

Complaints Handling Policy

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Introduction

This policy is to ensure effective complaints handling by establishing a framework to support the right for customers to complain, defining a clear process and ensuring complaints are acknowledged and handled with efficiency and respect.

The Victorian Ombudsman released an updated *Councils and complaints – A good practice guide* in July 2021 to provide advice to Councils on responsible complaints handling. This policy is required under section 107 of the *Local Government Act 2020*.

Scope

This policy applies to Councillors and members of council staff and volunteers. This includes full-time, part-time, casual, and consultants, contractors or suppliers representing council.

Complaints must relate to matters, products or services for which council has jurisdiction or responsibility.

Purpose

Indigo Shire Council is committed to promoting a culture that encourages feedback from the community.

Council believes all members of the public have the right to express their dissatisfaction and Council is committed to using feedback and complaints to improve its service delivery.

This policy is to provide a transparent and fair complaint handling process for the community which complies with the recommended four tier complaints management model in the Victorian Ombudsman's Councils and Complaints guide.

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Policy details

When handling a complaint, staff will be guided by the following principles.

- **Commitment** – complaint resolution is of the highest priority for council within available time and resources.
- **Accessibility** – There will be many methods to support our community's right to complain.
- **Transparency** – The complaint handling process will be transparent and communicated to the complainant.
- **Objectivity and Fairness** – Complainants and staff will be treated with respect and courtesy.
- **Confidentiality** – Our complaints handling procedure protects the information of the complainant.
- **Accountability** – Council is accountable for decisions made in the complaint handling process and will ensure all decisions made are informed, are subject to internal and external review where appropriate.
- **Continuous Improvement** – The complaint handling process is under constant review to improve the customer experience for complainants.

How to make a complaint

- (a) In person at the following locations
 - 2 Kurrajong Way, Beechworth VIC 3747
 - 101 Ford Street, Beechworth VIC 3747
 - 40 Conness Street, Chiltern VIC 3683
 - 34 High Street, Yackandandah VIC 3749
 - 153 High Street, Rutherglen VIC 3685
- (b) By mail – PO Box 28 Beechworth VIC 3747
- (c) Email – info@indigoshire.vic.gov.au
- (d) Telephone – 1300 365 003
- (e) The Indigo Shire Council website - <https://www.indigoshire.vic.gov.au/Contact-us>

- 1. All complaint submissions, regardless of the above contact methods, will be treated fairly and equally.**
- 2. When lodging a complaint, complainants should be encouraged to supply the following information.**
 - (a) Name and contact details. Council will accept anonymous complaints, provided there is enough information to do so.
 - (b) The action, decision, service and/or policy that is the subject of the complaint.
 - (c) The reason for dissatisfaction.
 - (d) Relevant details such as dates, times, location, reference numbers (including permit numbers) and supporting documents where applicable.
 - (e) The outcome sought from making the complaint.
 - (f) Any communication needs.
 - (g) Any requests that another person or organisation assist or represent them to make and progress the complaint. Council will accept complaints from appropriately authorised representative.
- 3. Council staff must endeavour to assist people who wish to make a complaint and make initial contact within the Indigo Shire Council Customer Service Charter response times.**
- 4. If there is any specific communication needs or barriers, members of council staff must assist by:**
 - (a) Using an assistance service, such as an interpreter or teletype device/application.
 - (b) Talking with a complainant if they have trouble reading or writing.

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- (c) Communicating with another person acting on a complainant's behalf if the complainant cannot make the complaint themselves.

Unreasonable Conduct

Council has zero tolerance for sexual harassment, violence and aggressive behaviour towards Councillors, employees, volunteers and contractors.

How Council manages unreasonable conduct is covered in Council's Dealing with *Unreasonable Conduct and Vexatious Behaviour CEO Directive*.

Complaints Handling Process

1. Acknowledgement of complaint

- (a) Council will endeavour to acknowledge and resolve complaints within the timeframes indicated in the Customer Service Charter.
- (b) If referred to a subject matter expert within council, this officer will make first contact within Indigo Shire Council Customer Service Charter response times. Depending on the complexity of the complaint, resolution may exceed the time thresholds detailed in the Customer Service Charter.
- (c) All complaints are recorded in internal systems with measures put in place to ensure each complaint receives a response.

2. Investigation of complaint (if required) by a relevant specialised (subject matter expert) officer

- (a) If a complaint is unable to be resolved on first-contact as it requires further investigation, a customer will be notified as soon as possible that their complaint is currently being investigated.

3. Internal Review

- (a) Each complaint will be reviewed on a monthly basis by the Executive Management Team to ensure the complaint has been handled in an appropriate manner. This process may lead to further investigation or contact in regards to the complaint.
- (b) If a complainant believes that their complaint has not been handled appropriately due to the reasons listed below, the customer may request the decision to be reviewed.
 - Unreasonable outcome.
 - Unreasonable handling of the complaint by council officers.
 - Believed conflict of interest.

