



## **OPERATING GUIDELINE**

### **CORPORATE COMPLAINT HANDLING OPERATING GUIDELINE**

(INCLUDING SECTION 270 INTERNAL REVIEW OF COUNCIL DECISIONS OR GRIEVANCES)

**Approved by:** *Chief Executive Officer. Date: 4 November 2011 (ACC2011/141865)*

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#### **Responsible Officer**

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## 1. Introduction

The purpose of this document is to detail the Corporation's procedures for managing complaints, to define what a complaint is, to set expectations for both customers and staff in how customer complaints will be managed, and to explain the procedure so staff understand their role in the complaint handling process. The intended audience is Corporation staff.

This procedure covers all complaints as defined in this document received by the Corporation

## 2. Guideline Statement

The Corporation of the City of Adelaide views its management of complaints as an important component of continuously improving the experience of Council's stakeholders. The Corporation is committed to identifying, investigating and resolving issues that arise from complaints. The Corporation is also committed to tracking the progress of complaints and reporting this on a regular basis to Associate Directors, the Executive Leadership Team, the Council, and the general public through the Annual Report.

## 3. Complaint Procedure

### 3.1 Components of the Complaint Handling procedure

Where possible any complaint received by the Corporation will be resolved at first point of contact. Where it cannot be resolved at this point, the following steps will help guide the complaint through to resolution in a timely and efficient manner.

#### 3.1.1 Complaint received and logged.

Once received, the complaint will be logged in the Corporation's Information Management Tool, with the Request Type changed to Complaint to ensure it is accurately captured. If the complaint is resolved at the First Point of Contact (FPOC), the Request Type should remain as a complaint so the complaint and resolution can be captured in reporting. The complaint handling procedure has been reviewed with the intent of centralising complaint management for the whole Corporation.

This will enable case management of complaints not able to be resolved at FPOC, to give customers a single point of contact for their complaint. It will highlight where there are numerous complaints for one customer and greatly improve the efficiency of complaint reporting and tracking across the Corporation.

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### **3.1.2 Initial Assessment and Acknowledgement.**

After the complaint has been logged, in the instances when the complaint can't be resolved at FPOC, the complaint will be forwarded to a Customer Advocate who will assess and forward the complaint to the appropriate actioning officer. The complaint will be acknowledged, and a reference number should be given to the customer. How this communication occurs may depend on how the complaint was initially received – i.e. verbal acknowledgment may be given for a complaint received over the phone or in person, but a complaint received by letter or email may need a written acknowledgement. In every instance when the complaint has been referred onto a Customer Advocate, an acknowledgement letter will be sent to the customer. The acknowledgment should include a summary of the complaint, steps that will be taken to address the complaint, and the expected timeframe for the complaint to reach resolution.

### **3.1.3 Investigation and Tracking**

After the customer has been advised of the expected timeframes, the complaint should be investigated. Personal information should only be disclosed during this process for the purpose of addressing the complaint within the Corporation. The customer (and Customer Advocacy team) can track the progress of the complaint with their reference number, however the customer should be contacted as soon as possible if the given timeframe will not be met, with a new expected resolution date.

### **3.1.4 Response and Communicating Decision.**

The complaint handling procedure is designed so appropriate actioning officers formulate solutions to customer complaints. The actions may include the improvement or addition of processes to improve the customers' experience. The Corporation is committed to identifying opportunities to continuously improve the experience of Council stakeholders. Once the complaint has been resolved as quickly as possible, the decision should be relayed to the customer. The decision should include a summary of the complaint, steps taken to investigate it, and the outcome of that investigation. It may also include future actions that will be taken to improve the customers experience with the Corporation.

### **3.1.5 Closure and Review**

Once the decision of the outcome has been relayed to the customer via their preferred method of communication, the complaint should be closed with status code 'Complaint Resolved' chosen. Final notification of the complaint resolution should always be finalised via a written

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response to the customer. If the customer expresses dissatisfaction with the outcome, the status code should be changed to 'Complaint Finalised' to reflect that we have finalised the Complaint, but it is not resolved to the customer's satisfaction. This will help identify opportunities during the reporting stage to improve both services provided by the Corporation, and the complaints process itself. A review of complaints may also be undertaken to determine if the complaints procedure still suits the needs of both the customer and the Corporation. This may include Customer Satisfaction monitoring on customers and staff that have been involved in the process.

