



**CORANGAMITE
SHIRE**

Complaints Handling Policy

Corangamite Shire
June 2019

Council Policy



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Complaints Handling Policy

Introduction

Corangamite Shire Council is committed to providing the highest level of customer service in a friendly, helpful and professional manner. As part of this commitment, Council values and encourages any feedback and will use this as a way to consistently improve the service it provides to the community.

The policy has also been developed modelling the Victorian Ombudsman “Council’s and complaints – A good practice guide”

Purpose

The purpose of this policy is to:

- provide a standardised approach to managing customer complaints;
- provide a framework for the management of complaints and feedback with a view to continually improving the services Council provides;
- increase the level of customer satisfaction by resolving issues in an effective, fair, respectful and professional manner;
- ensure all statutory requirements are satisfied, and escalation options for customers are communicated clearly;
- ensure Council is collecting data regarding complaints lodged and using this data to improve the delivery of Council services.

Scope

This policy applies to all Council Officers and contractors carrying out work on behalf of Council. In all instances where a Council officer is the subject of a complaint, the complainant will be directed to that officer’s Manager, Director or CEO.

This policy relates to all complaints made by customers in relation to Council operations with the exception of the following complaint areas which already have separate process in place:

- Complaints relating to a Council resolution;
- Complaints relating to a planning application decision;
- Complaints already reviewed by an external agency;
- Freedom of Information (FOI) requests;
- Complaints relating to a councillor outside their role as a councillor
- Complaints by staff (Complaints, Grievances and Disputes Procedure)
- Complaints relating to legal issues;
- Work-related grievances from Council employees (i.e. complaints relating to their employment);
- Complaints or disclosures made under the *Protected Disclosure Act 2012*;
- Complaints about the CEO which are subject to Section 105 of the *Local Government Act 1989*.

Adopted at Council on: Insert date
Agenda Item:
Responsibility: Insert title
File Number:

Department:
To be reviewed by: Insert date
Policy Number:
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This policy relates solely to the management of complaints made to Council, and does not provide guidance for the management of customer requests for service or feedback provided to Council.

Definitions

Complaint

A complaint is an expression of dissatisfaction with a service provided by Council, the behaviour of a Council employee or contractor or a delay or failure in providing a service, taking an action, or making a decision by or on behalf of Council.

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

Can take the form of comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.

Complainant

A person or organisation that makes a complaint.

Complaint Handling System

The way in which Council deals with complaints, including policy and procedures, electronic systems and reporting mechanisms.

References

- Corangamite Shire Customer Service Charter
- Corangamite Shire Councillor Code of Conduct
- Corangamite Shire Staff Code of Conduct
- Victorian Ombudsman “Councils and complaints – A good practice guide”
- *Local Government Act 1989*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Protected Disclosure Act 2012*
- *Privacy and Data Protection Act 2014*
- *Information Privacy Act 2000*
- *Freedom of Information Act 1982*

Policy Detail

Guiding Principles

This policy is based on seven principles, as outlined in the Victorian Ombudsman’s Councils and complaints – A good practice guide.

1. Commitment

We are committed to resolving complaints that we receive. Our culture recognises people’s right to make a complaint and considers complaint handling to be part of our core business of providing customer service and improving service delivery.

2. Accessibility

People can easily find out how to complain to us, and we 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

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.

7. Continuous improvement

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

Roles and Responsibilities

Frontline Staff

- Receive complaints and record into Council's Customer Request Management system, assess and where possible resolve the complaint at the point of contact, within the scope of their role.
- Where a frontline staff member requires the assistance of the supervisor, the supervisor will assist and investigate to enable the complaint to be resolved at this point of contact.
- Complaints that cannot be managed at this first point of contact are to be referred to the appropriate Manager/Director for investigation and management of the complaint.

Managers and Directors

- Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the scope of their role.
- Receive, investigate and manage any referred complaints through to resolution at this stage.
- Where a complainant requests a review of the decision made, refer to an appropriate Director or the CEO for internal review.
- Conduct any internal reviews through to completion at this stage.

Chief Executive Officer

- Receives and manages any escalated complaints that cannot be resolved at the Manager and Director level.
- Manages complaints that relate to other policies (e.g. Freedom of Information) as applicable.

How to make a Complaint

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

Mail

Complaints Management
Corangamite Shire Council
PO Box 84
Camperdown Vic 3260

Telephone

Customer Service Team (03) 5593 7100
National Relay Service 133 677

Email

Complaints Management
shire@corangamite.vic.gov.au

Website

www.corangamite.vic.gov.au

“Contact Us”

In person

Corangamite Shire Council Civic Centre
181 Manifold Street
Camperdown
Monday – Friday 8.30 am – 5.00 pm

Social Media

<http://www.facebook.com/CorangamiteShire/>

<https://twitter.com/CorangamiteSC>

<https://www.instagram.com/corangamiteshire/>

Accessibility

Anyone who has been affected by an action or inaction of Council can make a complaint. Council has the following services in place to assist people with specific needs to make a complaint.

- Council can be contacted through the National Relay Service (NRS)
- TTY users can phone the NRS on 13 3677 then ask for (03) 5593 7100
- Speak & Listen (speech-to-speech) users can phone NRS 1300 555 727 and ask for (03) 5593 7100
- Internet Relay users can connect to the NRS via www.relayservice.com.au and ask for (03) 5593 7100
- A hearing loop located at the Corangamite Shire Council Civic Centre, 181 Manifold Street, Camperdown.

