

Complaint Handling Policy



Policy type	Council
Adopted by	Moira Shire Council
Responsible General Manager	General Manager Corporate
Responsible officer	Manager Governance & Risk
Date adopted	15 December 2021
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

1. PURPOSE

Council recognises a customer's right to make a complaint. They provide vital information about our services and a valuable opportunity to make things right and identify areas of service that need improvement.

This Complaint Handling Policy should be read in conjunction with the Complaint Handling Procedure. The framework aims to ensure that customers can raise their complaints with Council easily and with confidence that Council will listen to their concerns, be responsive and handle their complaints fairly and objectively. It also prescribes the process for dealing with complaints including an independent review process.

2. OBJECTIVES

This Policy aims to:

- Support councils commitment to providing quality customer service
- Ensure that Council is accountable for its decision making and complaint handling performance
- clarify the roles and responsibilities of council staff when handling complaints
- specify the key performance indicators to which we will hold ourselves accountable.
- Provide a process for dealing with complaints and for reviewing any action, decision or service in respect to the complaint

3. SCOPE

This Policy applies to Council staff, Councillors, volunteers and contractors and describes the organisational approach to complaints handling to support and empower the facilitation and resolution of complaints in an efficient and transparent manner.

This Policy does not apply to decisions or processes that have a separate statutory or legislative appeal process. These issues are still valid and are managed separately. They include but are not limited to the following examples:

- A request for information about Council services, policies or procedures
- Reporting damaged or faulty infrastructure or hazards such as potholes
- A petition to council about a certain matter
- Lodging an appeal against a planning application or decision
- Contesting an infringement relating to parking or other local law
- Comments or suggestions received during formal consultation or community engagement
- Complaints relating to Councillor conduct
- Complaints relating to the conduct of staff including Chief Executive Officer
- Allegations of fraud, corruption or other criminal behaviour
- Complaints currently under review by an external agency
- Freedom of Information requests
- Complaints made under the *Child Wellbeing and Safety Act 2005*

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4. DEFINITIONS

Complaint	Includes communication, whether orally or in writing to the Council by a person of their dissatisfaction with: <ul style="list-style-type: none"> • The quality of an action taken, decision made, or service provided by a member of Council staff or a contractor engaged by Council; or • The delay by a member of Council staff or a contractor engaged by Council in taking action, or making a decision or providing a service ; or • A policy or decision made by a Council or a member of Council staff or a Contractor.
Complainant	Person or entity affected by the action or inaction of Council.
Complaint Handling Framework	Includes the Complaint Handling Policy and associated Complaint Handling Procedure that describes Councils commitment to a transparent and accountable process for receiving, actioning and investigating complaints.
Feedback	Feedback may take the form of positive and negative comments about a service, product, experience or process of Council that may not necessarily require corrective action, change of services or a formal review of a decision. Feedback may be used to influence future service reviews and delivery methods.
First point of contact	The person who the complainant contacts to express their complaint. This could be any staff member at any level, a Councillor, volunteer or a contractor.
Internal Review	A review conducted independently by a senior staff member who has not been involved with the original decision, action or investigation, and is not from the same work area.
Request for service	Contact with the Council to seek assistance, advice, information, access to a new service or to inform/make a report about something for which the Council has responsibility.
Unreasonable Complaint Conduct	Any behaviour which, because of its nature or frequency raises substantial health, safety, resource or equity issues for complaint handlers. It can include: <ul style="list-style-type: none"> • Persistent, unrelenting and incessant attempts to raise issues that have been comprehensively dealt with, • Making demands for unattainable or constantly changing outcomes, • A continual unwillingness to cooperate, • Constant and repeated arguments that are not based on reason, Acts of aggression, threats, verbal abuse, and derogatory, racist or defamatory remarks.
Bullying	Persistent and repeated negative behaviour that creates a risk to health and safety. It includes both physical and psychological risks and abuse.
Vexatious	A complaint that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

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5. How to make a complaint

Any member of the public can make a complaint. Complaints can be made:

<p>In Writing: Moira Shire Council PO Box 578 COBRAM VIC 3643 Email: info@moira.vic.gov.au</p> <p>By Telephone: (03) 5871 9222</p>	<p>In Person: Main Administration Centre 44 Station Street Cobram Victoria Service Centre 100 Belmore Street Yarrowonga Victoria</p>
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Complaints should be raised directly with Council staff in the first instance. If the complaint is not resolved, the complaint can be escalated to a formal complaints process.

