



# Complaint Management Policy

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## 1. Purpose

The purpose of this policy is to define what a complaint is, and to facilitate a fair and reasonable resolution of all customer complaints. This policy provides Council with an organisational approach to complaints handling and supports and empowers staff in the facilitation and resolution of complaints in an efficient and transparent manner.

## 2. Policy Context

This policy is guided by the Victorian Ombudsman's Councils and Complaints – A Good Practice Guide 2<sup>nd</sup> Edition (July 2021), the Australian Standard: Customer satisfaction – guidelines for complaint handling in organisations (AS/NZS 10002:2014).

## 3. Scope

Dealing with complaints is a core part of Council business. We are accountable for the services we provide. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies.

We are committed to:

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

We treat every complaint we receive on its individual merits, through clear and consistent processes.

Our complaints policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.

## 4. What is a 'complaint'?

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- the quality of an action, decision or service provided by Council staff or a Council contractor
- a delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- a policy or decision made by the Council, Council staff or a Council contractor.

Matters that are not defined as a complaint for the purposes of this policy include:

- Routine requests for service/maintenance/information, reporting of incidents, requests for information about service delivery, dissatisfaction with a Council decision, and matters where there is already a right of appeal or legal remedy.
- Matters which do not fall under the jurisdiction of Council, for example a complaint/request for road maintenance on a VicRoads controlled road/highway. In such instances, the customer shall be notified and provided with agency details (if known) for them to pursue their complaint with the correct agency.
- Complaints regarding a Councillor – these should be made in writing and addressed to the Mayor.
- Complaints regarding the Mayor – should be made in writing and addressed to the Chief Executive Officer.
- Complaints regarding the Chief Executive Officer – should be made in writing and addressed to the Mayor.
- Privacy and health records
- Freedom of Information
- Protected disclosures
- Local Laws
- Decisions made under legislation that provides for separate avenues of appeal (e.g. decisions made under the Building Act, Planning and Environment Act, Infringement Act, Valuation Land Act, Country Fire Authority Act)
- Reporting hazards
- Feedback (defined for the purpose of this policy)

## 5. How to make a Complaint

### Lodging Complaints

Complaints can be made with Council in the following ways:

Online:	<a href="http://www.eastgippsland.vic.gov.au">www.eastgippsland.vic.gov.au</a>
Email:	<a href="mailto:feedback@egipps.vic.gov.au">feedback@egipps.vic.gov.au</a>
Telephone:	Customer Service: 03 5153 9500 National Relay Service: TTY 13 36 77 then ask for (03) 5153 9500 Translating and Interpreting Service: 131 450 (within Australia) +613 9268 8332 (outside Australia)
In person:	Bairnsdale: Corporate Centre, 273 Main Street Bairnsdale  Lakes Entrance: 18 Mechanics Street, Lakes Entrance  Mallacoota: 70 Maurice Avenue, Mallacoota  Omeo: 179 Day Avenue, Omeo  Orbost: 1 Ruskin Street, Orbost  Paynesville: 55 The Esplanade, Paynesville
	Attention: Complaint East Gippsland Shire Council PO Box 1618 Bairnsdale, Victoria 3875

## 6. Our Complaints Process

When you complain to us, we will record and acknowledge your complaint within five business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve your complaint at the time you first contact us if in person or by phone. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

### Complaints Handling Approach

Council will take a four-tiered approach to complaint handling. For detailed steps, refer to the Complaints Handling Procedures.

**Stage 1: Frontline resolution** - wherever possible, frontline staff will try to resolve the complaint at the first point of contact.

**Stage 2: Investigation** - If frontline staff are unable to resolve the complaint, or the complainant is not satisfied with the outcome, it may be referred to the next level manager or relevant officer with specific expertise for investigation. The Council officer will conduct the investigation in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

**Stage 3: Internal Review** - if the complainant is still not satisfied with the outcome after the investigation, there may in some instances be reason to refer for internal review. The complainant must clearly state on what grounds they believe the original decision is worthy of a review. Internal reviews are carried out by an independent appropriately authorised officer, who is at a level of Manager or above from an independent business unit, who will make recommendations. The Council officer will conduct the investigation in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

**Stage 4: External Review** – if council has exhausted all avenues, the complainant may choose to involve an external organisation to investigate, such as the Victorian Ombudsman.

