation other than the Local Government Act 1999 e.g. Planning, Development and Infrastructure Act 2016.
- 6.1.8. Should a complainant become unreasonable, for example unreasonable persistence, vexatious, unreasonable demands, lack of cooperation, argumentative or threatening behaviour the complainant will be warned that if such behaviour or actions continue, restrictions may be applied. What is determined as unreasonable will vary depending on a number of factors. Council will manage such situations in a consistent, fair, and equitable manner.
- 6.1.9. Where a complainants behaviour consumes an unwarranted amount of Council resources or impedes the investigation, a decision may be made to apply restrictions of contact with the person. Before restricting contact, the complainant will be warned that if the specified behaviours or actions continue restrictions may be implemented.
- 6.1.10. A decision to suspend action on a complaint will be made by the Chief Executive Officer.
- 6.1.11. Should mediation, conciliation or neutral evaluation under Council's scheme authorised by section 271 of the Local Government Act 1999 be appropriate, 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.
- 6.1.12. Council will not investigate or action anonymous complaints. If a complainant is concerned about disclosing their identity, they may request that their identity be kept confidential. Where relevant, a person making a disclosure of public interest

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			





information may activate protections under the Public Interest Disclosure Act 2018, and in accordance with Council's Public Interest Disclosure Policy and Procedure.

- 6.1.13. Any comments or requests made through social media are not considered, nor treated as an official complaint.
- 6.1.14. In the event the complainant is not satisfied or does not agree with the outcome or decision, it is still considered a resolution. If the complainant is not satisfied with the outcome or decision, they will be advised of any options for review that may be available to them, such as:
- a section 270 Internal Review of a Council Decision; or
  - an external review; or
  - an external appeal

## 6.2. Response to Complaints

- 6.2.1. Receipt of a complaint will be promptly acknowledged, and a response will be provided within **ten (10) business days**.
- 6.2.2. In some circumstances the complaint process may take longer due to the nature and complexity of the complaint. The complainant will be advised of the circumstances and provided with a revised date for receiving the response.
- 6.2.3. The complaint will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised.
- 6.2.4. Throughout the process, people's expectations will be managed, and a Council Officer will inform them of the following:
- The complaint process.
  - The expected time frames for Council actions.
  - The progress of the complaint and reasons for any delay.
  - Their likely involvement in the process; and
  - The possible or likely outcome of their complaint
- 6.2.5. Complainants will be advised when Council is not the relevant authority to deal with any part of their complaint, and provided advice about where such issues and/or complaints may be directed (if known and appropriate) e.g. Ombudsman, State Government etc. Some legislation (Act, Regulation, Rule by By-Law) specifically makes provision for an appeal, or an internal or external review of a decision.
- 6.2.6. Personal information that identifies individuals will only be disclosed or used by the Council as permitted under the relevant privacy laws, legislative requirements and any relevant confidentiality obligations.
- 6.2.7. Council will also make an assessment as to whether there has been a disclosure of public interest information; whether identity protection should be afforded; and whether to protect the complainant's identity before the substance of the complaint is addressed in accordance with the Public Interest Disclosure Act 2018.

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			



6.2.8. If the complaint is assessed by the Chief Executive Officer to be a vexatious complaint, the complainant will be informed of that decision, and of the reasons why Council has declined to take any further action.

## 7. Roles and Responsibilities

Role	Responsibility
<b>Elected Member</b>	Council Elected Members are responsible for review and approval of this policy.
<b>Chief Executive Officer</b>	The CEO is ultimately accountable for the management of, and response to, customer interactions dealing with serious matters or where the customer has not been satisfied with Council's response.
<b>Directors</b>	Directors are responsible for resolving customer interactions relevant to their directorates and where cross-directorate resolutions are required.
<b>Managers</b>	Managers are responsible for resolving customer interactions relevant to their area
<b>Council Officers</b>	Includes all levels of Council employees. Council Officers are accountable for dealing with initial customer interactions relevant to their responsibilities.
<b>Volunteers</b>	Are accountable for dealing with customer interactions relevant to their responsibilities in accordance with Council's Volunteer Policy.

## 8. Availability

This Policy is available for inspection at the Council office during ordinary business hours and provided to interested parties as per Council's Fees and Charges Register. Copies are available to be downloaded, free of charge, from Council's website: [www.yankalilla.sa.gov.au](http://www.yankalilla.sa.gov.au)

District Council of Yankalilla  
1 Charles Street  
Yankalilla 5203

Phone: (08) 8558 0200

Fax: (08) 8558 2022

Email: [council@yankalilla.sa.gov.au](mailto:council@yankalilla.sa.gov.au)

Office hours: Monday to Friday, 9.00am to 5.00pm (except public holidays)

Complaints Policy				Version 15.0
The electronic version held on ERDMS is the controlled version of this document.				
Effective Date:	November 2015	Review Date:	February 2024	
Warning:	This document is uncontrolled when printed.			





## 9. Review

This Policy will be reviewed every four (4) years or more frequently if legislation or Council require.

## 10. Document History

Date	Version	Council Resolution No.	Description of changes
17 November 2015	12.0		Review of Policy
18 July 2017	13.0	C17113	Review of Policy
15 October 2019	14.0	C19195	Review of Policy
20 February 2024	15.0	C24019	Review of Policy. Formatting updates. Separation of document into Policy and Procedure documents.

Complaints Policy <i>The electronic version held on ERDMS is the controlled version of this document.</i>				Version 15.0
<b>Effective Date:</b>	November 2015	<b>Review Date:</b>	February 2024	
<b>Warning:</b>	This document is uncontrolled when printed.			