



COMPLAINTS HANDLING POLICY

Responsible Officer: Manager Business and Governance	Adoption Date:	February 2016
	Approved By:	Council
Authorising Officer: Director Corporate Services	Review Date:	February 2020
	Policy Type	Major Council Policy

INTRODUCTION

We want to improve the way we deliver services, how we communicate and what we do to support our community. In order to improve, we understand that we need to encourage, and be responsive to, feedback including complaints.

We also believe that everybody who has been affected by an action or inaction of Council has a right to complain. As a result, we consider complaints handling to be a vital part of serving the community and improving service delivery.

CONTEXT

Council's activities are diverse and extensive and as a result Council receives a large number of complaints. It is also important to note that Council staff, in the course of their employment, are required by the *Local Government Act 1989 (the Act)* to accept accountability for results and provide responsive service. Consequently, an effective approach to complaints handling is required.

The Victorian Ombudsman's 'Councils and complaints – A good practice guide' together with the Australian Standard 'AS/NZS 10002:2014 Guidelines for complaint management in organizations' provide excellent guidance for an effective complaints handling approach and have been used to develop this policy.

SCOPE

Everybody who has been affected by a decision, an action or inaction of Council has a right to complain.

The provisions of this policy apply to the decisions, actions and inaction of all councillors, Council employees and agents of Council.

Agents of Council extend to include contractors working in-house, staff on exchange, members of Special Committees, members of Advisory Committees, volunteers, work

experience students or graduate placements who perform work for Council as well as external suppliers and other contractors and subcontractors.

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

PURPOSE

The purpose of this policy is to ensure that Council has a complaints handling framework that makes it easy for people to make complaints, that supports an effective and timely response to complaints and that also encourages learning from complaints so that we can improve service delivery, communication and community support.

POLICY

DEFINITIONS

A complaint is an expression of dissatisfaction with:

- (a) the quality of an action taken, decision made, or service provided; or
- (b) a delay or failure in providing a service, taking an action, or making a decision.

A complaint is not:

- A request for service;
- A matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal;
- Anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue;
- Reports of damaged or faulty infrastructure;
- Reports concerning neighbours or neighbouring property e.g. noise or unauthorised building works;
- The lodging of an appeal or a submission in accordance with council procedure or policy;
- Reports of hazards e.g. fallen tree branch or road pot hole.
- Matters where statutory submission, hearing, review or appeal processes exist.

A request for service is contact with Council to seek assistance, access to a new service, advice, information or to make a report about something for which Council has responsibility.

PRINCIPLES

Complaints handling will be based on the following principles:

Commitment

Council is committed to resolving complaints. We recognise people's right to complain and consider complaints handling to be an important part of serving the community and improving service delivery.

Responsiveness

We will seek to acknowledge each complaint received and we will endeavour to respond appropriately in accordance with the urgency of the issues raised.

Accessibility

Our aim is that people will be able to find out easily how to make a complaint. Council staff will endeavour to actively assist people with the complaints process.

We acknowledge that a person or organisation may request that another person or organisation assist or represent them to make and progress their complaint. We will accept complaints from such authorised representatives.

We accept and respond to anonymous complaints, provided we have received enough information to do so.

Transparency

The complaints handling framework will clearly set out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint will be recorded and will stand up to scrutiny, except where the need for confidentiality prevails.

Fairness

Under the complaints handling system, people lodging complaints and staff will be treated with respect and courtesy, and to the best of our ability complaints will be judged on merit and fact.

We will take all reasonable steps to ensure that people are not adversely affected because of a complaint made by them or on their behalf.

We will do our best to ensure that conflicting interests do not interfere with, or be perceived to interfere with, the management and resolution of complaints.

Reasonable Conduct

We are committed to being accessible and responsive to people who approach us for assistance or with a complaint. At the same time the quality and timeliness of our response depends on our ability to do our work and perform our functions in the most effective and efficient ways possible, the health, safety and security of our staff, and our ability to allocate our resources fairly across all the requests for service and complaints we receive.

We will take action to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same. We have a zero tolerance policy towards any harm, abuse or threats directed towards our staff, councillors or other customers. Any conduct of this kind will be dealt with under relevant policies or procedures and in accordance with our duty of care and occupational health and safety responsibilities.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to persons by restricting who they have contact with, what they can raise with us, when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort and only when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers we recognise that discretion will need to be used to adapt them to suit a person's personal circumstances and also recognise that more than one strategy may need to be used.

Confidentiality

Personally identifiable information about any individual will only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

We will aim to tell customers the reasons we have made decisions, and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we deliver services.

HOW TO MAKE A COMPLAINT

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

Mail: PO Box 238 Wangaratta, Vic 3676

Telephone: 03 5722 0888

Email: council@wangaratta.vic.gov.au

In person: Wangaratta Government Centre
Corner of Ford and Ovens Streets, Wangaratta.
Office hours are Monday to Friday 8.30am to 5.00pm.

Internet: <http://www.wangaratta.vic.gov.au/>

APPROACH TO COMPLAINTS HANDLING

Council takes a three level approach to complaints handling, as follows:

Level 1: Frontline resolution

We want the majority of complaints resolved as quickly as possible, by frontline staff, if possible.

Some complaints, because of their nature, will not be able to be resolved by frontline staff. These include complaints about the conduct of councillors, the Chief Executive Officer and of council staff. Complaints that involve allegations of corrupt or improper conduct will be managed in accordance with Council's Protected Disclosure Policy.

If Council is not the right organisation to respond to the complaint, frontline staff will, if the person making the complaint wishes, refer the matter to an organisation that can help.

We will endeavour to acknowledge complaints within two business days and try our best to resolve complaints within 20 business days. If it is not possible to resolve a complaint within 20 business days, we will contact the person who made the complaint prior to or at this time to provide an update on the case.

Complaints not resolved within 20 business days should be subject to review and escalated if necessary to help ensure the best chance of a resolution.

If frontline staff cannot resolve the complaint, the matter will be assigned for a level 2 internal review or a level 3 external review depending on the specific circumstances that apply.

Level 2: Internal review

The seriousness of some complaints or a person's dissatisfaction with how their matter has been dealt with may warrant the complaint being dealt with at a senior management level.

Depending on the merits and requirements of each circumstance the level 2 internal review will provide for an independent internal investigation, an assessment, a review or a resolution.

Level 3: External review

When a person is dissatisfied with the outcome of the level 2 internal review process, referral for a level 3 external review may be appropriate. In this situation we will refer people to the appropriate external review body. 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** - responsible for eliminating discrimination in Victoria. They offer information, education and consultancy services, conduct research and provide legal and policy advice.
- **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 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 local councils.

RESPONSIBILITIES

Councillors, Council employees and agents of Council are required to comply with the provisions of this policy and related protocols.

MANAGEMENT FRAMEWORK

Council will maintain a complaints handling framework that includes policies and procedures related to complaints handling and unreasonable complainant conduct. It will also include provision of information about how to make a complaint which is made available at Council's office and on Council's internet website.

REFERENCES

Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for complaint management in organizations Standards Australia Limited/Standards New Zealand

Local Government Act 1989

Ombudsman New South Wales 2013 Unreasonable Complainant Conduct Model Policy February 2013

Victorian Ombudsman 2015 Councils and complaints – A good practice guide February 2015

REVIEW

Any change or update which materially impacts and alters this policy must be made by Council approval.