

Complaint Handling Procedure



Responsible General Manager	General Manager Corporate
Responsible Officer	Manager Governance and Risk
Date Adopted	15 December 2021
Scheduled for review	This procedure will be reviewed four years from the date of adoption, or sooner if required.

1. Purpose

The Complaints Handling Procedure defines how Council receives, manages, monitors and reports on its complaints handling and management and supports and empowers staff in the facilitation and resolution of complaints in an efficient and transparent manner. It also ensures that Council is accountable both internally and externally for its decision making and complaint handling performance.

This Complaint Handling Procedure must be read in conjunction with the Complaint Handling Policy.

2. Objectives

This Procedure aims to:

- put in place an open and transparent complaint handling procedure
- establish our timeframes for resolving complaints
- ensure staff handle complaints fairly and objectively
- prescribes a process for dealing with unreasonable complaint conduct
- set out how staff record and analyse complaint data to identify where we can improve our services.

3. Complaints Handling Procedure

3.1 Assessment

The following assessment criteria may be used to assist Council officers in differentiating between a 'complaint' and a 'service request' to determine the best process to use to resolve the matter.

*Is the customer requesting something additional or new (**request for service**)*

*Is the customer reporting what they believe to be a failing or a shortfall (**a complaint**)*

*Is the customer complaining about Councils response to a service request (**a complaint**)*

Consideration will be given to the severity, safety implications, complexity, impact and the possibility of immediate action needed.

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3.2 Informal Complaint Management Process

The following table outlines the steps involved in an Informal complaints management process.

Stage	Actions
First Point Resolution	<p>When a complaint is received, the officer will:</p> <ul style="list-style-type: none">• clarify the complaint• confirm the outcome(s) the complainant is seeking• seek to resolve the complaint immediately within their authority• if resolved, close the CRM or CM9 action.
Investigation	<p>If not resolved, the officer will escalate the complaint to:</p> <ul style="list-style-type: none">• obtain authorisation to resolve the matter where the solution is not in the officer's authority: or• transfer responsibility for resolving the matter directly with the complainant to their supervisor or an investigating officer via designated systems ie CRM or CM9<ul style="list-style-type: none">○ enter the information into CRM or CM9○ assign complaint to an investigating officer○ provide the reference number to the complainant○ inform the complainant of the timelines for resolution• If the matter is then resolved the investigating officer must:<ul style="list-style-type: none">○ advise the complainant of the resolution and○ close the CRM or CM9 action.• If the matter is not resolved the investigating officer must advise the complainant of their right to an internal review.
Referral	<p>A complaint is escalated to a Formal complaints management process if:</p> <ul style="list-style-type: none">• the complainant is not satisfied with the first point resolution or investigation and requests an internal review and/or• the General Manager confirms reasonable efforts to achieve a timely resolution have been exhausted.

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3.3 Formal Complaint Management Process

The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or was not handled correctly. Decisions or processes that have a separate statutory or other legislative appeal process such as planning, local laws (including parking infringements) and other specified services are not included. Refer to the Complaints Handling Policy.

The request for internal review will be considered and assigned by the Manager Governance & Risk.

The following principles will apply when allocating a matter for internal review:

- the reviewing officer must not have been involved in the original decision, action or investigation. Where practicable, the reviewer should be from a different work area; and
- the allocated officer may be another Manager, a General Manager or the Chief Executive Officer. The allocation of the review will be guided by the nature and complexity of the complaint.

Council aims to complete an Internal Review and provide a written response within **30 days** of receipt of the request for review by the complainant or referral by the General Manager.

Stage	Actions
Acknowledge	<ul style="list-style-type: none">a. Within 5 days of receiving the referred complaint: Issue an acknowledgement letter using the approved template including the name of the officer handling the review and the timelines for conducting the review.b. Advise the relevant Council department that a request for review has been received.
Investigate	<p>Within 21 days of receiving the referred complaint:</p> <ul style="list-style-type: none">a. Work with the relevant officers and business units to review the relevant information and records to confirm:<ul style="list-style-type: none">i. an appropriate and reasonable process was followed andii. in a timely manner andiii. the proposed resolutions were reasonable and consistent with Council policy and legislative obligations.

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Respond	<p>Within 30 days of receiving the referred complaint:</p> <ol style="list-style-type: none"> Prepare a letter of response to the complainant using the approved template and seek approval from the General Manager. <p>The letter will contain:</p> <ol style="list-style-type: none"> the outcomes of the investigation; the reasons for the decision made; any remedies (if applicable); the contact information for the responsible review officer; and the opportunities for further review. <ol style="list-style-type: none"> If the matter was originally escalated to the General Manager for determination during the informal resolution process, the letter of response must be reviewed and approved by the CEO. The final response is to be checked by Manager Governance and Risk prior to sending.
Extend (optional)	<p>If it takes longer than 30 days to investigate a complaint, the review officer will contact the complainant prior to this time and explain why.</p> <p>Complaints that are not resolved within 30 days will be subject to review and escalated if necessary to ensure that a resolution is expedited.</p>

3.4 External Review

When a complainant is dissatisfied with the outcome of the internal review process, the matter may be referred to an 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 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 Victorian Information Commissioner (OVIC)** - the body which regulates the way Victorian government agencies and local councils collect and handle personal information.
- **Independent Broad-based Anti-corruption Commission (IBAC)** - the body which investigates complaints regarding the corrupt or improper conduct of public officers and public bodies, including local councils.

4. Unreasonable complaints conduct

There may be a variety of reasons why a person is difficult to deal with. Whatever the reason, council staff should not necessarily assume that a 'difficult' person does not have a valid complaint. Wherever possible, council staff should apply the same standards of communication to anyone asking a question or expressing a concern calmly.

While the majority of customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

When customers behave unreasonably in their dealings with staff, their conduct can have a negative impact on Council's service delivery to other customers. Because of this, Council will take immediate action to manage customer conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Complainant Conduct is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, and resource or equity issues for the Council, staff, other service users and customers or the customer himself/herself.

Unreasonable Complainant Conduct can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Moirá Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Council staff, Councillors volunteers and contractors engaged in the delivery of Council services.

In managing unreasonable conduct, we try to ensure that:

- The complainants expectations are clear and realistic
- We maintain firm and clear communication, either in writing or verbally
- A complainant understands what Council can do and not do in relation to the complaint, and
- We provide clear reasons for our decisions.

Council may decide to deal with unreasonable conduct in one or more of the following ways:

Who they contact

- Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).
- This staff member will exclusively case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and conflict.

What they can raise with Council

- Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the customer can raise again with Council.

When, where and how they can have contact

- A customer's telephone, written or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff. It may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when, where and/or how the customer can interact with Council.

4.1 Determining unreasonable complaints conduct

If a complainant is deemed to be unreasonable based on any of the grounds, Council will determine the most appropriate outcome through the following process:

- The relevant Manager will provide a memo outlining the basis for this view
- The memo must be endorsed by the relevant General Manager and then referred to the CEO for their consideration
- A letter will be prepared and forwarded to the complainant advising of the decision and the grounds for the decision.
- The memo and letter will be attached to the relevant customer record and will be reviewed within 12 months of determining the conduct.

Related Policies and Documents

Complaint Handling Policy

Customer Service Charter & Standards

Public Interest Disclosure Procedures 2021

Councillor code of conduct

Employee code of conduct

Councillor and Staff Interaction Protocol

Victorian Ombudsmans Councils and Complaints – A Good Practice Guide

Related Legislation

Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982

Privacy and Data Protection Act 2014

Local Government Act 2020

Public Interest Disclosure Act 2012

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