



COMPLAINT HANDLING POLICY

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CEO Approved
(Signature)

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1. INTRODUCTION

Council is committed to providing excellent service and maintaining a good relationship with all members of our community. Council recognises a community member's right to make a complaint and welcomes feedback on the standard of service provided. Council encourages people to notify us if that standard is ever unsatisfactory.

This Complaint Handling Policy aims to ensure that community members are able to raise their concerns easily and that they have confidence that Council will be responsive, handle complaints in an open and transparent manner and remain independent at all times.

This policy is based on the Victorian Ombudsman's Councils and Complaints – A Good Practice Guide (February 2015).

2. POLICY OBJECTIVE

This policy aims to:

- Put in place an open and transparent complaint handling system
- Specify the key performance indicators to which Council will hold itself accountable.
- Establish timeframes for resolving complaints.
- Clarify the roles and responsibilities of Council Officers.
- Ensure that all complaints are handled fairly and objectively.
- Set out how Officers record and analyse complaint data to identify where Council can improve its services.
- Ensure the health and safety of Council staff and Councillors.
- Provide guidance for Council community members, staff and Councillors for the assessment and determination of complaints considered in accordance with this Policy.

3. SCOPE

This Policy applies to all Council Officers (staff) and Community Members. It also applies to contractors carrying out services on Council's behalf.

4. GUIDING PRINCIPLES

This Policy is based on seven guiding principles:

4.1 Commitment

Council is committed to resolving complaints and to fostering a culture that recognises an individual's right to complain. Council values complaints and recognise them as being part of its business of serving our community and improving service delivery.



4.2 Accessibility

People with a range of needs can make a complaint and Officers actively assist to navigate the complaints process.

4.3 Transparency

Council makes it clear how to complain and how complaints will be handled. The steps taken to respond to complaints are recorded and will stand up to scrutiny.

4.4 Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

4.5 Privacy

Complaint information is handled according to privacy laws and other relevant legislation. Council provides clear information about how it handles personal information. Complaint data is de-identified if reported on more widely.

4.6 Accountability

Council is accountable internally and externally for its decision making and complaint handling performance. Council provides explanations and reasons for decisions and ensures that its decisions are subject to appropriate review processes.

4.7 Continuous improvement

Acting on, learning from and using complaint data helps Council identify problems and improve services.

5. ROLES AND RESPONSIBILITIES OF COUNCIL (STAFF), CONTRACTORS AND COMMUNITY MEMBERS

5.1 Council Responsibilities

Council is committed to providing a high quality service to its community members. Council staff and Councillors will:

- Treat individuals courteously, attentively and sensitively.
- Ensure information and advice given is clear and appropriate for the situation.
- Listen and allow community members to voice their views.
- Ensure community members receive appropriate and full level of service.
- Act impartially, follow fair and just procedures.
- Make decisions based on merit.
- Maintain privacy of personal information and confidentiality.
- Ensure resources are used effectively and efficiently.

5.2 Community Members' Responsibilities

Community members have a responsibility to conduct themselves in an appropriate manner with courtesy and respect to Council staff and Councillors who are dealing with their enquiry.



5.3 Staff Responsibilities

Frontline staff	Most complaints can be resolved immediately and Council staff are encouraged to try to resolve complaints at first point of contact within the scope of their role.
Team Leaders, Coordinators, Managers and Directors	<ol style="list-style-type: none">1. Support frontline staff to understand this Policy and the processes it details.2. Investigate and manage escalated complaints in line with the complaint handling process.3. Refer to appropriate Manager, Director or Chief Executive Officer for internal investigation, if a review is requested by complainant.
Chief Executive Officer	Handles any escalated complaints/investigation/reviews that cannot be resolved by a Director.
Contractors	Keep contract Managers (Officers) informed of any issues regarding complaints in accordance with the contract agreement.

6. HOW TO MAKE A COMPLAINT

6.1 All complaints must be made in writing

A person can lodge a complaint in a number of ways.

