

Complaints Handling Policy

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

1. Introduction

Yarriambiack Shire Council recognises an individual's right to make a complaint about the conduct of Council's operations, services, employees, volunteers or people associated with Council or using Council facilities ie; Contractors.

The Complaints Handling Policy aims to ensure that complaints can be raised easily and with confidence that Council will listen to those concerns raised.

It also ensures that Council is accountable for its decision making and complaint handling performance.

Council is committed to the maintenance and improvement of a system of complaints management which facilitates good administration and a safe and cooperative environment for work.

This policy is based on the Victorian Ombudsman's Councils and Complaints - A good practice guide (September 2016), Local Government Act 1989 and the Australian Standard: Customer satisfaction - guidelines for complaint handling in organisations.

2. Purpose

This policy outlines an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

3. Scope

This policy applies to all complaints received from members of the public. It also applies to all Council staff, Councillors, Volunteers and Contractors carrying out work on Council's behalf.

This policy is **not** applicable to:

- a) Complaints about third parties (unless it involves contractors carrying out work on Council's behalf), except when Council has legal responsibilities to report complaints, for example Child Safe Standards.
- b) A request for service or reporting infrastructure damage in the first instance.
- c) Comments or submissions received during formal consultation, as there is a specific process for receiving community feedback and comments.
- d) A petition to Council about a certain matter.

4. Objectives

This policy aims to:

- a) Put in place an open and transparent complaint handling system.
- b) Specify the key performance indicators to which we will hold ourselves accountable.
- c) Establish our timeframes for resolving complaints.
- d) Clarify the roles and responsibilities of Council staff.
- e) Ensure staff handle complaints fairly and objectively.
- f) Set out how staff record and analyse complaint data to identify where we can improve our services.

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5. Guiding Principles

- a) **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.
- b) **Accessibility** – People can easily find out how to complain to us, and we actively assist them with the complaint process.
- c) **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.
- d) **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.
- e) **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.
- f) **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.
- g) **Continuous Improvement** – We regularly analyses complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.

6. Definitions

In the context of this document

ACT	Refers to the Local Government Act 1989 and the Local Government Act 2020
Complaint	An expression of dissatisfaction (whether orally or in writing to the Council) 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 Contractor engaged by Council or; • The delay by a member of Council staff or a Contractor engaged by the council in taking an action, making a decision, or providing a service.
Frontline Staff	Customer Service and Records team members
Complaint Handling Staff	Customer Service, Coordinators, Supervisors, Managers, Directors and the CEO.
Managers, Coordinators and Supervisors	Senior staff of Council who assist in the managing of the complaint handling processes and outcomes including the review process and writing response letters to the complainant.
Director	A Director of Council may receive the complaint either directly or through the elevation process. A Director will manage the complaint and outcomes including the review process and writing response letters to the complainant.
CEO	Chief Executive Officer may receive the complaint either directly or through the elevation process. The CEO will manage the complaint and outcomes including the review process and writing response letters to the complainant.

CRM	Complaints Record Management Software System.
Contact / Responsible Officer	Person investigating the complaint whom populates the investigation review document and letter in response to the complaint.

7. Roles and Responsibilities of Council Staff and Contractors

Front Line Staff - Customer Service Team

The Customer Service Team will action all complaints received in person or over the phone. Complaints will be entered in the Complaints Record Management System Software (CRM). Where possible the Customer Service Team representative will resolve the complaint.

Where the complaint requires the action of another department within Council, the Customer Service Team member will on receiving the complaint, refer it to the applicable Officer, Coordinator, Supervisor, Director or Chief Executive Officer (CEO) to action and resolve.

Complaints received relating to Councillors and the Mayor must be directed to the CEO for appropriate action as per the Councillor Code of Conduct.

Records Officer

The Records Officer will register and action all complaints received via email, internet submission or mail.

Complaints will be entered in the Complaints Record Management System Software (CRM).

The Records Officer will refer the complaint within one business day to the applicable Coordinator, Supervisor, Manager, Director or CEO to action and resolve.

