

## Customer Service and Complaints Handling

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Responsible Officer:	Director Corporate
Relevant Legislation:	<p>By-Law No 3 – Local Government Land            Disability Discrimination Act 1992 (Cth)            Equal Opportunity Act 1984            Expiation of Offences Act 1996            Freedom of Information Act 1991            Libraries Act 1982            Local Government Act 1999            Ombudsman Act 1972            Planning, Development and Infrastructure Act 2016            Privacy Act 1988 (Cth)            Public Interest Disclosure Act 2018            State Records Act 1997            Racial Discrimination Act 1975 (Cth)            SA Public Health Act 2011            Sex Discrimination Act 1984 (Cth)            Work Health and Safety Act 2012</p>
Related Policies:	<p>Better Living, Better Health (2020-2025) Regional Public Health and Wellbeing Plan (EHA)            Closed-Circuit Television (CCTV) and Recording Policy            Code of Conduct for Council Employees            Code of Conduct for Council Members            Code of Conduct for Volunteers            Community Access, Inclusion and Participation Policy            External Customer Experience Protocol            Employee Conduct Protocol            Fraud, Corruption, Misconduct and Maladministration Prevention Policy            Grievance Resolution Protocol            Home Support Program (HSP) Compliments, Complaints, Open Disclosure and Appeals Protocol            Internal Review of Council Decisions (Section 270) Procedures            Performance Management and Misconduct Protocol            Privacy Policy            Request for Service Policy            Records Management Policy            Work Health and Safety and Return to Work Policy            WHS Handling Aggression, Violence or Threats from Public at Work Procedure</p>

## 1. Introduction

- 1.1. The City of Burnside is committed to achieving customer service excellence by striving to deliver services in a professional, coordinated and timely manner. 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.
- 1.2. This Policy defines the standard of service that Customers can expect to receive when dealing with Council and outlines the expectations of Council, Council Employees, Staff and/or Associates when providing customer service to internal and external Customers.
- 1.3. The Policy aims to provide a consistent and structured process for Council's customers if they are dissatisfied with a Council action or service and wish to make a complaint.
- 1.4. This Policy should also be read in conjunction with Council's Request for Service Policy.

## 2. Strategic Plan Desired Outcomes

- Principles:* Covers all principles
- Themes:* Spans all Strategic Plan Themes
- Goals:* Spans all Strategic Plan Goals
- Priorities:* Spans all Strategic Plan Priorities

## 3. Legislative Requirements and Corporate Policy Context

- 3.1. Under Section 270 of the *Local Government Act 1999*, a Council must develop policies, practices and procedures for dealing with reasonable requests for service, or the improvement of a service, or for dealing with complaints to ensure a safe working environment as outlined under the *Work Health and Safety Act 2012*.

## 4. Our Approach

- 4.1. To regularly review, update and adopt leading governance, risk management and administrative practices.
- 4.2. A commitment to achieving customer service excellence by striving to deliver services in a professional, coordinated and timely manner.
- 4.3. A commitment for dealing with complaints to ensure a safe working environment free from prohibited behaviours and unreasonable conduct.

## 5. Interpretation

For the purpose of this Policy:

- 5.1. **“the Act”** means the *Local Government Act 1999*.
- 5.2. **“Business day”** means Monday to Friday inclusive (except for public holidays).
- 5.3. **“Complainant”** is a person who makes a complaint.
- 5.4. **“Complaint”** means 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 documented. This includes complaints about a request for service that has been or should have been delivered.
- 5.5. **“Council”** means the City of Burnside.
- 5.6. **“Council Premises”** means all Council-owned and operated premises.
- 5.7. **“Council Services”** means all services, assistance and facilities provided by the Council to the community whether under legislative obligations or not, with or without charge, including by way of telephone, email, the Council’s website and face-to-face interactions within Council Premises or on-site.
- 5.8. **“Customer”** means a person who is utilising Council Services or Council Premises and includes external Customers being any residents, ratepayers, members of public or organisations that have any form of dealings with Council.
- 5.9. **“Council Member”** means a member of Council. The role of members of councils is outlined in section 59 of The Act.
- 5.10. **“Employees, Staff and/or Associates”** means a person either employed by Council or a person engaged through an employment agency, a contractor, volunteer, or a committee member appointed by Council under Section 41 of the Act, or any other person who acts or works on behalf of Council.
- 5.11. **“Exclusion”** means limiting the interaction between an individual and Council Employees, Staff and/or Associates.
- 5.12. **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.
- 5.13. **“Request for service”** means an application to have Council or its representative take some form of action to provide or improve a Council service.
- 5.14. **“On-site”** means located at the site of an activity or concern, including but not limited to locations where Council Employees, Staff and/or Associates conduct business on behalf of Council.
- 5.15. **“Prohibited Behaviours”** within all service areas in Council premises and on-site means the following behaviours by Customers:

- 5.15.1. Abuse, intimidation and/or harassment, racist language and/or wording directed at Council Employees, Staff and/or Associates or other Customers;
  - 5.15.2. Disruptive behaviour including disorderly conduct, unsupervised children, noise or activity that interferes with the rights of others, physical abuse, abusive or threatening language or body movements and/or misuse of Council furnishings;
  - 5.15.3. Theft, vandalism or other illegal acts;
  - 5.15.4. Engaging in lewd or sexual activities;
  - 5.15.5. Soliciting, selling or canvassing other than for activities that have received prior approval from Council;
  - 5.15.6. Being in a state of intoxication that causes or may reasonably be considered as contributing to a public disturbance or interference with others' use or enjoyment of Council Premises or Council Services;
  - 5.15.7. Loitering on the premises under circumstances that warrant alarm for the safety and health of any person or property in the vicinity;
  - 5.15.8. Deliberately disrupting others' use of Council Premises or Services;
  - 5.15.9. Deliberately viewing pornography, abusing or misusing social media or otherwise deliberately breaching the security of the Council's computer network;
  - 5.15.10. Smoking within all indoor Council owned premises areas or designated outdoor no-smoking areas such as playgrounds; and/or
  - 5.15.11. Failing to comply with the Conditions of Entry at the George Bolton Swimming Centre Burnside.
- 5.16. **“Prohibited Behaviours”** within all indoor areas of Council premises means the following behaviours by Customers:
- 5.16.1. Smoking;
  - 5.16.2. Littering;
  - 5.16.3. Talking so as to be a distraction to others in a quiet study area;
  - 5.16.4. Inappropriate use of resources, equipment or furniture;
  - 5.16.5. Using mobile devices (including telephones, laptops and tablets) to the distraction of other Customers; and
  - 5.16.6. Inappropriately monopolising space provided for reading, quiet study area, sitting or waiting to the exclusion of other Customers.
- 5.17. **“Unreasonable Conduct”** is grouped into five categories of conduct:

- 5.17.1 **Unreasonable persistence** – continued, incessant and unrelenting conduct by a Customer that has a disproportionate and unreasonable impact on Council Employees, Staff, Associates, services, time and/or resources. For instance, by persisting with a complaint or request even though all avenues of review (both internal and external) have been exhausted, refusing to accept final decisions and/or sending excessive amounts of correspondence;
- 5.17.2 **Unreasonable demands** – any demands (expressed or implied) made by a Customer that have a disproportionate and unreasonable impact on Council Employees, Staff and/or Associates, services, time and/or resources. For instance, by demanding outcomes that are beyond the Council's power to deliver or which cannot be delivered in the timeframe demanded by the Customer, demanding unreasonable outcomes, changing the criterion or engaging in the unreasonable persecution of individuals;
- 5.17.3 **Unreasonable lack of cooperation** – an unwillingness by a Customer to cooperate with Council Employees, Staff and/or Associates or utilise Council's complaints handling systems and processes that results in a disproportionate and unreasonable use of Council services, time and/or resources. For instance, by displaying unhelpful behaviours such as withholding information, dishonesty, misquoting others, being unable to consider other valid viewpoints or refusing to define issues of complaint;
- 5.17.4 **Unreasonable arguments** – include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, insulting personal attacks, trivial and that disproportionately and unreasonably impact upon Employees, Staff and/or Associates, services, time, and/or resources and/or other Customers; and
- 5.17.5 **Unreasonable behaviours** – conduct that is unreasonable in all circumstances, regardless of how stressed, angry, or frustrated a complainant might be, because it unreasonably compromises the health, safety and security of Employees, Staff and/or Associates, other Customers or Customer themselves.