Complaint Handling Procedure

Overview

Corangamite Shire Council takes a four-tiered approach to complaint handling, as follows:

1. Frontline resolution - Frontline staff will receive the complaint and resolve it immediately, if possible. This may be with or without the assistance of a supervisor or team member.
2. Investigation, if required - If frontline staff cannot resolve the complaint, it will be referred to a council officer for investigation.
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, they will be informed of any external avenues through which they can pursue their complaint.

Frontline Resolution

Frontline staff will:

- Define whether the contact with the customer is considered to be a complaint or whether it should be defined as a request for service or feedback.
- Receive the complaint and register it in Council's Customer Request Management system.
- Acknowledge all complaints with seven working days.
- Clarify the complaint and the outcome the complainant is seeking.
- Assess the complaint to determine how it should be dealt with.
- If frontline staff are unsure about any of the above steps due to the nature of the complaint, discuss with Council's Growth and Engagement Manager or their Department Manager.

Investigation

- If frontline staff cannot resolve the complaint, it will be assigned to a council officer for investigation.
- The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.
- Complaints that are not resolved within 28 days will be subject to review and staff may need to escalate the complaint if necessary to ensure that a resolution is expedited.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.
- Where appropriate, the officer handling the complaint will contact the complainant via telephone to discuss the outcome of their complaint prior to sending the outcome letter.
- A complainant can withdraw a complaint at any point during its review.

Internal Review

- The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or was handled correctly.

- When allocating a matter for internal review, the reviewing officer must not be involved in the original decision, action or investigation or be from the same work area. The allocated officer may be another Manager, Director or the CEO. The allocation of the review will be guided by the nature and complexity of the complaint.
- The officer reviewing the complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the complainant.
- The complainant will be provided with a written acknowledgement of their request for a review within ten business days of its receipt.
- This acknowledgement will include the contact details of the officer, how the complaint will be handled and how long it will take to resolve.
- A written outcome letter signed by the officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.
- Where available, the outcome letter will advise the complainant of any avenues of external review available in relation to the matter.

Complaints received by Councillors

When a Councillor receives a complaint from a member of the public, he or she will refer it to the CEO or the relevant Director.

Council staff will then respond to the complaint in accordance with this policy.

A Council officer may sign the outcome letter.

Complaints about Contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

This policy applies to all contractors carrying out services on Council's behalf.

Where a complaint is made regarding a contractor with Council, the contract manager will follow up with the contractor and ensure the steps outlined in this policy regarding complaint handling are followed and any appropriate action is undertaken.

Complaints about specific matters - alternative procedures

There are specific complaint procedures that will apply to certain types of complaints. If the complaint received would be better handled with another process outside this policy, this will be explained to the complainant at the start. This includes:

- Complaints about allegations of corrupt conduct. Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Protected Disclosure Procedures 2012*
- Complaints about Councillors will be dealt with in accordance with the Councillor Code of Conduct and the *Protected Disclosure Procedures 2012*
- Complaints about the Chief Executive Officer will be handled according to the *Local Government Act 2013*, the *Protected Disclosure Act 2012* or the Employee Code of Conduct and should be made in writing to the Director Corporate Services, the Personal Disclosure Coordinator or directly to IBAC of the Victorian Ombudsman.

Remedies

Where we have found that we have made an error, we 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 repeating
- A correction of misleading records
- A reversal of a decision
- A change to policy, procedure or practice
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant.

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.

Privacy and Confidentiality

When gathering information to respond to a complaint, we 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.

Recording Complaints

All complaints are recorded within Council's Customer Request Management system and document management system where appropriate which have been integrated into the same corporate system.

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

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.

Any queries regarding the recording of complaints should be directed to the Manager Growth and Engagement.

Reporting on Performance

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

- Complaints received
- Complaints upheld
- Complaints partially upheld
- Complaints not upheld

We will report against our complaint handling key performance indicators monthly via the Corporate Services Reporting that is presented to Council quarterly. These results will also be made available publically via the Corangamite Shire Council Annual Report.

Unreasonable Complainant Conduct

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. Due to 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 (UCC) is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Council, staff, other service users and customers or the customer himself/herself or that is considered frivolous or vexatious in nature.

UCC can be divided into five categories of conduct:

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

Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
- Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
- Reframing a complaint in an effort to get it taken up again.
- Bombarding our staff/organisation with phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to do so.
- Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager or the (CEO / Director) personally when it is not appropriate or warranted.
- Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this.
- Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.

Unreasonable Lack of Cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this.
- Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

Unreasonable Arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the organisation, staff, services, time, and/or resources.

Arguments are unreasonable when they:

- Fail to follow a logical sequence
- Are not supported by any evidence and/or are based on conspiracy theories
- Lead a complainant to reject all other valid and contrary arguments
- Are trivial when compared to the amount of time, resources and attention that the complainant demands
- Are false, inflammatory or defamatory

Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- Acts of aggression, verbal abuse, derogatory, racist, or grossly 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.

All staff should note that Corangamite Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Council employees. Any conduct of this kind will be dealt with under the Equal Opportunity Policy, in accordance with our duty of care and occupational health and safety responsibilities.

Review Date

June 2022

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.