Complaints received relating to Councillors and the Mayor are to be referred to the CEO as noted above for appropriate action.

Managers, Coordinator and/or Supervisors

Managers, Coordinators and/or Supervisors may receive complaints that have been actioned to them via the CRM system.

It is the responsibility of the actioned senior staff to acknowledge the complaint via letter, within 10 business days and aim to resolve the complaint within 28 days.

It is the Managers, Coordinators and/or Supervisors responsibility to close out the action in the CRM system once the complaint is resolved.

It's also the responsibility of the Manager, Coordinator and/or Supervisor who receive complaints directly (e.g. orally, phone or by email) to ensure these complaints are recorded and actioned through the CRM system.

On assessment of the complaint, if it is deemed outside of the Managers, Coordinators and/or Supervisors delegation of responsibilities, the staff member is to escalate the complaint to their Director within one business day of receiving the complaint.

Director

A Director may receive complaints that have been escalated to them via the CRM system. It is the responsibility of the Director to acknowledge the complaint via letter, within 10 business days and aim to resolve the complaint within 28 days.

It is the Directors responsibility to close out the action in the CRM system once the complaint is resolved.

It's also the responsibility of the Director who receive complaints directly (eg. orally, phone or by email) to ensure these complaints are recorded and actioned through the CRM system.

On assessment of the complaint, if it is deemed outside of the Directors delegation of responsibilities, the Director is to elevate the complaint to the Department of Organisational Performance or Chief Executive Officer within one business day of receiving the complaint.

Chief Executive Officer

Complaints outside of a Directors delegation will be elevated to the CEO. It is the CEO's responsibility to resolve the complaint within 28 days.

The outcome of complaints escalated to the CEO for resolution are to be independently reviewed by the Department Organisational Performance, prior to the complainant receiving correspondence on outcome.

It is the CEO's responsibility to close out the action in the CRM system once the complaint is resolved.

Third Party Contractors

Third Party Contractors are to provide information when required to the applicable Director, Department of Organisational Performance or CEO to resolve the complaint within the specified timeframes.

Contractors are not to respond to complaints directly. All complaints are to be directed to YSC to manage through the Complaints Handling process.

8. Risk Management - CRM Overdue Escalation Process

Yarriambiack Shire Council's Customer Request Management System (CRM) is a computerised tracking system used to monitor complaints.

Complaints are monitored by the Supervisors, Coordinators, Managers and Directors who handles the complaint and is responsible for the closing of a complaint, once completed.

The system maintains an electronic journal of all actions taken in relation to requests and can send reminders to officers when complaints are closed. When complaints are not actioned notices are sent electronically to the relevant Director and an escalation process implemented to ensure that Yarriambiack Shire Council meets the specified timelines.

9. How to Make a Complaint

A person can make a complaint a number of ways:

Mail	Yarriambiack Shire Council PO Box 243, Warracknabeal Vic 3393
Telephone	(03) 53 98 0100
Email	info@yarriambiack.vic.gov.au
In Person	Customer Service Yarriambiack Shire Council 34 Lyle Street, Warracknabeal VIC 3393
Website or through other relevant sources e.g. Snap/Send/Solve	www.yarriambiack.vic.gov.au via Complaints Form

10. Accessibility

Anyone who has been affected by an action or inaction of Council can make a complaint. The Council offers multiple means of lodging a complaint to assist people with specific needs. We accept and respond to anonymous complaints, provided we have received enough information to do so.

This policy is available for inspection at the Yarriambiack Shire Council Office during business hours and accessible via Council's Website www.yarriambiack.vic.gov.au. Copies can also be provided to community members upon request. Resources will also be

available for cultural and diversity needs and for those with e.g. Language barriers, hearing, deafness and visual impairment.

11. Appeal of Decision

The objectives of a Council include:

- a) Promoting the social, economic and environmental viability and sustainability of the municipal district.
- b) Ensuring that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community.

Therefore, a person who is aggrieved by a decision made by Council may appeal to have their decision reviewed. If the complainant remains dissatisfied with the process or outcome of an internal review, Council must inform complainants of any external avenues through which they can pursue their complaint.