### **3.1.6 Reporting and Recommendations**

Regular reporting is important for the identification of improvement opportunities across the Corporation, and to determine if the complaints handling operating guideline is being consistently and successfully applied Corporation wide. Centralised reporting will help capture this. Reports will be made available to Associate Directors regularly and may include data on types of complaints, method of complaint reporting, actions taken to rectify issues, timeframes met, complaint finalisation and outcome and any recurring themes and issues. Reporting will also be available in relation to recommendations for improvement stemming from complaints made. Similar, non-identifying information should be made available to the public in the Annual Report

## **3.2 Steps in the process**

### **3.2.1 What is a complaint?**

In general, we think of complaints as dissatisfaction expressed about a situation or thing that requires a response and a resolution. The Corporation views complaints as an opportunity for the customer to tell us when their experience with Council has not met their expectations. This may include unfulfilled service requests, a decision made by Council that affects the complainant, a request for the improvement of a service provided by Council, the actions or attitude of a Corporation employee or the Council, or dissatisfaction stemming from any issue the Complainant may have with Council. Complaints can be more complex than they first appear. However, the Corporation is committed to having processes to deal with all complaints received, and to improving or implementing processes that ensure customers' needs are met in an equitable way.

### **3.2.2 What isn't a complaint?**

A complaint under this operating guideline does not include initial service or work requests, requests for information, suggestions,

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comments or feedback, or any other contact that does not meet the definitional requirement for a complaint.

### **3.2.3 Who can make a complaint?**

Any stakeholder of the Council can make a complaint. This includes citizens of the Council, customers of the Council, and Council partners. This may include people who live, work, study or conduct business in the Council area, or those who visit, use or enjoy the services, facilities and public places of, the City of Adelaide. It is important to ensure we have effective and efficient means for dealing with complaints from these sources. Elected Members play a special role in the community as representatives of Council. Frequently they may be the first point of call for a complaint. A complaint made to an Elected Member is a clear indication the complainant takes the matter very seriously. Complaints made about decisions of Council are equally important. They provide information about how the community views the actions of Council and help to ensure an ongoing responsiveness to community needs on the part of Council. The Corporation must ensure these complaints are captured by the Corporation's systems and properly managed. Wherever possible these complaints will be managed at the first point of contact. However, at times it may be appropriate for the grievance procedures to be used when these processes have failed. (see Section 270 Complaints)

### **3.2.4 How to submit a complaint**

Submitting a complaint should be easy and Council has many channels by which a complaint can be received. These include over the phone, face to face over the Customer Centre counter, face to face to frontline staff (eg Parking Officers, Cleansing and Horticulture staff), email, internet contact forms, written letter, City Chat, or social media (facebook and twitter). Complaints can also be made to Elected Members, The Lord Mayor, The CEO and Ministers of Parliament. Staff receiving complaints can enter them into Council's Information Management Tool, or if this is not available, they can be forwarded via email to the Council's email address. Anonymous complaints received will be assessed and the appropriate course of action will be determined by the Customer Experience Manager. All reasonable effort should be made to assist complainants with specific needs – this may include providing an interpreter or translator, ensuring customers can be represented by an advocate of their choice, and providing straightforward and easy to read information in plain language.

### **3.2.5 Who can receive a complaint?**

Any Corporation staff member can receive a complaint. Most complaints are likely to be handled by Customer Service Officers (CSOs). Staff with access to Council's Information Management Tool will be

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responsible for ensuring that the complaint is recorded accurately, flagged as a complaint and, if possible, resolved at first point of contact. If it can't be resolved at first point of contact the receiving officer will be responsible for forwarding complaints to the appropriate Customer Advocate. They will also ask for contact information so that they can let the person making the complaint know about the outcome. Staff receiving a complaint who do not have access to Council's Information Management Tool should endeavour to relay the complaint to the Customer Centre at the first opportunity, to ensure the complaint is logged accurately, and the customer is contacted at the earliest opportunity to acknowledge it's receipt. At this point, more information can be gained if required.