The following information is helpful for a complainant to provide to Council:

- Name and contact details. We accept and respond, where possible, to anonymous complaints, provided we have received enough information to do so.
- Identify the action, decision, service or policy you are complaining about and why you are dissatisfied.
- Relevant details such as dates, times, location or reference numbers and documents that support your complaint.
- The outcome you are seeking from making your complaint.
- Whether you have any communication needs.

a. Accessibility

Council has the following services in place to assist people with specific needs to make a complaint:

- a hearing loop that is compatible with hearing aids that have a T program or T switch is available at Customer Service centres in Cobram and Yarrowonga
- Council can be contacted through the National Relay Service (NRS). TTY users can phone the NRS on 133 677 then ask for 03 5871 9222
- Speak & Listen (speech-to-speech) users phone the NRS on 1300 555 727 and ask for 03 5871 9222
- Internet relay users connect to NRS on www.relayservices.com.au then ask for 03 5871 9222
- Interpreting services are available upon request.

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6. GUIDING PRINCIPLES

The Complaint Handling Policy and Complaint Handling Procedure have been developed with the following seven principles.

Commitment

We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.

Accessibility

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

Transparency

We clearly set out how to make a complaint, where to lodge a complaint, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

Objectivity and fairness

Complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

Confidentiality

We protect the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis

Accountability

We are accountable, both internally and externally, for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We regularly analyse complaint data to find ways to improve how we operate and how we deliver then implement these changes.

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7. POLICY

Council will implement complaint handling procedures, systems and training to support the consistent delivery of this Policy by staff, Councillors, volunteers and contractors.

Council will receive complaints by mail, phone, email and in person and will make available accessibility services to support receipt of complaints from individuals with specific needs.

Council will accept and respond, where possible, to anonymous complaints, provided we have received enough information to do so.

Council will exercise its discretion to refuse to deal with a complainant who demonstrates unreasonable concerns and unreasonable or uncooperative behaviour.

Where Council finds it has made an error, it will take steps to redress the situation. Possible remedies include, but are not limited to -

- an explanation of why the error occurred and steps taken to prevent it from happening again.
- a reversal of a decision.
- a correction of the Council records.
- a change to the policy, procedure or practice.
- disciplinary action taken against a staff member.
- providing the means of redress requested by the complainant.
- full or partial refund of monies paid or full or partial credit note.

Where we identify an error, we 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. COMPLAINTS CATEGORISATION

Council has adopted a four-tiered approach to complaint handling and has categorised complaints as follows.

Tier 1 – First Point of Contact Resolution

The aim of this approach is for the complaint to be resolved at first point of contact. The officer receiving the complaint will have the necessary skills to understand and resolve the complaint. If a solution cannot be found, the officer will advise the complainant of the next steps.

Tier 2 – Investigation

If the receiving officer cannot resolve the complaint, an investigation is carried out by an officer with relevant authority and knowledge of the issue. Details of the complaint and the correspondence will be recorded in Councils systems and the officer will provide details of the outcome. This process will continue until reasonable efforts to achieve a timely resolution have been exhausted.

Tier 3 – Internal Review

A formal complaints management process will commence if the complainant is not satisfied with the outcome of the investigation and they request an internal review or the General Manager recommends the matter be referred.

The Internal Review process will be managed by an officer not involved in the original decision, action or service and, where practicable, will be from a different work area.

Tier 4 – External Review

If the complainant is not satisfied with the process or outcome of the Internal Review, we inform them of any external avenues through which they can pursue their complaint.

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9. ROLES AND RESPONSIBILITIES

Receiving Officer

- Determines whether the matter is a complaint.
- Attempts to resolve the complaint immediately and within the authority of their role.
- Records the complaint in Council systems.
- Refers a complaint that cannot be resolved at first point of contact to an investigating officer.

All staff

- Receive, investigate and attempt to resolve the complaint immediately within the authority of their role and where appropriate in partnership with the referring receiving officer and with advice/involvement from a General Manager if required.
- Refer the complaint to the Governance Team if the matter cannot be resolved at first point of contact or with involvement from the General Manager.