RELATED DOCUMENTS

- Employee Code of Conduct
- Councillors Code of Conduct
- Information Privacy Policy
- Risk Management Policy
- Road Management Plan
- Complaint Handling Form

REFERENCES

- *Public Records Act 1973*
- *Protected Disclosures Act 2012*
- Victorian Ombudsman's Councils and Complaints - A good practice guide (September 2016)
- AS/NZS 10002:2014 - Guidelines for complaints handling in organisations.
- Victorian Ombudsman's Good Practice Guide to Handling Complaints report and Guide (September 2016)
- *Privacy and Data Protection Act 2014*
- *Local Government Act 1989 and Local Government Act 2020*
- Freedom of Information Solutions Complaints Training Guidelines
- *Charter of Human Rights and Responsibilities Act 2006*

Policy Adopted:	Ordinary Meeting 27 May 2020	Minute Book Page 230	
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PROCEDURE GUIDELINES

Overview – Appendix 1: Complaint Handling Flowchart

The Council takes a four-tiered approach to complaints handling as follows;

Frontline resolution: frontline staff receive the complaint and resolve it immediately if possible.

Investigation if required: if frontline staff or Managers, Coordinators and/or Supervisors cannot resolve the complaint, they will refer it to their Director, Department of Organisational Performance or the CEO for investigation.

Internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review.

Access to 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 such as IBAC and the Victorian Ombudsman.

1. Procedures

1.1 Frontline Resolution

- a) We will acknowledge all complaints within 10 business days of receipt.
- b) Frontline staff will receive and record the complaint; including preferred method of communication e.g. Phone or email (for minor complaints), a response by letter for major complaints will be sent within 10 business days.
- c) Frontline staff will record complainant's initial behavior e.g. (Calm/Reasonable, Upset, Distressed, Verbally Aggressive or Threatening Behavior).
- d) Frontline staff will clarify the complaint and record the outcome the complainant is seeking.
- e) Frontline staff will assess the complaint to determine how it should be dealt with.
- f) If YSC is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to assist.

2. Investigation

- a) If frontline staff cannot resolve the complaint, it will be assigned via the CRM system to the relevant Supervisor, Coordinator, Manager, Director or the CEO for investigation.
- b) The relevant YSC staff member handling the complaint will advise the complainant who the contact/responsible officer is and how long it will take to respond to the complaint.
- c) The relevant staff member will aim to resolve a complaint within 28 days.
- d) If it takes longer than 28 days to resolve a complaint, the contact/responsible officer will contact the complainant prior to or at this time and explain why.
- e) Complaints that are not resolved within 28 days will be subject to review and escalated if necessary to ensure that a resolution is expedited.
- f) The contact/responsible 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.
- g) Where possible, the officer handling the complaint will contact the complainant via telephone to discuss the outcome of their complaint prior to sending the outcome letter.

3. Internal Review

All complaints are subject to an internal review process as outlined below: An internal review should be escalated to an officer not involved in the original decision/action/investigation e.g. an Officer from the Department of Organisational Performance.

3.1 Customer Service Investigation and Response

All Customer Service complaints received are reviewed by the relevant Manager, Coordinator and/or Supervisor.

3.2 Manager, Coordinator and/or Supervisor Investigation and Response

The investigation review document and response letter is to be reviewed by the relevant Manager, Coordinator and/or Supervisor. If the Manager, Coordinator and/or Supervisor has a conflict of interest, or has been involved in the Investigation process, the investigation review document and response letter is to be evaluated by the Director or by the Department of Organisational Performance.

3.3 Directors Investigation and Response

The investigation review document and response letter is to be reviewed by the relevant Director. If the Director has a conflict of interest, or has been involved in the Investigation process, the investigation review document and response letter is to be evaluated by the CEO or Department of Organisational Performance.

3.4 CEO Investigation and Response

The investigation review document and response letter is to be reviewed by the CEO. If the CEO has a conflict of interest or has been involved in the investigation process, a Director will be appointed to review the document and response letter.