### **3.2.6 What to do if you receive a complaint**

If you are in the situation of accepting a complaint from a customer you must do a number of things. First, note down the detail of the complaint and obtain contact information from the person making the complaint so they can be contacted for more information if necessary, and made aware of the outcome. Remember to provide your own name and contact details in case further information is required from you. The complaint should be acknowledged as a complaint, whether verbally (phone, face to face) or in written form (letter, City Chat, email) and a reference number should be provided to the complainant. The complaint should be entered into Council's Information Management Tool as soon as possible, or passed onto the Customer Centre for entry. If the complaint can't be taken from the customer at the time it is made, the customer should be made aware of how they can lodge a complaint, and where possible, provided with a copy of the Council's Complaint Handling brochure. It is important for all staff members to understand that the complaint does not need to be made in writing to be deemed a complaint (with the exception of section 270 complaints), and complaints received via any channel will be given the same attention and priority.

### **3.2.7 How long should a complaint take to reach resolution?**

Complaints should be resolved immediately where at all possible. If not possible, once all of the details have been recorded and forwarded to the actioning officer, the complaint should reach a resolution within 10 working days. Hazardous complaints should be dealt with directly and should be resolved as soon as possible. Where complaints cannot be resolved within communicated expected timeframes, the complainant should be contacted and advised of a new expected resolution date, the current progress of the report, and the reason it cannot be resolved within the expected timeframe. If the complaint cannot reach resolution within expected timeframes due to the complainant providing incomplete or insufficient detail, they should be made aware that this will delay the resolution process, and encouraged to provide as

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much detail as possible to reach a timely resolution. The Corporation is currently developing Service Level Agreements which will guide staff and Associate Directors in reaching complaint resolution in a timely manner. Whilst reporting on complaint resolution will fall under the centralised complaint management area, it will ultimately be the responsibility of individual Associate Directors to ensure staff understand, and comply with agreed service levels.

### **3.3. Unreasonable Complainants**

#### **3.3.1 What is an Unreasonable Complainant?**

Council may receive complaints from unreasonable complainants. Unreasonable complainants may include complainants who;

- make frivolous or irrelevant complaints,
- make complaints without basis,
- are abusive or threatening,
- are persistent and/or overly demanding.

Unreasonable Complainant Conduct is divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

#### **3.3.2 What are the steps in dealing with an Unreasonable Complainant?**

Complaints that escalate to unreasonable complaints will be dealt with in accordance with Council's 'Unreasonable Complainant Conduct – Staff Procedure'. This document is publicly available on Council's website.

## **4. Section 270 Internal Review of Council Decisions**

### **4.1 What is a Section 270 review?**

Section 270(1) of the Local Government Act 1999 requires the Corporation to establish procedures for the review of decisions of:

- the Council;
- employees of the Council;
- other persons acting on behalf of the Council.

Where a complaint can't be resolved through the Complaint Handling procedure, or a complainant requests a review of a decision of Council, an employee of Council, or other persons acting on behalf of the Council, a complainant may make an application for formal review under Section 270(1), where existing review processes or statutory appeal processes do not exist.

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It is intended the Section 270 review procedure is used in conjunction with the Complaint Handling procedure, the Strategic Management Plan, the Customer Service Charter the Lord Mayor and Councillors Code of Conduct, the Employee Code of Conduct, and the Whistleblowers policy. Any requests for review concerning Council Members should be directed to the CEO, and any serious and proven allegations of employee fraud and corruption should be referred to the Anticorruption Branch of the South Australian Police.

