



Complaints Handling Policy

Department/ Unit	Community and Corporate Services	First Implemented	16 March 2016	Review Date	3 December 2021
Origin	Governance and Customer Service	Reviewed	22 January 2019	Version	3
Authorising Officer	Chief Executive Officer	Effective From	21 December 2021	TRIM Reference	E512

Purpose/Objective

This Policy demonstrates Council's commitment to achieving an objective, transparent, confidential and fair complaint handling policy.

Policy Statement

This policy overviews how Council will respond to customer complaints and undertakes that Council will:

- ▶ approach all of Council's customers with respect, honesty and in a courteous and confidential manner,
- ▶ actively listen and respond appropriately, and
- ▶ provide information that is current and can be easily understood in order to build trusted relationships with the community.

While every effort is made to deliver high quality customer service, Council recognises there will be times when a community member is not satisfied with the service provided.

Council values complaints and encourages people to contact Council when they have a problem with Council's services, actions or decisions. Council is committed to:

- ▶ enabling members of the public to make complaints about the Council,
- ▶ responding to complaints by taking action to resolve complaints as quickly as possible, and
- ▶ learning from complaints to improve our services.

Council treats every complaint received on its individual merits, through clear and consistent processes.

Mansfield Shire Council | Complaints Handling Policy

Council is committed to the following principles set out in the Victorian *Ombudsman's Councils and Complaints – A good practice guide* (February 2015).

Commitment

Council is committed to resolving customer complaints that are received and considers complaint handling to be part of its core business of serving the community and improving service delivery.

Accessibility

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

Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled by Council.

Objectivity and Fairness

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

Confidentiality

Council's Privacy Policy protects the personal information of people making a complaint and council staff are informed only on a 'need to know' basis.

Accountability

Council is accountable for its decision making and complaint handling performance. Council will provide reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

Continuous Improvement

Council will analyse complaint data to find ways to improve how we operate and deliver our services.

Scope

This policy applies to all employees. The policy also extends to contractors, agents and volunteers of Mansfield Shire Council, to the extent provided for in their contract and/or agreement with Council. Employees, contractors, agents and volunteers will be referred to throughout this policy as Council staff.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes

Definitions

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.
Complaint	An expression of dissatisfaction (verbal or written) with the quality of an action taken, decision made, or service provided by Council staff or its contractor, or a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.
Council Staff	Is any person employed by the Council to carry out the functions of the Council, and the Council's Chief Executive Officer (CEO).
Council	Mansfield Shire Council.
Front Line Staff	The person who the complainant first contacts to express their complaint. This could be any Council staff or Councillor, but is usually Customer Service staff who are at the front desk and answer all enquiries.
Council Contractor	Is any third-party engaged by the Council to carry out services and functions on the Council's behalf.
Feedback	Can take the form of comments, both positive and negative, about services provided by the council without necessarily involving corrective action, change of services or formal review of a decision. Feedback may however, influence future service review and delivery methods.
CRMS	Council's customer request management system.
Vexatious Complaint	A vexatious complaint is groundless or falsely made; that is, it is not made in good faith or based on evidence. It can be made with an adverse primary intent to cause distress, detriment or harassment.
Unreasonable Complaint Conduct (UCC)	<p>Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the council and its staff, or the complainants themselves.</p> <p>Unreasonable complaint conduct can be in the form of any of the following:</p> <ul style="list-style-type: none"> ▶ Unreasonable persistence; ▶ Unreasonable demands; ▶ Unreasonable lack of cooperation; ▶ Unreasonable arguments; and ▶ Unreasonable behaviours.

