

Complaint Handling Policy

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1. INTRODUCTION

In 2015, the Victorian Ombudsman released two reports which highlighting the need for all Councils to ensure that their complaints handling systems are effective, efficient and promote fairness, integrity, respect for human rights and administrative excellence.

This policy has been developed after a review of our existing complaints handling process to provide a clear and transparent framework for the handling, recording and reporting of complaints from the public.

Council's Complaint Handling Policy and associated documents are modelled on the Victorian Ombudsman's Councils and Complaints – A good practice guide (February 2015) together with the Australian Standard 'AS/NZS 10002:2014 Guidelines for complaint management.

2. OBJECTIVES

This policy aims to:

- put in place an open and transparent complaint handling system
- specify the key performance indicators to which we will hold ourselves accountable
- establish our timeframes for resolving complaints
- clarify the roles and responsibilities of council staff
- ensure staff handle complaints fairly and objectively
- set out how staff record and analyse complaint data to identify where we can improve our services.

3. 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 a council or its contractor
- a delay or failure in providing a service, taking an action, or making a decision by a council or its contractor

A complaint is not:

- A request for service;
- Feedback;
- Reports or faulty infrastructure;
- Reports of hazards (eg road pot holes or tree over road);
- Reports concerning neighbours or neighbouring property (eg 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 direct action, change of service or formal review of a decision. Feedback may however, influence future service reviews and delivery methods.

Unreasonable Complaint Conduct (UCC) is: any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for any party related to the complaint including unreasonable:

- Persistence
- Demands
- Lack of cooperation
- Arguments
- Behaviours

4. SCOPE

This policy applies to all Councillors and council staff. It also applies to third party contractors carrying out services on the council's behalf.

This policy does not apply to complaints about matters for which there is already a process of review, appeal or objection prescribed by legislation.

5. ROLES AND RESPONSIBILITIES OF COUNCIL STAFF AND CONTRACTORS

Most complaints can be resolved immediately. When a complaint is received by the Customer Service team the complaint will be logged in the appropriate record management system. Where possible the Customer Service Officers will resolve the complaint at the first point of contact, within the scope of their role.

Where a frontline staff member requires the assistance of the Senior Customer Service Officer or Customer Service Coordinator, the officer will assist and investigate to enable the complaint to be resolved at this first point of contact.

Complaints that cannot be managed at this first point of contact are to be referred onto the appropriate officer for investigation and management of the complaint.

Coordinators, Team Leaders, Managers and Directors

- Are to provide training and ensure all officers and those people carrying out works on behalf of Council understand the complaint handling process and are empowered to manage complaints within the scope of their role.

- Are to receive, investigate and manage any referred complaints through to the resolution
- Are to report and provide information on improvements required

Chief Executive Officer

- Is to receive, investigate and manage any escalated complaints that cannot be resolved at the Director level

Third Party Contractors

- Are to keep the Council contract manager informed of any trends in complaints and/or major issues regarding complaints in accordance with the contract.

6. POLICY STATEMENT

Indigo Shire Council is committed to creating a culture that encourages feedback from its community. Council believe that all members of the public have the right to express their dissatisfaction and Council are committed to using these as an opportunity to learn and improve our services.

When dealing with a complaint, staff will be guided by seven key principles, as outlined in the Victorian Ombudsman's Councils and complaints – A good practice guide.

1. Commitment

Council is committed to reaching a resolution for all complaints that it receives. Council's culture recognises people's right to complain and considers complaint handling to be part of its core business of serving the community and improving service delivery.

2. Accessibility

People can easily find out how to complain to Council, and Council will actively assist them with the complaint process.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis.

6. Accountability

Council is accountable, both 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.

7. Continuous improvement

Council regularly analyse complaint data to find ways to improve how it operates and how it delivers its service. Council then implement these changes.

6.1 COMPLAINTS HANDLING PROCEDURE

Council's complaint handling process takes a four-tiered approach, as follows:

1. **Frontline resolution:** Customer Service Centre Staff or a Council officer receive the complaint and resolve it immediately, if possible.
2. **Investigation;** if frontline staff cannot resolve the complaint, they will refer it to a council officer who will acknowledge receipt in accordance with the Customer Service Charter, for investigation. Council will aim to resolve all complaints within 28 days of receipt.
3. **Internal review:** if the complainant is not satisfied with the outcome of the 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, Council will inform them of any external avenues through which they can pursue their complaint.

6.2 HOW TO MAKE A COMPLAINT

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

Mail: Indigo Shire Council, PO Box 28, Beechworth, Vic, 3747

Telephone: 1300 365 003

Email: info@indigoshire.vic.gov.au

In person: Customer Service Centres

Beechworth
101 Ford Street
8.30am - 5pm Monday to Friday

Yackandandah
34 High Street
8.30am - 5pm Monday to Friday

Chiltern
40 Conness Street
8.30am - 5pm Monday to Friday
(Closed 12:30pm - 1:30pm)

Rutherglen
153 High Street
8.30am - 4.30pm Tuesday - Friday
(Closed 12:30pm - 1pm)
9am - 12pm Saturday

6.3 REMEDIES

Where Council finds that it has made an error, Council will take steps to redress the situation where practicable and use this as an opportunity to improve its processes.

6.4 PRIVACY AND CONFIDENTIALITY

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

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with council staff on a need to know basis.

6.5 EXTERNAL AGENCIES

When resolving a complaint Council works with a number of external agencies. Examples of such bodies include:

- Victorian Ombudsman – the body that investigates complaints about Victorian government departments and agencies as well as local councils.
- Local Government investigations and Compliance Inspectorate – an independent administrative office established to assess compliance with the Act and complaints of alleged breaches of the Act
- Victorian Equal Opportunity and Human Rights Commission – body responsible for eliminating discrimination in Victorian.
- Office of the Commissioner for Privacy and Data Protection – the body which regulates the way Victorian government agencies and local councils collect and handle personal information.
- Freedom of Information (FOI) Commissioner – responsible for conducting reviews of FOI decisions by agencies, including local councils, and the handling of FOI complaints
- Independent Broad-based Anti-corruption Commission – the body which investigates complaints regarding the corrupt or improper conduct of public officers and public bodies, including Councils.

7. ASSOCIATED DOCUMENTS/PLANS/POLICY

Complaints Handling Procedure (2019)

Councillors' Code of Conduct

Council's Fraud Prevention and Control Policy

Council's Protected Disclosure Policy, Victorian Ombudsman *Councils and Complaints – A Good Practice Guide*, 2015

Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982

Local Government Act 1989

Privacy and Data Protection Act 2014

Protected Disclosure Act 2012

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