#### **4.2 Who can lodge an application for a Section 270 review?**

Any person affected by a decision made by Council, an employee of Council, or other persons acting on behalf of Council

#### **4.3 How can a Section 270 review be lodged?**

A request for review under section 270(1) of the LGA Act 1999 is to be made in writing to the Senior Governance Advisor. It must include a statement clearly indicating which decision/s the applicant wishes to have reviewed, a statement outlining the reasons the review is requested, the name and contact details of the applicant, and any other relevant information.

#### **4.4 How will an Application for Review be Acknowledged?**

Applications for review will be responded to within 10 business days, acknowledging receipt and advising of the expected timeframe for dealing with the matter. Best endeavours will be made to ensure that a review of the original decision will be completed within 20 business days of receipt. However, if the decision is to be reviewed by Council, or in more complex cases, a review may take longer.

The applicant will be informed of progress, either by email, letter or telephone.

#### **4.5 Which Matters are Outside the Scope of Section 270 Internal Reviews?**

Other provisions in the Local Government Act prescribe appeal arrangements in certain circumstances, for example, objections to valuations made by a Council and appeals against orders made pursuant to section 254 of the Local Government Act.

Other legislation that has its own prescribed appeal procedures, including:

- the Development Act 1993;
- the Dog & Cat Management Act 1995;
- the Freedom of Information Act 1991.

#### **4.6 In Which Situations May an Application for Review be Refused?**

The Corporation may refuse the application if:

- it is made by an employee of the Council and relates to an issue concerning their employment; or
- it appears to be frivolous or vexatious; or
- the applicant is deemed to have insufficient interest in the matter.

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Refusing an application for review will not be done lightly and reasons for the refusal will document the evidence on which a refusal is based.

#### **4.7 Who Will Reconsider a Decision Under Review?**

The person or body appointed to conduct a review is the Reviewer. The Senior Governance Advisor is responsible for dealing with Section 270 reviews and in most cases, will be the Reviewer. The Senior Governance Advisor will receive all applications and conduct an initial assessment to determine and take appropriate action as follows:

- Conduct the review in accordance with this Guideline;
- Determine to engage external legal advice to assist in the conduct of the review if considered necessary;
- Determine if an application is to be refused under clause 3.3.3 of this Guideline;
- If the application is to be refused under clause 3.3.3 of this Guideline, notify the applicant of the refusal and reasons for doing so;
- If the Senior Governance Advisor is the subject of the application, forward the application to the Associate Director Governance to either conduct the review, or appoint another suitable officer to conduct the review;
- Where the application relates to:
  - a decision of the Council;
  - Council endorsed objectives and policies;
  - the internal review of a Council Decision Procedure, or the process applied; or
  - any other matter the Senior Governance Advisor determinescoordinate the review and refer it to the Council for consideration and decision. In these situations the Council is the Reviewer;
- Where the application relates to an expiation and the Senior Governance Advisor considers the expiation has previously been appropriately reviewed under the Expiation of Offences Act 1996, advise the applicant that the decision will not be reviewed again.

#### **4.8 Applications that relate to the Impact of Declaration of Rates or Service Charges on Ratepayers**

If Council receives an application for review of a decision concerning the financial impact of Council rates or services charges, these will be dealt with as a matter of priority. Where circumstances warrant, Council will consider financial relief or the granting of concessions in line with the provisions of the Local Government Act 1999.

#### **4.9 Considerations of a Review**

The role of a review is to review the decision in question to ensure that the decision-maker complied with the following procedural requirements and made the best possible decision in the circumstances:

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- The decision-maker was appropriately authorised to make the decision;
  - The decision-maker considered all matters which were relevant to the making of the decision, and did not take into account matters which were not relevant to the decision;
  - The decision-maker did not make a decision or exercise a power or discretion in bad faith or for an improper purpose;
  - The decision-maker ensured that findings of fact were based on evidence;
  - The decision was reasonable (a review will include an assessment of the merits of the decision);
  - Those affected by the decision were accorded procedural fairness, which includes the principles of natural justice;
  - The decision-maker properly considered the application of existing policies and legislation, as they existed at the time of the decision;
  - The decision-maker did not exercise a discretionary power at the direction of another person.