Mansfield Shire Council | **Complaints Handling Policy****A Complaint is Not:**

- ▶ A request for service;
- ▶ Reports of damage or faulty infrastructure;
- ▶ Reports of hazards eg; fallen tree branch or pot hole;
- ▶ Reports concerning neighbours or neighbouring property eg; noise or unauthorised building works;
- ▶ Anything that relates to the appointment or dismissal of any staff member, an industrial issue or an internal staff disciplinary issue;
- ▶ A matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal;
- ▶ The lodging of an appeal or a submission in accordance with Council procedure or policy;
- ▶ Matters where statutory submission, hearing, review or appeal processes exist;
- ▶ A request for information or explanation of policies, procedures or decisions of council; and
- ▶ An expression concerning the general direction or the performance of Council or its elected representatives.

How To Make A Complaint

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



(03) 5775 8555



Mansfield Shire Council
Private Bag 1000
MANSFIELD VIC 3724



Email:

council@mansfield.vic.gov.au

or go to our website:

www.mansfield.vic.gov.au

(click on the “submit a request or complaint” button)



In person at
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722

Council requests that the complainant provide Council with the following information:

- ▶ Complainant’s name and contact details. You can complain anonymously, but this may limit how the Council responds to you,
- ▶ identify the action, decision, service or policy you are complaining about, and why you are dissatisfied,
- ▶ provide relevant details, such as dates, times, location or reference numbers, and documents that support your complaint, and
- ▶ the outcome you are seeking from making your complaint.

Council is committed to ensuring the complaints process is accessible to everyone. Tell Council staff if you have specific communication needs or barriers, and Council can assist you by:

- ▶ using an assistance service, such an interpreter or TTY (for free),
- ▶ talking with you if you have trouble reading or writing, and
- ▶ communicating with another person acting on your behalf if you cannot make the complaint yourself.

Council's Complaints Resolution Process

LEVEL 1 FRONTLINE STAFF

Frontline staff and subject matter experts receive the complaint and resolve it within the scope of their authority. Staff are empowered to resolve complaints wherever possible at first contact with this process:

- ▶ Frontline staff will receive complaints in a positive, receptive and professional manner.
- ▶ Upon receipt of the complaint, the frontline staff must ensure that all complaints are registered in full detail on Council's customer request management system (CRMS). Supporting documentation will be registered in Council's records management system (TRIM).
- ▶ Frontline staff will assess the complaint to determine: a. how it should be dealt with, and b. who is the appropriate actioning officer/ subject matter expert.
- ▶ The frontline staff or subject matter expert will action the complaint as soon as possible, and/or within ten (10) business days and advise the complainant.
- ▶ If further investigation is required, the frontline staff/subject matter expert will contact the customer in writing or by telephone within ten (10) business days from receiving the complaint to:
 - acknowledge the complaint has been received
 - confirm the accuracy of the complaint and seek further detail if required, and
 - explain what will happen next (as per this policy) and the timeframe for response.

If Council is not the appropriate organisation to respond, the complainant will be advised and referred to another organisation that can assist.

LEVEL 2 INVESTIGATION

If frontline staff cannot resolve the complaint, they will refer it to a more senior council officer responsible within the appropriate work area for investigation and response following this process:

- ▶ If frontline staff cannot resolve the complaint in the first instance, it will be assigned to a senior officer (for example coordinator or manager) for investigation. This additional level of complaint handling provides customers with the confidence that their complaint has been considered by a different person, holding a higher level of delegated authority.
- ▶ The senior Council officer handling the complaint will acknowledge the complaint and advise the complainant within five (5) business days who the contact person is and how long it will take to respond to the complaint.
- ▶ Council will aim to resolve all complaints within 28 days.
- ▶ If it takes longer than 28 days to resolve a complaint, the senior Council officer will contact the complainant prior to this time and explain the reasons for the delay and provide an updated timeframe for response.
- ▶ Complaints that are not resolved within 28 days will be escalated to the relevant manager or general manager to ensure that a resolution is promptly achieved.
- ▶ The senior Council officer responsible for handling the complaint will write (letter or email) to the complainant to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and the contact information for the responsible officer.
- ▶ The senior Council officer handling the complaint may contact the complainant by telephone to discuss the outcome of their complaint either prior to or after sending the outcome correspondence.

