



Council Policy

Complaints Handling Policy

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

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.

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

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- ▶ 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 handled in accordance with the Public Interest Disclose Act 2012.

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.
Complainant	A person or organisation that makes a complaint.
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	A third-party engaged by Council to carry out services and functions on 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.
Front Line Staff	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.
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.

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

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

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.

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
- ▶ Mansfield Shire Council Disciplinary Policy
- ▶ Mansfield Shire Council Equal Opportunity and Human Rights Policy

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- ▶ 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.

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

Review Date

This Policy is to be reviewed by June 2026.

Authorisation to Implement Policy

Signed: _____


Councillor

Witnessed: _____


Chief Executive Officer

Approval dated: 25 June 2024

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