## 6. Council and Customer Expectations

- 6.1. Council recognises its obligation to provide the highest standard of service and experience to Customers. It is important that Customers always know what they can expect from Employees, Staff and/or Associates.
- 6.2. Council expects its Employees, Staff and/or Associates to commit to and enact the following 6 key elements to Customer Service behaviours:
  - 6.2.1. Acknowledge the Customer;
  - 6.2.2. Ask How to Help the Customer;
  - 6.2.3. Listen to the Customer;
  - 6.2.4. Confirm Actions;

- 6.2.5. Be Accountable for Actions; and
- 6.2.6. Confirm Satisfaction of the Customer.
- 6.3. Council expects Customers will:
  - 6.3.1. Provide accurate and complete details when contacting Council;
  - 6.3.2. Treat Council Employees, Staff and/or Associates and Council Members with courtesy and respect; and
  - 6.3.3. Not engage in unreasonable conduct or other prohibited behaviours.
- 6.4. Council aims to provide a safe environment for all Employees, Staff and Associates, and visitors to all Council premises. Council has a 'zero-tolerance' standing towards any harm, abuse or threats directed towards Employees, Staff, Associates and customers from any individual or group through the display of any prohibited behaviours or unreasonable conduct.
- 6.5. Any conduct of this kind displayed by a Customer will be dealt in an appropriate, equitable and consistent manner, in accordance with the duty of care and work health and safety responsibilities of the Council and in accordance with its supporting Policies, Protocols, Procedures and Processes.
- 6.6. At the discretion of the Director, unreasonable conduct incidents will generally be managed by limiting or adapting the ways that Council interacts with customers by defining:
  - 6.6.1. **Who they have contact with** – limiting a customer to a sole contact officer at the Council.
  - 6.6.2. **What they can raise with Council** – restricting the subject matter of communications that Council will consider and respond to.
  - 6.6.3. **When they can have contact** – limiting a customer's contact with Council to a particular time, day, or length of time, or defining the frequency of their contact.
  - 6.6.4. **How they can make contact** – limiting or modifying the forms of contact that customer can have with Council.
- 6.7. In rare cases, and as a last resort when all other strategies have been considered and/or attempted, it may be necessary for Council to terminate a customer's contact/access. This can only be approved by the Chief Executive Officer. A decision to have no further contact with a customer will only be made if there is a documented history of contact that supports a conclusion that the customer is unlikely to modify their conduct and/or the conduct poses a significant risk for staff or other parties.
- 6.8. Council acknowledges that some customers may be living with a mental illness that could contribute to engaging in prohibited behaviours or unreasonable conduct. Council will endeavour to ensure a safe, reasonable and respectful outcome for all parties.

## 7. Complaints, Compliments and Feedback

- 7.1. The City of Burnside is committed to the provision of quality services to our customers and regards complaints, compliments and feedback as an opportunity to resolve a matter and improve practices, procedures and the level of customer service, if applicable.
- 7.2. Compliments provide an opportunity to reinforce positive customer experiences and may be used for employee recognition.
- 7.3. Council endeavours to provide a consistent standard of customer service and ensures complaints regarding a Council product or service are reviewed fairly, objectively and resolved, where possible, to the complainant's satisfaction. All customer complaints will be assessed and recorded.
- 7.4. Other complaint procedures may apply to particular types of complaints received by Council. Where the complaint should be dealt with by another process this will be explained to the complainant at the outset. For example:
  - 7.4.1. complaints against a Councillor;
  - 7.4.2. insurance claims;
  - 7.4.3. decisions made under legislation other than the Local Government Act, such as the Development Act 1993 or Expiation of Offences Act 1996;
  - 7.4.4. complaints that are determined to be about matters that are not Council's responsibility, such as those of a personal or private nature between neighbours;
  - 7.4.5. where a complaint or dispute mechanism is available under the auspices of a program such as the Commonwealth Home Support Programme;
  - 7.4.6. referral to a formal internal review of a Council decision conducted under Section 270(1) of the Act and the Internal Review of Council Decisions (Section 270) Procedure; and
  - 7.4.7. a complaint made under the Public Interest Disclosure Act 2018.
- 7.5. Where a complaint cannot be resolved immediately, the complainant will be advised of the process to be undertaken. Council will acknowledge receipt of the complaint within three [3] business days. Council will respond within ten [10] business days, and where possible, resolve it at that time. If a resolution is not possible at that time, the complainant will be kept regularly informed of the progress.
- 7.6. Where a complaint is found to be frivolous, malicious, or vexatious, and the CEO has agreed with the assessment, no further action will be taken on the complaint and the complainant will be advised accordingly.
- 7.7. All anonymous complaints will be assessed provided there is sufficient information to enable an investigation to be undertaken. It is acknowledged that complainants have a right to make an anonymous complaint, however, it is

preferred that complainants provide their name and contact details so that the complainant may be advised of the outcome.