LEVEL 3 INTERNAL REVIEW

If the complainant is not satisfied that the investigation process resolved the complaint or managed their matter correctly, they can request an internal review using the following process:

- ▶ The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or managed correctly. This request must be made in writing.
- ▶ Complaints received for internal review will be coordinated by corporate counsel or his or her nomination who may elect to respond to the matter in one or more of the following ways:
 - respond directly
 - instruct another Council officer to deal with the complaint
 - request further information
 - refer the matter to the relevant general manager for review
 - seek independent external advice from a suitably qualified person/s, and/or
 - for more complex matters, refer a request to an internal review panel.
- ▶ Corporate counsel or his or her nominee will contact the customer within five (5) business days to explain the process and timelines.
- ▶ A written outcome letter will be provided to the complainant at the conclusion of an internal review.

LEVEL 4 EXTERNAL REVIEW**How to request an external review**

If the complainant is not satisfied that the internal review process resolved their complaint or managed the matter correctly, they will be informed of the external avenues which they may pursue their complaint.

There are external bodies that can deal with different types of complaints about Council.

You can request an external review from the following organisations.

Complaint	Organisation to Contact for External Review
Actions or decisions of a Council, Council staff and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act	Local Government Inspectorate www.lgi.vic.gov.au
Breach of Privacy Complaint about a freedom of information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-Corruption Commission www.ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au
Council Elections	Victorian Electoral Commission www.vec.vic.gov.au

SPECIFIC TYPES OF COMPLAINTS

Types of Complaint	Specific Handling Procedure
Allegations of improper conduct by Council staff (including the Chief Executive Officer) including under the Protected Disclosure Act 2013	<p>If a complaint involves allegations of improper conduct, the complaint will be forwarded to the Chief Executive Officer (CEO) for investigation and action.</p> <p>Complaints about the Chief Executive Officer will be forwarded to the Mayor for investigation and action.</p> <p>Information about making a complaint under the Protected Disclosure Act 2012 is available on Council's website.</p> <p>Disclosures should be made directly to Council's Protected Disclosure Officer.</p>
Allegations or suspicions of misconduct or reportable conduct by Council staff (including Chief Executive Officer), relating to the safety of children and young people, as defined by the Child Wellbeing and Safety Act 2005	<p>If a complaint involves allegations of misconduct or reportable conduct, the complaint will be forwarded to the Chief Executive Officer for investigation and action.</p> <p>Complaints about the Chief Executive Officer will be forwarded to the Mayor for investigation and action.</p> <p>Information about making a complaint under the Reportable Conduct Scheme is available on Council's website. Disclosures should be made directly to: Council's manager governance and/or manager people and culture.</p>
Complaints about Council Staff	<p>Any complaints received about Council staff will be handled according to the above procedure and in accordance with Council's Employee Code of Conduct</p>
Complaints about Contractors	<p>Any complaints received about Council contractors will be handled according to the above procedure and/or any relevant contractual requirements.</p>

Complaints about Councillors

The prescribed standards of conduct set out in schedule 1 to the Local Government (Governance and Integrity) Regulations 2020 state that “A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor - c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors.

1. Complaint against a Councillor from a member of the public should be made to the Local Government Inspectorate and/or Independent Broad-based Anti-corruption Commission.
2. If a complaint is made to Council
 - a. Upon receipt of a complaint against a Councillor from a member of the public, the Mayor will be advised of the complaint and, in accordance with section 18(1)(e) of the Act have the opportunity to promote behaviour among Councillors that meets the standards of conduct.
 - b. The Mayor will request the complainant to refer the matter to the Local Government Inspectorate and/or Independent Broad-based Anti-corruption Commission.
3. The Mayor, Councillors, Chief Executive Officer or staff will not determine whether a breach of the Code of Conduct has occurred, that is the express role of the Local Government Inspectorate.