At all stages of the complaint management cycle, the following criteria will be applied:

- register the complaint and advise the complainant of their complaint reference number.
- if required, clarify the complaint and the outcome the complainant is seeking.
- actioning officer will advise the complainant of the expected timeline for completion.
- at any stage, if the complaint is outside of the responsibility of the actioning officer, the complaint should be escalated to the next level manager.

- where a complaint has been escalated to the next stage, the reviewing officer must not have been involved in the original decision, action or investigation and where practicable, should be from a different work area. The allocation of the review will be guided by the nature and complexity of the complaint.
- If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation.
- We aim to complete investigations within 30 calendar days and will advise the complainant if the investigation will take longer. We will update the complainant every 30 calendar days about progress until the investigation is completed. We will inform the complainant of the outcome of the complaint and explain the reasons.

### How to request an internal review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days of the date of the letter requesting the internal review.

### How to request an external review

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

You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
<p>Actions or decisions of a Council, Council staff and contractors.</p> <p>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</i> (Vic)</p>	<p>Victorian Ombudsman  <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a></p>
<p>Breaches of the <i>Local Government Act</i></p>	<p>Local Government Inspectorate  <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a></p>
<p>Breach of privacy.  Complaint about a freedom of information application.</p>	<p>Office of the Victorian Information Commission  <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a></p>

Complaint	Organisation to contact for external review
Corruption or public interest disclosure ('whistleblower') complaints.	Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>
Goods and Services Disputes	Victorian Civil and Administrative Tribunal ((VCAT)

## 7. Other Types of Complaints

### Anonymous complaints

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

Council's ability to fully investigate the complaint is dependent on the level of detail provided. If insufficient information is deemed to have been supplied, no further action will be taken.

If the complaint appears to relate to public safety or can be independently corroborated, then an investigation will commence, and appropriate action if necessary.

Due to the complainant's anonymity, Council will be unable to provide reasons for any decisions or actions taken.

### Complaints about contractors

Council is responsible for services carried out by contractors on its behalf.

Managers will ensure that all contractors are made aware of their obligations under this policy and will review any complaint during scheduled meetings.

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.

If the complainant is not satisfied with the outcome of the complaint, they can ask for Council Officers to review the decision.

## Complaints about allegations of employee conduct

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same when you communicate with our staff.

Where a complaint involves an employee disciplinary or behavioural issue, it will be handled in accordance with the Employee Code of Conduct, our Values and Supporting Behaviours and the Mutual Respect Charter and any relevant legislative requirements.

## Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer will be handled in accordance with the *Local Government Act 2020*, Public Interest Disclosures Policy and Staff Code of Conduct.

## 8. Unreasonable Complainant Conduct

While the majority of customers have legitimate concerns and genuinely seek resolution, a small number of complainants demonstrate unreasonable behaviour in relation to their concerns.

It is important that all complainants be treated with fairness and respect.

Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.

When complainants 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 action to manage complainant conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Complainant Conduct (UCC) can be defined as 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 parties to a complaint.

Council has developed procedures for managing unreasonable complainants in line with the Victorian Ombudsman's Managing Unreasonable Complainant Conduct – Practice Manual August 2012.

## 9. Privacy and Human Rights Consideration

Complainants have a right to expect that their complaint will be investigated in confidence, to the extent possible. The identity of complainants will be shared with Council staff on a 'need to know' basis.

All complaints lodged with Council are subject to the *Freedom of information Act 1982* and confidentiality cannot be guaranteed under the provisions of that legislation.

The Complaints Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Please refer to [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au) for assistance with this section.



## 10. Reporting on Performance

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data in our annual report.