Mail:

South Gippsland Shire Council
Private Bag 4
Leongatha VIC 3953

Email: council@southgippsland.vic.gov.au

In Person:

South Gippsland Shire Council Office at 9 Smith Street, Leongatha.

Online:

www.southgippsland.vic.gov.au – via the complaints area located in *Contact Us*.

6.2 Accessibility

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint. With notice Council can supply support to community members with additional needs. A complainant is also able to have an advocate register a complaint on their behalf.

6.3 Anonymous Complaints

Council understands that community members may have a valid reason for not wanting to disclose their identity. Council accepts and will respond to anonymous complaints, provided that enough information is included in the complaint.

Council is unable to respond to a complaint if the complainant does not disclose their identity and contact details. Council will, however, record and analyse the complaint for service improvement.



7. COMPLAINT HANDLING PROCEDURE

Council takes a four-tiered approach to complaint handling as follows:

1. **Frontline resolution:** frontline staff receives the complaint, assess it, and resolve it immediately, if possible.
2. **Investigation, if required:** if frontline staff cannot resolve the complaint, they will refer it to an officer for investigation.
3. **Internal review:** if the complainant is not satisfied with the process or outcome of the frontline resolution/investigation, they can request an internal review.
4. **Access to external review:** if the complainant is not satisfied with the process or outcome of the internal review, they will be informed of any external review options via which they may pursue their complaint.

7.1 Frontline Resolution

For a frontline resolution Frontline staff will:

- 7.1.1 Receive all complaints and register them in the customer request system, which will generate a request number.
- 7.1.2 Supply all complainants with a customer request number explaining that quoting this number will help officers to better assist with the complaint in the future.
- 7.1.3 Respond to all complaints within ten days of receipt.
- 7.1.4 Assess all complaints to determine how they should be dealt with.
- 7.1.5 If Council is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to help.

7.2 Investigation

- 7.2.1 If frontline staff are unable to resolve the complaint; it will be assigned to the Manager of the relevant department for investigation.
- 7.2.2 The Manager handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- 7.2.3 Complaint-handling staff will aim to resolve all complaints within 28 days.
- 7.2.4 If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.
- 7.2.5 Complaints that are not resolved within 28 days may be escalated if necessary to ensure that a resolution is expedited.
- 7.2.6 The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter/report will contain reasons for the decision made and the contact information of the responsible officer.
- 7.2.7 The officer handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.

7.3 Internal Review

7.3.1 Complaints about contractors

Council recognises that we retain a level of responsibility for services carried out by contractors on behalf of Council. Complaints regarding Council's contractors will be handled in the same manner as other complaints and will be dealt with by the appropriate Manager of that department.



7.3.2 Complaints about specific matters – alternative procedures

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the:

- *Local Government Act 1989*
- *Protected Disclosure Act 2012*
- *Privacy and Data Protection Act 2014*
- Guidelines for making and handling protected disclosures and protected disclosures welfare management, 2013
- Councillor Code of Conduct

7.4 Remedies

Where Council has found that an error has been made, it will take steps to redress the situation. Possible remedies include, but are not limited to:

- An explanation of why the error has occurred and steps taken to prevent it happening again.
- A reversal of the decision.
- Full or partial refund of monies paid.
- Disciplinary action taken against the officer in question.
- Providing the means of redress requested by the complainant.
- Review and update records and policy as required.

Where Council identifies an error, it will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

8. PRIVACY

When gathering information to respond to a complainant, Council will only:

- Use it to deal with the complainant or to address systemic issues arising from the complaint.
- Disclose it in a de-identified format when/if making the data public.
- Share it with staff on a need-to-know basis.

All complaints lodged with Council may be subject to the *Freedom of Information Act 1982*.

9. RECORDING COMPLAINTS

All complaints will be recorded in our customer request management system and/or records/document management system. The complainant will receive a customer request number for future reference. Council officers will analyse complaint data and provide reports to Council on how future complaints can be reduced and services improved.