Local Government Inspectorate

<https://www.lgi.vic.gov.au/make-complaint-localgovernment-inspectorate>

Independent Broad-based Anti-corruption

Commission <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form>

How Council Learns from Complaints

Complaints from people who use or who are affected by Council's services provide Council with valuable feedback about how Council is performing.

Council regularly analyses complaint data to identify trends and potential issues that deserve further attention. Council uses this information to decide on solutions about how Council can improve our services.

Council is open and transparent about the complaints it received, and what Council has done to resolve them. Council publishes de-identified complaint data, including in the annual report.

Your Privacy

Council keeps your personal information secure. Council uses your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where Council publishes complaint data, personal information is removed.

Recording Complaints

All complaints must be recorded in Council's CRMS.

Council will 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;
- ▶ when the complaint was finalised;
- ▶ relevant demographic information that could help improve services; and
- ▶ any recommendations for improvement, and who is responsible for implementing them.

Complaint Reporting

Council's Customer Service team analyses Council's complaint data and provides quarterly reports to Council's Senior Leadership Group that identifies complaint volumes, types, status and is the basis for subsequent discussion on how Council can improve complaint and service processes.

Council reports key performance indicators for complaints handling in Council's annual report.

Any queries regarding the recording or reporting of complaints should be directed to Council's Governance and Risk Co-ordinator.

Additional Information

If needed, please refer to Council's **Unreasonable Conduct and Vexatious Complaints Procedure**.

Human Rights Review and Statement

This Complaints Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights.

The Complaint Policy will be reviewed at least every four years, or more frequently if there are changes to legislation or internal processes that impact the policy.

Responsibilities

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

Managers are responsible to ensure their staff comply with the principles, practices and any associated procedures of this policy. Management, employees, contractors and volunteers are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.

The Community and Corporate Services General Manager is the owner of this policy. Any reviews of this Policy must be made in consultation with the Governance and Risk Coordinator and Coordinator of Records and Customer Service.

References/Related Policies

- *Local Government Act (2020)*, s3 Definitions, s4(b) Objectives, and s9 Overarching governance principles and supporting principles; Part 5 Div 1 ss105 & 106 Service Performance
- *Freedom of Information Act 1982*
- *Human Rights and Responsibilities Act 2006* (Victorian Charter)
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Independent Broad-based Anti-corruption Commission Act 2011*
- *Complaints: Good Practice Guide for Public Sector Agencies* (Victorian Ombudsman September 2016)
- *Health Records Act 2001*
- Infringement Notice Review Procedure
- Aged and Disability Review Procedure
- Mansfield Shire Council Disciplinary Policy
- Mansfield Shire Council Equal Opportunity and Human Rights Policy
- Mansfield Shire Council Bullying and Harassment Policy
- Mansfield Shire Council Child Safety Policy and Child Safe Code of Conduct
- Mansfield Shire Council Reportable Conduct Scheme Policy
- Mansfield Shire Council Council Plan 2021- 2025
- Australian New Zealand Standards for Quality management – Customer satisfaction – Guidelines for codes of conduct for organisations AS/NZS ISO 10001:2012
- Australian New Zealand Standards for management — Customer satisfaction — Guidelines for complaints handling in organizations AS/NZS ISO 1002/2018
- Victorian Ombudsman’s *Councils and Complaints - A Good Practice Guide* (2nd edition).
- “*Managing unreasonable conduct by a complainant: A manual for frontline staff, supervisors and senior managers.*” A joint project of the Australasian Parliamentary Ombudsman. By NSW Ombudsman 3rd edition. 2021.

Implementation

This Policy is effective from 21 December 2021

Review Date

This Policy is to be reviewed by 31 Dec 2023.

Authorisation to Implement Policy

Signed: _____

Witnessed: _____

Councillor

Chief Executive Officer

Approval dated: XXX

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.