3.5 Outcome Letter

A written outcome letter signed by the CEO 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 for external reviews in relation to the matter.

3.6 Complaints Received by Councillors

Where a Councillor receives a complaint from a member of the public, the Councillor is to refer the complaint to the relevant Officer to be logged in the CRM system and actioned according to this policy and procedure.

The contact/responsible officer is responsible to inform the relevant Councillor of the outcome of the complaint.

3.7 Complaints about Contractors

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

All complaints regarding contractors are to be directed to the relevant Director or to the Department of Organisational Performance. The complaints are to be logged in the CRM system and actioned according to this policy and procedure.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask YSC to review the decision.

3.8 Complaints about specific matters – alternative procedures

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Yarriambiack Shire Council's Protected Disclosures Policy and Procedure.

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3.9 Complaints about Councillors

Complaints about Councillors will be actioned and investigated in accordance with the Councillors Code of Conduct and Protected Disclosure Policy and Procedure.

If the complaint is outside of the CEO's delegation and authority to manage, the CEO will refer the complaint to the applicable governing body.

3.10 Complaints about Chief Executive Officer

Complaints will be handled in accordance with the Act. The act requires the CEO to advise the Mayor and Council about the complaint. The CEO may make the request for a probity auditor to be appointed in relation to the complaint. The primary duties of the probity auditor are to assist Council to deal with the complaint which includes preparing a report at the end of the probity period.

3.11 Anonymous Complaints

YSC will accept anonymous complaints if enough information is provided.

Council Officers are encouraged to advise the complainant that providing information will assist Council in administering the Complaint Handling Policy. Where a Complainant is unwilling to disclose their details the investigation process is disadvantaged because:

- a) Anonymity generally reduces Council's ability to properly investigate a matter.
- b) It can be difficult to clarify the nature of the complaint and obtain additional information from the complainant.
- c) YSC is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

Notwithstanding the above constraints, YSC will endeavour to address anonymous complaints in a manner consistent with the principles and processes applied to other complaints.

A Complainant may use an advocate or authorised personal representative to progress their complaint.

3.12 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:

- a) An explanation of why the error occurred and the steps taken to prevent it happening again.
- b) A reversal of a decision.
- c) An ex gratia payment of compensation.
- d) Disciplinary action taken against a staff member.
- e) 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 requested this.

3.13 Unreasonable Complaint Conduct

In a small number of cases some complainants behave in ways that are inappropriate and unacceptable; despite Council's best efforts to help them. When complainants behave inappropriately YSC considers their conduct to be 'unreasonable'. Unreasonable complainant conduct is 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 organisation, staff, other service users and complainants or the complainant himself/herself.

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

- a) Unreasonable persistence.
- b) Unreasonable demands.
- c) Unreasonable lack of cooperation.
- d) Unreasonable arguments.
- e) Unreasonable behaviour.

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.

Unreasonable demands

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

Unreasonable lack of cooperation

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

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.

Unreasonable behaviour

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 staff, other service users or the complainant himself / herself.

All staff should note that Yarriambiack Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and in accordance with Council’s duty of care and occupational health and safety responsibilities.

The following guidelines apply in dealing with Unreasonable Complainant Behaviours:

- a) Do not dismiss a complaint because the complainant is difficult to manage.
- b) Use the processes in place to manage the difficult complainant.
- c) Carefully draft decision letters including evidence of unreasonable complainant conduct and action taken.
- d) If necessary, notify the complainant that future contact will be limited:
 - No phone calls will be accepted on the issue.
 - All future communications must be in writing.
 - New correspondence will be received and assessed but only acknowledged or responded to if the complainant provides new information about their complaint.

3.14 Privacy and Confidentiality

When gathering information to respond to a complaint, we will only:

- a) Use it to deal with the complaint or to address systemic issues arising from the complaint.
- b) Disclose it in a de-identified format when disclosing data to the public.
- c) Share it with council staff on a need to know basis.

3.15 Recording Complaints

All complaints are recorded in our CRM software system.