4. External Review

- (a) If the outcome of the internal review is deemed unreasonable and further attempts to resolve the complaint are exhaustive, the complaint may be escalated to an oversight body as listed in table 1 below by the complainant.

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Complaint	Organisation to contact for external review
<p><i>Actions or decisions of a council, members of council staff and contractors</i></p> <p><i>This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006</i></p>	<p>Victorian Ombudsman</p> <p>www.ombudsman.vic.gov.au</p>
<p><i>Breaches of the Local Government Act</i></p>	<p>Local Government Inspectorate</p> <p>www.lgi.vic.gov.au</p>
<p><i>Breach of privacy</i></p> <p><i>Complaint about a freedom of information application</i></p>	<p>Office of the Victorian Information Commissioner</p> <p>www.ovic.vic.gov.au</p>
<p><i>Corruption or public interest disclosure ('whistleblower') complaints</i></p>	<p>Independent Broad-based Anti-corruption Commission</p> <p>www.ibac.vic.gov.au</p>
<p><i>Discrimination</i></p>	<p>Victorian Human Rights and Equal Opportunity Commission</p> <p>www.humanrights.vic.gov.au</p>
<p><i>Council elections</i></p>	<p>Victorian Electoral Commission</p> <p>www.vec.vic.gov.au</p>

Table 1: Overseeing Governing Organisations

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Responsibilities

All members of council staff, councillors and council contractors are responsible for contributing to the complaints process. All complaints are recorded according to the *Public Records Act 1973* and *Information Privacy Act 2000*.

1. Chief Executive Officer
 - (a) Is to receive, investigate and manage any escalated complaints that cannot be resolved at the Director level.

2. Directors, Managers and Coordinators
 - (a) Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the council's policies and procedures.
 - (b) Managing conflicts of interest in the complaint process.
 - (c) Reporting on and identifying improvements from complaint data.
 - (d) Supporting staff who receive and process complaints.

3. All members of council staff and contractors
 - (a) Familiarising themselves with this policy and the council's complaint process.
 - (b) Assisting members of the public to make a complaint.
 - (c) Cooperating with council's complaint processes.
 - (d) Treating members of the public respectfully and professionally.

COMMUNICATION

This policy will be communicated and distributed across all business units and functions by the CEO in conjunction with the Executive Management Team. This policy will be made available on Council's website.

REFERENCE TO CURRENT OR PREVIOUS LEGAL /COUNCIL PLAN / POLICY

- Local Government Act 2020
- Information Privacy Act 2000
- Public Interests Disclosure Act 2012
- Public Interest Disclosure Policy
- Public Transparency Policy
- Dealing with Unreasonable Conduct and Vexatious Behaviour - CEO Directive (2021)
- Customer Service Charter
- Victorian Ombudsman – Councils and complaints – *A good practice guide 2nd Edition – July 2021*
- Public Records Act 1973
- Freedom of Information Act 1982
- Complaint Handling Policy 2019 (INTERNAL18/978)
- Councillors' Code of Conduct

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Definitions

For the purpose of this policy:

A **complaint** has been defined as an expression of dissatisfaction with:

- The quality of an action taken, decision made, or service provided by council or its contractor.
- A delay or failure in providing service, acting, or making a decision by council or its contractor.
- A policy or decision made by council or a member of council staff or a contractor.

This policy does not apply to the following, which are not considered complaints:

- A request for service;
- Feedback;
- Reports of faulty infrastructure;
- Reports of hazard (example: road pot holes or tree over road);
- The lodging of an appeal or a submission in accordance with council procedure or policy;
- Reports concerning neighbours or neighbours property (example: noise complaints from animals or building works).

Request for Service: contact with Council to seek assistance, to access a new service, to seek advice, or to inform or make a report about something for which council has responsibility.

Feedback: comments, both positive and negative, about services provided by council without necessarily requesting action, change of service or formal review of a decision. Feedback may however, influence future service reviews and service delivery methods.

Unreasonable Conduct: conduct that unreasonably compromises the health, safety and security of employees, volunteers and contractors, other service users or the person themselves. This includes:

- Acts of aggression, verbal abuse, derogatory, racist, or defamatory remarks;
- Harassment, intimidation or physical violence;
- Rude, confronting and threatening correspondence;
- Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats;
- Stalking, in person or online;
- Emotional manipulation
- Refusal to leave when instructed to do so.

Council's management of unreasonable conduct and more information on acceptable behaviours can be found in Council's *Dealing with Unreasonable Conduct and Vexatious Behaviour CEO Directive*.