## **8. Remedies**

- 8.1. Where a complaint is found to be justified Council will, where practicable, remedy the situation in a manner that is consistent and fair for the complainant, Council and any other parties if possible. The solution chosen will aim to be proportionate and appropriate to the circumstances.
- 8.2. Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.
- 8.3. The complaint should in the first instance be investigated by the relevant line manager of the area to which the complaint pertains.
- 8.4. If the complaint cannot be resolved by the relevant line manager, then the complaint will be escalated to the next level of decision making within Council as required and in accordance with all relevant policies and protocols.

## **9. Contacting Council**

- 9.1. Contact council;
  - 9.1.1. in person at the Civic Centre, Library, George Bolton Swimming Centre Burnside, Glenunga Hub and Pepper Street Arts Centre;
  - 9.1.2. on Council's website;
  - 9.1.3. telephone;
  - 9.1.4. email; or
  - 9.1.5. letter addressed to The City of Burnside.
- 9.2. When contacting the Council in relation to a complaint, the complainant should include the following details if relevant:
  - 9.2.1. date, time and location of event(s);
  - 9.2.2. description of the event(s);
  - 9.2.3. names of Council employee(s) to whom the complainant spoke and dates;
  - 9.2.4. copies or references to letters or documents relevant to the complaint; and
  - 9.2.5. the outcome the complainant hopes to achieve.
- 9.3. For contact details see "Availability" at clause 15 below.

## **10. Privacy and confidentiality**

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- 10.1. All customer requests, complaints, compliments and feedback lodged with Council are subject to the *Freedom of Information Act 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.
- 10.2. Council will endeavour to protect personal information in accordance with the City of Burnside Privacy Policy.
- 10.3. Information may be disclosed publicly in a de-identified format for annual reporting, employee training and other purposes required by legislation.
- 10.4. Any performance management or misconduct process relating to Council Employees, Staff and/or Associates following the lodgement of a complaint are subject to the confidentiality requirements of Council's Performance Management and Misconduct Protocol.

## **11. Other Forms of Resolution**

- 11.1. While Council prefers to work with its customers to resolve complaints quickly and effectively, a complainant retains the right to seek other forms of resolution, such as a facilitator, Office for Public Integrity, Independent Commission Against Corruption, the Ombudsman, or taking legal action at any time. Note; the Ombudsman generally prefers a complaint to be addressed by Council in the first instance, unless this is inappropriate in the circumstances.

## **12. Unreasonable Complainant Conduct**

- 12.1. All complaints received by Council will be treated seriously and complainants will be treated fairly and courteously.
- 12.2. Occasionally the conduct of a complainant may be 'unreasonable'. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative, or aggressive behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and Council seeks to manage these situations in a fair manner.
- 12.3. Where a complainant's behaviour consumes an unwarranted amount of Council resources, impedes the investigation of their complaint, or is considered to be a work, health and safety hazard, a decision may be made to apply restrictions on contact with the complainant. 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.
- 12.4. In the event that after a warning the behaviour continues, the CEO or delegate may take action to mitigate the risk to Council and any Employee(s). This action will be communicated in writing to the complainant.

## **13. Complaints relating to the Code of Conduct for Council Employees**

- 13.1. Where a person alleges:
  - 13.1.1. 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 employees' functions or duties; or

- 13.1.2. 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
- 13.1.3. 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*.

- 13.2. The complaint must be given to the CEO and will be investigated and resolved according to the industrial and human resource procedures of Council.
- 13.3. In the case of a complaint against the CEO, 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).

## 14. Review and Authority

- 14.1. This Policy will be reviewed every four years at maximum in line with Council's Policies and Protocols Framework.

## 15. Availability

- 15.1. The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au).
- 15.2. The Policy will be available for inspection free of charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre  
401 Greenhill Road, Tusmore SA 5065  
Telephone: 8366 4200  
Fax: 8366 4200  
Email: [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

## 16. Further Information

- 16.1. For further information about this policy please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065  
Telephone: 08 8366 4200; Email: [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