Governance Team

- Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the authority of their role.
- Conduct a formal complaints management process. This includes where a complainant requests a review of the decision made.

Chief Executive Officer

- Receives and manages any escalated complaints that cannot be resolved at the General Manager level.

Councillors

- When a councillor receives a complaint from a member of the public, they will refer it to an Executive Assistant or General Manager or the Chief Executive Officer.

Third Party Contractors

- Ensure Council is advised in a timely manner of all complaints received.

10. PRIVACY AND CONFIDENTIALITY

Council is committed to protecting an individual's right to privacy. Accordingly, it is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Personal information gathered from a complainant during complaint handling will only be:

- used to deal with the complaint or for a reasonable secondary purpose, such as monitoring complaint trends; and
- disclosed in a de-identified format for reporting purposes; and
- accessed by Council staff where necessary to deal with the complaint, or for a related secondary purpose.

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11. RECORDING COMPLAINTS

All complaints are recorded in Council's Customer Request Management (CRM) or Records Management system and formal complaints will be deemed confidential. Access to the record will be limited to relevant investigating staff.

We record 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
- any action taken, including contact with the complainant, response times and the outcome
- any recommendations for improvement, and who is responsible for implementing them

12. REPORTING ON PERFORMANCE

We analyse our complaint data and provide regular reports to Senior Management on how we can reduce complaints and improve services. Senior management is responsible for acting on the recommendations in these reports.

To measure our performance, we have the following key performance indicators:

- number of complaints received
- performance against timelines set by council i.e. average time to respond
- number of complaint outcomes overturned on internal review
- complaints escalated to the Victorian Ombudsman's office where council's original decision has been overturned and/or proposals for action have been made by the Ombudsman

We will report against our complaint handling key performance indicators:

- biannually to Senior Management; and
- annually in our Annual Report, where we will also detail any service improvements made as a result of complaints received

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13. COMPLAINTS ABOUT SPECIFIC MATTERS – ALTERNATIVE PROCEDURES

COMPLAINT TYPE	
Allegations of Corruption	<p>These complaints will be handled in accordance with the:</p> <ul style="list-style-type: none">• <i>Public Interest Disclosures Act 2012</i>; and• Council's Public Interest Disclosure Policy & Procedure
Councillor Conduct	<p>These complaints will be dealt with in accordance with the:</p> <ul style="list-style-type: none">• <i>Local Government Act 2020</i>;• <i>Public Interest Disclosures Act 2012</i>;• Council's Public Interest Disclosure Policy & Procedure; and• Councillor Code of Conduct.
Chief Executive Officer	<p>These complaints should be made in writing to the General Manager Corporate and will be handled in accordance with the:</p> <ul style="list-style-type: none">• <i>Local Government Act 2020</i>;• <i>Public Interest Disclosures Act 2012</i>;• Council's Public Interest Disclosure Policy & Procedure; and• Employee Code of Conduct.
Council Staff	<p>These complaints should be made in writing to the Manager Organisational Development and will be handled in accordance with the:</p> <ul style="list-style-type: none">• <i>Local Government Act 2020</i>;• <i>Public Interest Disclosures Act 2012</i>;• Council's Public Interest Disclosure Policy & Procedure; and• Employee Code of Conduct.
Contractor	<p>Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance.</p> <p>For example: a complaint about the operations of a council facility that is managed by a contractor.</p>
Planning and Regulatory Services	<p>Complaints against a planning application or decision or contesting an infringement relating to parking or other local law are subject to alternative Statutory Review and will be refused under this Policy.</p>

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RELATED LEGISLATION

Local Government Act 2020

Public Interest Disclosures Act 2012

Charter of Human Rights & Responsibilities Act 200

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Child Wellbeing and Safety Act 2005

RELATED POLICIES

Customer Service Charter & Standards

Public Interest Disclosures procedure

Councillor Code of Conduct

Employee Code of Conduct

Councillor & Staff Interaction Protocol

Complaint Handling Procedure

REFERENCES

Victorian Ombudsman's Councils and Complaints – A good practice guide February 2015

Victorian Ombudsman's Councils and Complaints - A Good Practice Guide (2nd edition July 2021)

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