



Complaints Handling Policy

Department/ Unit	<u>People, Communications & Governance</u>	First Implemented	16 March 2016	Review Date	<u>June 2028</u>
Origin	<u>Coordinator Communications, Governance & Risk</u>	Reviewed	<u>April 2024</u>	Version	<u>4</u>
Authorising Officer	Endorsement by Council	Effective From	<u>25 June 2024</u>	TRIM Reference	E512

Deleted: Community and Corporate Services

Deleted: December 2023

Deleted: Governance and Customer Service

Deleted: 22 January 2019

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Deleted: 21 December 2021

Purpose/Objective

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

Pursuant to s107 of the Local Government Act 2020 Council is required to develop and maintain a complaints policy that includes processes outlined in the Act.

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 community feedback 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.

Deleted: complaints

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

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

Guiding Principles

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

1. 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.

2. Accessibility

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

3. Transparency

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

4. 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.

5. 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.

6. 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.

7. Continuous Improvement

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

Scope

Dealing with complaints is a core part of Council business. 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 about the Council

- ▶ 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.

This policy applies to all complaints from community members about Council staff, contractors and decisions made at Council Meetings.

This policy does not cover complaints about individual Councillors. Councillor conduct is dealt with in Part VI of the Local Government Act 2020.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes. For example, as a public body subject to the Public Interest Disclosures Act 2012, where a complaint involves allegations of corrupt or improper conduct, it will be handles in accordance with the Public Interest Disclose Act 2012.

Deleted: 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

Definitions

Term	Definition
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.
<u>Complainant</u>	<u>A person or organisation that makes a complaint.</u>
Council Staff	Is any person employed by Council to carry out the functions of Council, and Council's Chief Executive Officer (CEO).
Council	Mansfield Shire Council.
Council Contractor	<u>A third-party engaged by Council to carry out services and functions on Council's behalf.</u>
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.
Front Line Staff	<u>Any Council officer or anyone representing or contracted by Mansfield Shire Council who has direct contact with customers. This is not limited to the function of customer service.</u>
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.

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Deleted: 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.

Deleted: Unreasonable Complaint Conduct (UCC)

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; or](#)
- ▶ [An expression concerning the general direction or the performance of Council or its elected representatives.](#)

Accessibility

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 as 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.

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.

Deleted: How To Make a Complaint ¶
Any member of the public can make a complaint. Complaints can be made by:¶



Deleted: ¶ 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: how it should be dealt with, and who is the appropriate acting 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...

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.

Responsibilities

All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process.

Role	Responsibilities
<u>Chief Executive Officer</u>	<ul style="list-style-type: none"> ▶ <u>Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</u> ▶ <u>Supporting service improvements that arise from complaints.</u> ▶ <u>Reviewing complaint data.</u> ▶ <u>Application of this policy.</u>
<u>Senior leaders and managers</u>	<ul style="list-style-type: none"> ▶ <u>Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Council's policies and procedures.</u>

Deleted: 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. ¶

Role	Responsibilities
	<ul style="list-style-type: none"> ▶ <u>Managing conflicts of interest in the complaint process.</u> ▶ <u>Reporting on and identifying improvements from complaint data.</u> ▶ <u>Supporting staff who deal with complaints.</u>
<u>All Council staff</u>	<ul style="list-style-type: none"> ▶ <u>Familiarising themselves with this policy and the Council's complaint process.</u> ▶ <u>Assisting members of the public to make a complaint.</u> ▶ <u>Treating members of the public respectfully and professionally</u>
<u>Councillors</u>	<ul style="list-style-type: none"> ▶ <u>Familiarising themselves with this policy and the Council's complaint process.</u> ▶ <u>Referring complaints to Council staff to be dealt with in accordance with Council processes.</u>
<u>Contractors</u>	<ul style="list-style-type: none"> ▶ <u>Familiarising themselves with this policy and the Council's complaint process.</u> ▶ <u>Cooperating with the Council's complaint handling processes</u>

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 People, Communications & Governance Directorate is the owner of this policy. Any reviews of this Policy must be made in consultation with the Coordinator Communications, Governance & Risk and Governance Officer.

Deleted: 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.

Deleted: Community and Corporate Services General Manager

Deleted: Governance and Risk Coordinator and Coordinator of Records and Customer Service.

References/Related Policies

- ▶ Local Government Act 2020
- ▶ Freedom of Information Act 1982
- ▶ Human Rights and Responsibilities Act 2006 (Victorian Charter)
- ▶ Privacy and Data Protection Act 2014
- ▶ Public Interest 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

Deleted: (2020), s3 Definitions, s4(b) Objectives, and s9 Overarching governance principles and supporting principles; Part 5 Div 1 ss105 & 106 Service Performance

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Mansfield Shire Council | **Complaints Handling Policy**

- ▶ 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 Customer Service Charter](#)
- ▶ [Mansfield Shire Council Public Interest Disclosures Policy and Procedure](#)
- ▶ 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.

Deleted: Mansfield Shire Council Reportable Conduct Scheme Policy

Gender Impact Assessment

[The Complaints Handling Policy has had a Gender Impact Assessment \(GIA\) completed and is compliant with the obligations and objectives of the Victorian Gender Equality Act 2020.](#)

Implementation

This Policy is effective from [25 June 2024](#)

Deleted: 21 December 2021

Review Date

This Policy is to be reviewed by [June 2026](#).

Deleted: 31 Dec 2023

Authorisation to Implement Policy

Signed: _____ Witnessed: _____
Councillor Chief Executive Officer

Approval dated: [25 June 2024](#)

Deleted: 21 December 2021

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