The Reviewer will:

- Review all documentation and information relevant to the decision;
- Review all relevant council policies and procedures relied upon in making the decision; and
- Obtain additional information or clarification from the applicant as required.

#### **4.10 Providing Procedural Fairness**

The principles of procedural fairness (also called 'natural justice') will be observed when exercising statutory powers which could affect the rights and interests of individuals.

Procedural fairness involves:

- Giving an applicant a right to put their case forward. This will generally involve giving an applicant the opportunity to provide all relevant documentary evidence, rather than an oral hearing;
- Ensuring the Reviewer does not have a personal interest in the outcome (is not biased); and
- Acting only on proper evidence that is capable of proving the case.

#### **4.11 Giving Reasons**

While there is no statutory requirement to give reasons for a decision, the Reviewer will provide reasons for the decision where practicable.

A Reviewer will always give reasons to explain the outcome where:

- A decision is not in accordance with Council policy;
- A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
- Conditions are attached to any approval, consent, permit, licence or other authorisation.

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#### **4.12 What if the customer finds the review to be unsatisfactory?**

Applicants who do not find the review satisfactory will be advised of other options for review, such as the SA Ombudsman. At any stage of the process, the applicant may direct their complaint to the Ombudsman, however they should be advised the review of decision with Council may be suspended until the outcome of the Ombudsman review is reached.

#### **4.13 Reporting of Section 270 reviews**

Please refer to section 9.

### **5. Suggestions, feedback and comments**

Although the Corporation does not deem suggestions, feedback and comments as complaints, they are encouraged and valued as a large component of the Corporation's commitment to continually improving the way we do business, and making the customer the centre of everything we do. On receipt of a suggestion, feedback or comment, the CSO should forward it to the appropriate actioning officer who will make a decision as to whether it will be implemented. The customer should be provided with a reference number, and where possible, the name of the staff member or area of business, that will receive, and if possible, action their suggestion.

### **6. Compliments**

Compliments are important too. Where a complaint helps us to understand what we are doing wrong, a compliment helps us to understand what we are doing well. Both complaints and compliments help us to understand the expectations and needs of our customers. It's very important compliments are tracked and reported - especially to the person or department with which they are concerned.

When a customer calls or phones into the Centre, or writes to the Corporation with a compliment, details will be logged by a CSO. The CSO will take as much detail as practicable (ie, name/department, what they did, why the customer was happy about it). Where the compliment is about a Corporation employee, the CSO will phone or email the compliment to their direct manager. Where the compliment relates to a department or the Corporation generally the details will be forwarded to the Associate Director, the Director and/or the CEO, as appropriate.

### **7. Roles & Responsibilities**

#### **7.1 Corporation Employee**

As a Corporation employee your role with respect to complaints is quite straightforward. If you are in a position to hear a customer complaint it is your responsibility to ensure that the customer knows how to have it resolved. If possible, the complaint should be resolved at that point. If it is resolved it should still be recorded as a complaint. If it cannot be resolved at the first point of contact the details of the complaint and the contact details of the person making the complaint should be taken and where possible, entered into the

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Corporation's Information Management Tool and forwarded to the Customer Advocate. If not possible the details should be forwarded to the Customer Centre. If impracticable to take the complaint details, the customer should be provided with the Complaint Handling brochure, so they are aware of how to lodge the complaint themselves. If not possible you can provide them with a business card with the Customer Centre contact details on them for further contact.

## **7.2 Customer Service Officers and Customer Advocates**

CSOs will be the main point of contact for customer complaints. It will be their responsibility to resolve the complaint at the first point of contact if possible or forward the relevant information to the actioning officer. Complaints received by the CSO must be flagged as a complaint in the complaint recording system, to ensure it can be accurately reported on and relevant staff is made aware of it. Customer Advocates receiving a complaint are responsible for liaising with other areas of the business to ensure a timely resolution for the customer. They have a responsibility to ensure the customer's best interests are always promoted, and that the details of the complainant are protected where at all possible.