## 11. Roles and Responsibilities

Party / Parties	Roles and Responsibilities
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"><li>• Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</li><li>• Supporting service improvements that arise from complaints.</li><li>• Reviewing and publishing complaint data.</li></ul>
<b>Senior leaders and managers</b>	<ul style="list-style-type: none"><li>• Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Council's policies and procedures.</li><li>• Managing conflicts of interest in the complaint process.</li><li>• Reporting on and identifying improvements from complaint data.</li><li>• Supporting staff who deal with complaints</li></ul>
<b>All Council staff</b>	<ul style="list-style-type: none"><li>• Familiarising themselves with this policy and the Council's complaint process.</li><li>• Assisting members of the public to make a complaint.</li><li>• Treating members of the public respectfully and professionally</li></ul>
<b>Councillors</b>	<ul style="list-style-type: none"><li>• Familiarising themselves with this policy and the Council's complaint process.</li><li>• Referring complaints to Council staff to be dealt with in accordance with our processes.</li></ul>
<b>Contractors</b>	<ul style="list-style-type: none"><li>• Familiarising themselves with this policy and the Council's complaint process.</li><li>• Cooperating with the Council's complaint handling processes</li></ul>

## 12. References and Supporting Documents

### Relevant Legislation includes but is not limited to:

- *Building Act 1993*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Competition and Consumer Act 2010*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Food Act 1984*
- *Freedom of information Act 1982*
- *Health Records Act 2001*
- *Independent Broad-Based Anti-Corruption Act 2011*
- *Infringement Act 2006*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- Children's Services Regulations and National Quality Standards
- *Summary Offences Act 1988*

### Related Council policies and procedures include but are not limited to:

- Complaint Handling Procedure
- Unreasonable Customer Conduct Procedure
- Bullying Policy
- Corporate Information Management Policy
- Councillor Code of Conduct
- Customer Service Charter
- Staff Code of Conduct
- Mutual Respect Charter

### Related supporting documents include but are not limited to:

- Victorian Ombudsman Councils and complaints – A good practice guide 2nd Edition July 2021.
- Victorian Ombudsman Managing Unreasonable Complainant Conduct – Practice Manual August 2012

## 13. Definitions

Term	Meaning
<b>Complainant</b>	Person or organisation who makes a complaint or expression of dissatisfaction.
<b>Staff</b>	Includes all Council staff whether employed fulltime, part time, casually, or as a volunteer, contract staff
<b>Complaint:</b>	A complaint is an expression of dissatisfaction with <ul style="list-style-type: none"> <li>the quality of an action taken, decision made, or service provided by Council or its contractors</li> <li>a delay or failure in providing a service, taking an action, or making a decision by a council or its contractor</li> </ul>
<b>Appropriately authorised Council officer</b>	– a Council officer who has the authority to make the decisions referred to in the outcome of a complaint. This will generally be a Manager, a Director, or in some cases, the Chief Executive Officer. In the case where a complaint has escalated to a Stage 3 Internal Review it will be an <b>independent</b> appropriately authorised Council officer.
<b>Request for service</b>	A request for service is to make contact with Council to seek assistance or advice, access a new service, or to inform / make a report about something for which Council is responsible.
<b>Complaint handling system</b>	The way individual complaints are dealt with by Council including the policy, procedures, guidelines, practices and technology.
<b>Escalation process</b>	The escalation process outlines how the complainant can escalate their complaint if they are not satisfied that the complaint has been resolved or was handled incorrectly.
<b>First point of contact</b>	: The person who the complainant contacts to express their complaint. This could be any staff member at any level, or a Councillor.
<b>Unreasonable complainant conduct</b>	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 Council, council staff, contractors, agents or volunteers of council, other service users and complainants or the complainant themselves.

## 14. Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	03/07/2018	Council	7655820	
2	Approved	16/12/2021	Council	9314114	Policy updated to align with the <i>Local Government Act 2020</i>

Complaint Management Policy

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