Council records the following information for each complaint:

- The complainant's details
- How the complaint was received
- A description of the complaint
- The complainant's desired outcome (if known)
- The Council officer responsible for handling the complaint
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- Any action taken, including contact with the complainant, response times and the outcome
- When the complaint was finalised
- Relevant demographic information that could help improve services
- Any recommendations for improvement, and who is responsible for implementing those recommendations.

If you are not satisfied and wish to appeal a decision made, or action taken, you can contact the Ombudsman Victoria. The State Ombudsman's Office is an independent body set up to review administrative action taken by Government agencies and Local Government.

The ombudsman Victoria can be contacted:

In writing: at Level 2, 570 Bourke Street, Melbourne VIC 3000

Phone: 1800 806 314

Email: ombudvic@ombudsman.vic.gov.au

9.1 Reporting On Performance

Council will record the number of complaints received and the average time taken to resolve those complaints in its annual report.

10. UNREASONABLE COMPLAINANT CONDUCT

Council understands that most complainants have legitimate concerns and are genuinely seeking a resolution. However there may be some people who demonstrate unreasonable concerns and uncooperative behaviour. Unreasonable complainant conduct is not limited to telephone, communications or face-to-face interactions. It can occur via written correspondence, in public, over the internet and on social media.

Unreasonable complainant conduct can include:

10.1.1 Repeated contact by a complainant after Council has comprehensively considered and finalised their complaint.

10.1.2 Persistent demands by a complainant on how Council should handle a complaint; the priority it should be given, or the outcome that should be achieved.

10.1.3 A continual unwillingness by a complainant to cooperate with Council staff and processes.

10.1.4 Constant and repeated arguments by complainants that are not based on reason or logic, that are incomprehensible, false, inflammatory or trivial.

10.1.5 Acts of aggression, verbal abuse, and derogatory, racist or defamatory remarks.

10.1.6 Persistently raising the complaint even when all avenues of the review have been exhausted.

10.1.7 Not accepting that Council is unable to provide any further assistance in the matter.

11. RISK ASSESSMENT

Without a Complaints Handling Policy Council risks not handling complaints in an open and transparent manner, not treating everyone involved objectively, fairly and respectfully. Council also risks not fostering continuous improvement.



12. DEFINITIONS

Complaint	An expression of dissatisfaction with the quality of an action taken, decision made or service provided by Council or its contractor, or a delay or failure in providing a service.
Request for service	Seeking assistance, information, advice to a service that Council provides.
Community member	Individual or group who has dealings with Council.
Complaint Handling System	System in which complaints are handled effectively and enables people to make complaints that are community-focused, visible, accessible and valued.
Feedback	Positive or negative reactions/comments about a product, service or experience.
First point of contact	Person or department serving as the focal point of information for the community.
Frontline staff	Contact person who the complainant deals with to express their complaint.
Officers/ Staff	All staff of the Council whether employed full time, part time or casual.
Councillors	Elected members to the Council of the South Gippsland Shire in accordance with the relevant sections of the Local Government Act 1989.
Internal Review	An Investigation that Council may conduct into a complaint.
Unreasonable complainant conduct	Behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council, its staff and other community members.

13. RELATED DOCUMENTS

External Documents

- Victorian Ombudsman's Councils and Complaints – A Good Practice Guide (February 2015).
- Complaints: Good Practice Guide for Public Sector Agencies (September 2016).
- Managing Unreasonable Complainant Conduct (August 2012)

Legislative Provisions, Standards and Guidelines

Local Government Act 1989

Protected Disclosure Act 2012

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Occupational Health & Safety Act 2004

Charter of Human Rights and Responsibilities Act 2006

Independent Broad-based Anti-corruption Commission Act 2011

Guidelines for making and handling protected disclosures and protected disclosures welfare management, 2013.

Councillor Code of Conduct

Customer Service Charter