The Customer Service Team (frontline staff) and Records Officer will:

- a) Record and action the initial complaint in the CRM; and (if necessary)
- b) Direct the complaint to the responsible Officer to resolve.

The Officer responsible for resolving the complaint will record the resolution in the CRM system, close out the action and respond to complainant.

3.16 Complaints Analysis

The Department Business Strategy & Performance will analyse complaint data and provide an annual report to Council on how we can reduce complaints and improve services. The CEO and Directors are responsible for acting on the recommendations in these reports.

We record the following information for each complaint:

- a) The complainant's details.
- b) How the complaint was received.
- c) A description of the complaint.
- d) The complainant's desired outcome (if known).
- e) The Council officer responsible for handling the complaint.
- f) Any action taken, including contact with the complainant, response times.
- g) Outcome.
- h) Any recommendations for improvement, and who is responsible for implementing them.
- i) Close out date.

Any queries regarding the recording of complaints should be directed to the Department of Organisational Performance.

3.17 Reporting on Performance

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

- a) Performance against timelines set by Council (i.e. average time to respond).
- b) Number of complaints received in a financial year.
- c) Number of complaints closed in a financial year.
- d) Number of Complaints that remain open after 28 days.
- e) Number of complaints outcomes overturned on internal reviews
- f) Review of complaint satisfaction.
- g) 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.

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The Director of the Department of Business Strategy & Performance will report against our complaints handling key performance indicators:

- a) Annually at Council meetings.
- b) Annually, in Council's Annual Report, where we will also detail any service improvements made as a result of complaints received.

4. Access to External Review

Where applicable, the contact/responsible officer dealing with the complaint will advise the complainant of any avenues of external review available in relation to the matter.

4.1 Victorian Ombudsman

The Ombudsman is an independent officer of the Victorian Parliament who investigates complaints about the State Government Departments, most Statutory Authorities and Local Government.

