

COMPLAINTS HANDLING POLICY

Policy Number:	3.2.7
Approved by:	Council
Date Approved:	December 2021
Date of Next Review:	December 2022
Applicable to Unit(s):	Organisation and Councillors
Responsible Officer:	Manager Municipal Services
Related Policies:	Complaints Handling Framework.
Related Documents:	Building Control Intervention Filter Criteria Customer Service Charter 2017
Statutory Reference:	<i>Local Government Act 2020</i> <i>Public Disclosures Act 2012</i>

OVERVIEW

The *Local Government Act 2020* (the Act) advises that all Council staff, in the course of their employment, are required to provide a responsive service when responding to complaints. The '*Victorian Ombudsman Councils and Complaints – A good practice guide*' together with the Australian Standard 'AS/NZS 100-2:2014 Guidelines for complaints management have been used to develop this policy and the associated procedure.

PURPOSE

The complaints handling policy is designed to ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably. This policy is implemented using the Complaint Handling Framework.

THE POLICY

Any person has a right to complain to Council, as a result of a decision, action or inaction that has impacted them. The provisions of this policy apply to the decision, actions and inaction of all Councillors, Council employees, volunteers and contactors of Council.

Complaints must relate to matters, products or services for which Council has authority or responsibility.

This policy does not apply to the following matters or complaints, which are managed through other statutory processes.

- complaints alleging fraud or corrupt conduct;
- complaints about alleged privacy breaches;
- complaints about Councillors;
- complaints about matters for which there is process, review, appeal or objection prescribed by legislation; and
- complaints that are claims against Council for personal injury or property damage or other loss or damage.

Definitions:

A complaint is an expression of dissatisfaction with:

- 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; or
- a policy of decision made by the Council, Council staff or a Council contractor.

A complaint is not:

- a request for service;
- reports concerning neighbors or neighboring property, e.g. noise or unauthorised building works;
- anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue’;
- the lodging of an appeal or a submission in accordance with council procedure or policy;
- reports of hazards, e.g. fallen tree branch or road pot hole’;
- reports of damaged or faulty infrastructure;
- matters where statutory submission, hearing, review or appeal processes exist; or
- a matter that is, has been or is scheduled to be before a court, panel, corner or tribunal.

The guiding principles of complaint handling will be based on the following principles:

Commitment

Wellington Shire Council is committed to resolving complaints. We respect people’s right to complain and consider complaints handling to be an important part of improving service delivery.

Accessibility

We will seek to have a greater focus on human rights and accessibility for people with different communication needs, particularly in the context of dealing with challenging behavior when people complain.

Transparency

In conjunction with the State Government’s performance reporting framework for local councils, we will continue to report publicly on our performance via the Know your Council website.

Independent review

The staff member completing the investigation, or the review of the complaint must not be the person who took the action, made the decision, or provided the service that is being complained about.

Objectivity and Fairness

Wellington Shire Council will continue to act impartially and neutrality in all aspects of complaint handling to ensure the best outcomes for our customers.

Confidentiality

All information will be used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

We will strive to inform customers of the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we continue to deliver high level services.

Complaints Handling Approach

Council will take a four-level approach to complaints handling which are defined as follows:

1. Frontline Complaint resolution – The Customer Service team can resolve the complaint without it being referred to a staff member
2. Investigation if required – The Customer Service team cannot resolve the issue and the complaint is forwarded onto the relevant division for further investigation
3. Internal Review (peer review) – if the complainant is still not satisfied a peer review can occur where a manager from another area can complete a review of the matter.
4. Access to an external review – Complaint cannot be resolved at a Council level, and it needs to be referred onto an external agency e.g. VCAT

Complaint level as defined above	The information that will be required for these complaints.
Levels 1, 2 and Level 3	Complaints must be recorded and classified as a 'Complaint' in Council's Record Management System and must include the following: <ul style="list-style-type: none">• Complainant details• How the complaint was received• A description of the complaint• The complainant's desired outcome (if stipulated)• The Council Staff member 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• Internal Records Management System ID set for any documentation correspondence relating to this complaint.
Level 4	Complaints classified at Level 4 are those that cannot be resolved at Council level and/or received via other avenues such as the Victorian Ombudsman.

Unreasonable conduct

We are committed to being accessible and responsive to people who lodge a complaint. On

occasion, the timeliness of our response depends on our ability to perform our functions in the most effective and efficient way possible to allocate our resources fairly across all the requests for service and complaints we receive.

We will act to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same. We have no tolerance towards any harm, abuse or threat directed towards our staff, Councillors or other customers.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to an individual by restricting who they have contact with, what they raise with Council, when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers, we recognise that discretion will need to be used to adapt them to suit a person's personal circumstances and also recognise that more than one strategy may need to be used.

Complaints that will not be investigated

An internal review may determine that a complaint will not be investigated where the complaint:

- Relates to a decision of Council
- Relates to a matter awaiting determination by the Council
- Relates to matters under investigation by the Minister for Local Government, the Victorian Ombudsman Officer, a Minister of the Crown or government department or the Victorian Police
- Involves a matter where a remedy or right of appeal already exists, whether or not the complainant used the remedy or right of appeal
- Involves a matter before a court, coroner or tribunal
- Relates to a decision, recommendation, act or omission which is more than one year old.

Resolution

Council will endeavor to resolve all complaints within 28 days of receipt.

Procedure on how to make a complaint

A person can make a complaint in several ways.

Mail: Wellington Shire Council
PO Box 506
SALE VIC 3850

Telephone: 1300 366 244

Email: enquiries@wellington.vic.gov.au

Website: www.wellington.vic.gov.au

In person: Wellington Shire Council
Sale Service Centre – Council Headquarters
18 Desailly Street, Sale VIC 3850
Operating Hours: Monday to Friday 8.30am – 5.00pm

Yarram Service Centre
156 Grant Street, Yarram VIC 3971
Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am to 2.00pm

After Hours: In an emergency call: 1300 366 244

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.