## **7.3 Customer Experience Manager**

The role of the Customer Experience Manager is to monitor the number and type of complaints being received by the Corporation. This is one way the Corporation can monitor the expectations of customers. The Customer Experience Manager will also act as a resource to Associate Directors and Directors in managing and actioning complaints they receive. The Customer Experience Manager will ensure that the infrastructure to effectively monitor and act on customer complaints is in place and operating well. It is the responsibility of the Customer Experience Manager to spread awareness of the Complaint Handling operating Guideline to ensure it is being applied consistently throughout the Corporation.

## **7.4 Associate Director**

Associate Directors will be responsible for resolving complaints relevant to their programs. While they may delegate this duty they will be ultimately responsible for the actions identified and their implementation in response to a complaint. Associate Directors will also be responsible for ensuring their staff have a clear understanding of the Complaint Handling Operating Guideline, and ensure it is consistently adhered to.

## **7.5 Directors**

Directors will be responsible for complaints requiring cross-program resolutions and complaints that have not been able to be resolved at the departmental level. Directors will also be responsible for ensuring their Associate Directors have a clear understanding of the Complaint Handling

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Operating Guidelines, and ensuring it is consistently adhered to across their portfolio.

### **7.6 Chief Executive Officer**

The CEO is responsible for complaints on all matters that pose a high risk threat to employees, the Corporation, and the reputation of the Council, and where the customer has not been satisfied with the Corporation's response the first time round for routine matters. The CEO will appoint a representative (CE Manager) to consult with the appropriate Programs involved to ensure a resolution is achieved.

## **8. Tracking of Complaints**

Each step of the resolution of a complaint will be tracked on Council's Information Management Tool. This will allow customers to enquire as to the progress of their complaint at any point. It is important to provide the customer with a reference number when the complaint is made, to ensure this can happen.

## **9. Reporting**

Regular reports will be generated for Programs, Portfolios and the Corporation as a whole. This will help us to monitor changing customer expectations and needs, assess how well our resolution processes are working and identify improvements to our service delivery. The reports will also be instrumental in building a complaints database to further monitor complaint trends, and to identify complaint duplications across the Corporation. This will be done by the Customer Experience program. Information on the complaints received by the Corporation will also be communicated to the general public via the Council's Annual Report and may include non-identifying data on complaints such as how they were received, what the issue was in regards to, actions taken to resolve the complaints, the number of complaints resolved, and improvements and amendments made to council services and decisions that resulted from a complaint investigation.

The Senior Governance Advisor will report to the CEO on the progress and resolution of requests for internal reviews under Section 270. An annual report will be prepared detailing the number of Section 270 requests, the types of matters to which they related, outcomes of the reviews, and other matters that may be prescribed by the regulations. This annual report will be presented to Council as part of the Annual Report required by section 131 of the Local Government Act 1999.

## **10. Where to get more information**

If you are unsure as to what to do with respect to a complaint you have a number of avenues open to you:

- The Complaints Handling brochure is a good starting point in determining what to do if you receive a complaint
- Your Manager has a responsibility to ensure all staff in that Program has awareness, and a clear understanding of the Complaints Handling Operating

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Guideline. Your immediate manager should be able to help you with any training needed to ensure the Operating Guideline is understood, and being applied consistently.

- If the customer's complaint falls outside of the Council's jurisdiction, you may need to refer them onto an external agency. This may include the Ombudsman, the Office of Consumer and Business Affairs, their local state, or federal Minister of Parliament, the Department of Family and Communities, or other government departments. The customer may also contact the Legal Services Commission of South Australia for legal advice, and if required, mediation services. More information about government departments can be found at [www.gov.sa.au](http://www.gov.sa.au), or [www.australia.gov.au](http://www.australia.gov.au).
- For further information about Section 270 reviews, please direct any enquiries to the Senior Governance Advisor through the Customer Centre at 25 Pirie Street, Adelaide, 8203 7203, [city@adelaidecitycouncil.com](mailto:city@adelaidecitycouncil.com).