Phone: 03 9613 6222

Toll Free: 1800 806 314

Address: Level 2, 570 Bourke Street, Melbourne Vic 3000

Email: ombudvic@ombudsman.vic.gov.au

Web: www.ombudsman.vic.gov.au

4.2 Independent Broad Based Anti-Corruption Commission (IBAC)

Toll Free: 1300 735 135

Address: Level 1, North Tower, 459 Collins Street, Melbourne Vic 3000

Email: info@ibac.vic.gov.au

Web: www.ibac.vic.gov.au

4.3 Independent Advice

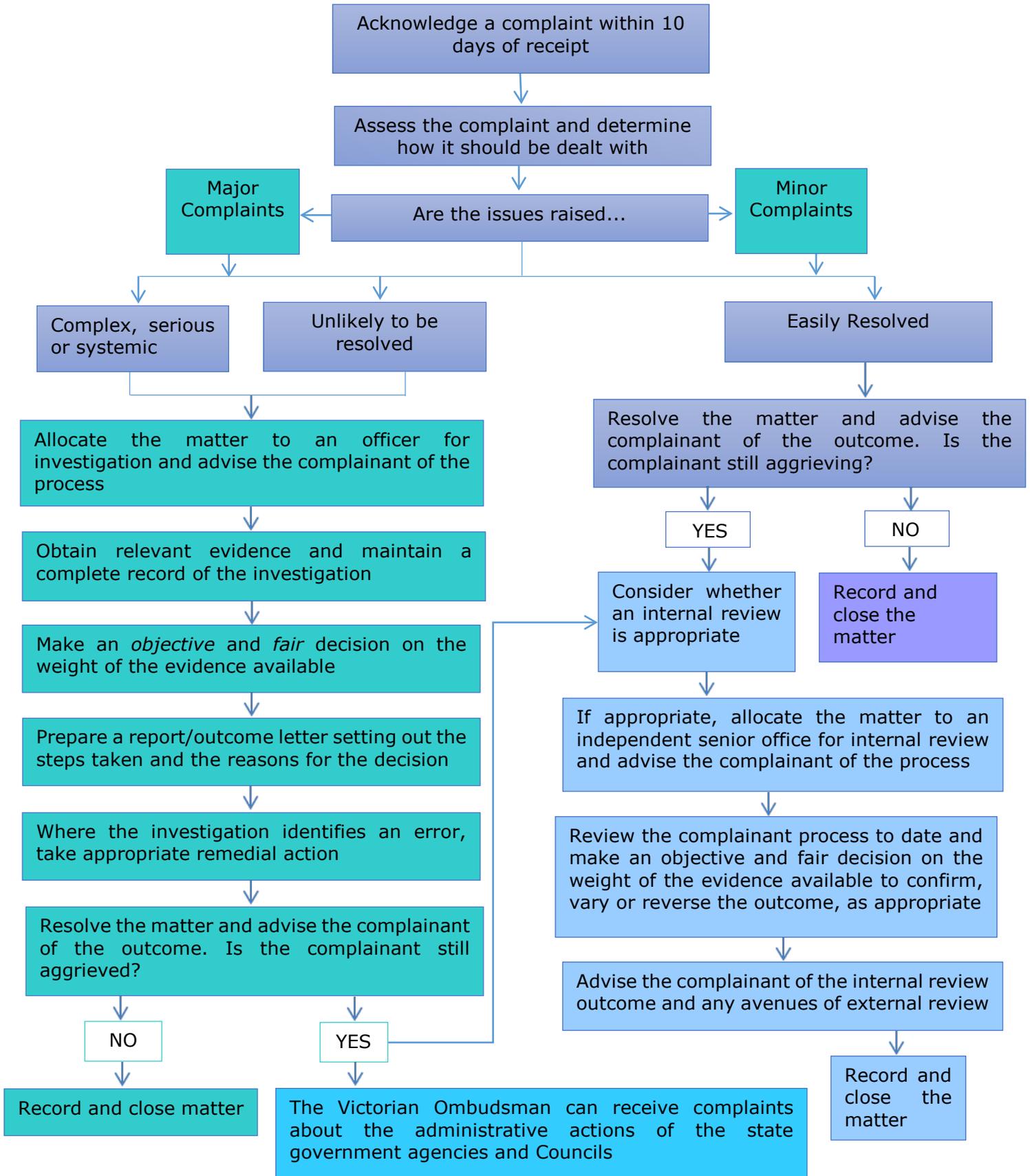
Other Independent advice is also available from other agencies:

- Local Government Victoria
- Privacy Victoria
- Human Rights and Equal Opportunity Commission Victoria
- Australian Competition and Consumer Commission (ACCC)
- WorkSafe

**Refer to Appendix 2 for other additional dispute resolution bodies.*

Appendix 1

COMPLAINT HANDLING FLOWCHART



Complaints should be advised of their right to complain to the Victorian Ombudsman

Appendix 2

KEY VICTORIAN COMPLAINT AND DISPUTE RESOLUTION BODIES
Accident Compensation Conciliation Service

Provides an independent service to resolve worker's compensation disputes in Victoria.

Commissioner for Privacy and Data Protection

The key body regulating the way Victorian Government Agencies and Local Councils collect and handle personal information.

Consumer Affairs Victoria

Promotes consumer protection and ethical trading and ensures that consumer protection laws are properly enforced.

Dispute Settlement Centre – Victorian Department of Justice and Regulation

Provides an informal, impartial, accessible, low cost dispute resolution service to the Victorian community.

Disability Services Commissioner

Deals with complaints about disability services in Victoria.

Health Services Commissioner

Deals with complaints about health services providers.

Local Government Investigations and Compliance Inspectorate

Investigates complaints of alleged breaches of the Local Government Act 1989 by Councillors, Senior Council Officers and certain other persons.

Mental Health Complaints Commissioner

Deals with complaints about public mental health services provides.

Public Transport Ombudsman

Deals with complaints about Victorian Public Transport that members of the community have been unable to resolve directly with the Public Transport Operators.

Victorian Equal Opportunity and Human Rights Commission

Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice.

Victorian Inspectorate

Key oversight body in Victoria's integrity system. It can take complaints about IBAC, Chief Examiner and Examiners, Victorian Ombudsman and Auditor General.

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