

MANAGEMENT POLICY AND PROCEDURE



Complaints Handling	Document No:	MPP-006
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Responsible Officer:	Manager Community Relations	
Authorising Officer:	Chief Executive Officer	

1. Purpose

As per the Complaints Policy this management procedure outlines an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

2. Scope

As per the Complaints Policy.

3. Application

As per the Complaints Policy this management procedure applies to all Council staff, Councillors, volunteers and contractors carrying out work on Council's behalf.

4. Definitions

As per the Complaints Policy.

5. Policy

As per the Complaints Policy.

6. Complaint Handling Procedure

6.1. Roles and responsibilities of council staff and contractors

Councillors	Refer community complaints to the Chief Executive Officer (CEO) or relevant General Manager. When a Councillor receives a complaint, they will be advised of the outcome by the CEO or relevant General Manager (except for complaints relating to personnel matters). Councillors may be contacted as part of the investigation.
Chief Executive Officer	Manages complaints about Councillors in accordance with the Councillor Code of Conduct. Legislation requires that the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct. Manages complaints about General Managers. Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).
General Managers	Deal with complaints escalated to them, generally where they were unable to be resolved by others. Responsible for internal review of complaints, provided they do not have a significant connection to the subject matter of the complaint. Write to the complainant to advise them of the outcome. Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters). Report on

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	complaints handling to Council bi-annually.
Council Officers	Investigate complaints referred to them. Contact complainant providing contact person and how long it will take to resolve, aiming for within 28 days. Write to the complainant to advise them of the outcome.
First Contact staff	Receive and record the complaint in customer request management system and acknowledge it has been received within ten days. Assess it, and resolve it immediately if possible, and record the outcome. If unable to be resolved, refer to relevant officer.
Customer Experience Coordinator	Responsible for overseeing implementation of the policy; ensuring staff are adequately trained to handle complaints; providing assistance to other staff in the handling of complaints; undertaking internal reviews of complaints as required; analyse data, monitor performance and prepare reports relating to customer experience.
Third party contractors	Refer complaints to a First Contact staff member.
Volunteers	Refer complaints to a First Contact staff member.

6.2. How to make a Complaint

A person can make a complaint in a number of ways.

Mail	PO Box 350, Torquay, VIC, 3228
Telephone	5261 0600
Email	info@surfcoast.vic.gov.au
In person	1 Merrijig Drive, Torquay, VIC, 3228 or a Council satellite office
Fax	5261 0525
Internet	www.surfcoast.vic.gov.au

Council will also accept anonymous complaints provided enough information is provided to do so. 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:

- anonymity generally reduces Council's ability to properly investigate a matter, and,
- it can be difficult to clarify the nature of the complaint and obtain additional information from the complainant.

An anonymous complainant can be disadvantaged because Council is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

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

The complaint should include the following information if relevant:

- The date, time, location or event;
- The nature and description of the complaint; and
- A statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution.

A complainant may use an advocate or authorized personal representative to progress their complaint.

If required an interpreting service will be provided to facilitate the complaint.

6.3. Complaint about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Independent Broad-based Anti-corruption Commission (IBAC) complaints process.

6.4. Complaint Handling Process

It is essential for the good management of all complaints to manage complainant expectations from the very beginning of the complaint handling process. Careful management can prevent unrealistic expectations.

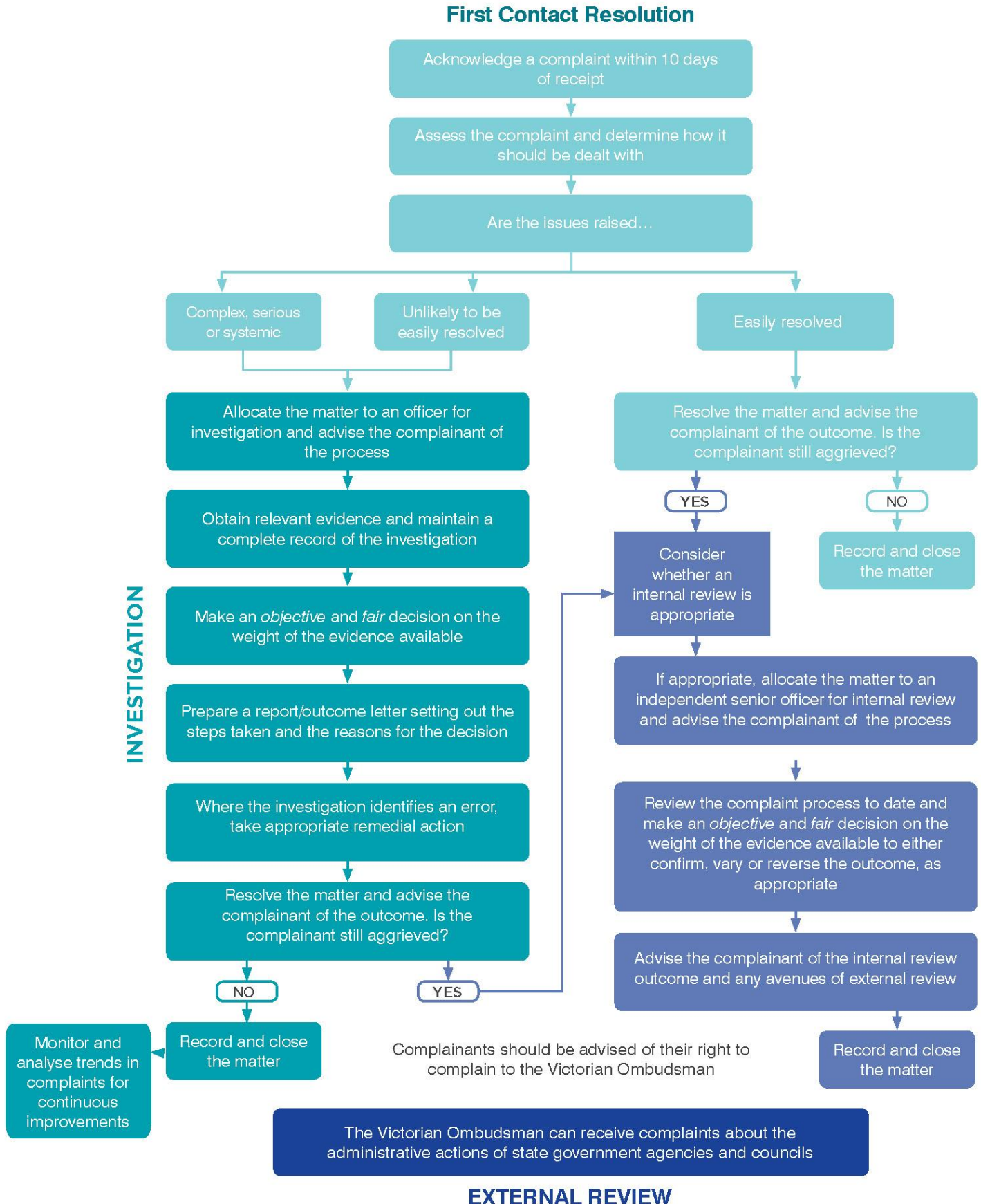
Upon making a complaint the Complainant will be made aware of:

- a. Council's role;
- b. The complaint handling procedure;
- c. The expected timeframe of the complaint handling process;
- d. That the complainant is expected to participate in a constructive manner through the process.

Council takes a four-tiered approach to complaint handling, as follows (also see complaint handling flowchart):

1. **First contact resolution:** First Contact staff receive the complaint, assess it, and resolve it immediately if possible.
2. **Investigation, if required:** if First Contact staff cannot resolve the complaint, they will refer it to an officer for investigation.
3. **Internal review:** if the complainant is aggrieved with the process or the outcome of the resolution/investigation, they can request an internal review.
4. **Access to external review:** if the complainant is aggrieved with the process or the outcome of the internal review, Council will inform them of any available external review options.

Complaint handling flowchart



6.4.1. First contact resolution.

- Council will acknowledge all complaints not more than 10 business days of receipt.
- First Contact staff will receive the complaint and record it in Council's system.
- First Contact staff will clarify the complaint and the outcome the complainant is seeking.
- First Contact staff within the scope of their role will undertake initial assessment of the complaint to determine how it should be dealt with.
- If unsure about any of the above steps due to the nature of the complaint, discuss with Customer Experience Coordinator or direct supervisor.
- If Council is not the right organisation to respond to the complaint, First Contact staff will refer the complainant to an organisation that can help.

6.4.2. Investigation, if required.

- If first point resolution is not possible, the complaint will be assigned to a relevant council officer for investigation.
- The officer handling the complaint will advise the complainant who the contact person is, and how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the council officer will contact the complainant prior to or at this time, explain the reason for delay and advise of revised timeline.
- Complaints not resolved within 28 days will be subject to review and escalated if necessary to ensure that a resolution is expedited.
- The 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.
- 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.
- A complainant can withdraw a complaint at any point during its review.

6.4.3. Internal review.

The relevant Division General Manager is responsible for internal reviews. Depending on the nature of the complaint, the Customer Experience Coordinator may conduct the review on behalf of the General Manager.

To enable a fair and transparent process, advice and support may be sought from the Manager Governance, Manager People & Culture or relevant subject matter experts. On occasion it may be appropriate to seek external advice.

An Internal review will be required if:

- a. A complaint cannot be resolved informally or by other less formal means.
- b. The nature or seriousness of a complaint justifies formal investigation at the outset.
- c. An investigation can be either evidence or problem based depending on the legal requirements which have to be met and the seriousness of the complaint or consequences.

People conducting internal reviews:

- a. Must not have a conflict of interest.
- b. Must not have a significant connection to the subject matter of the complaint.
- c. Should be suitably trained or experienced.
- d. Must ensure natural justice is afforded to all participants.
- e. Must ensure participants' privacy will be respected in accordance Council's Privacy Policy.

A written outcome letter signed by the senior officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

6.4.4. Access to external review.

Where applicable, the outcome communication will advise the complainant of any avenues of external review available in relation to the matter.

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

Email: ombudvic@ombudsman.vic.gov.au

Web: www.ombudsman.vic.gov.au

Independent advice

Independent advice is available from other agencies.

- Independent Broad-based Anti-corruption Commission
- Local Government Victoria
- Privacy Victoria
- Human Rights and Equal Opportunity Commission Victoria
- Australian Competition and Consumer Commission (ACCC)
- WorkSafe

6.5. Complaints received by Councillors

When a Councillor receives a complaint from a member of the public, he or she will refer it to the Chief Executive Officer or relevant General Manager. Council staff will then respond to the complaint in accordance with this policy.

6.6. Complaints about Contractors

Council is responsible for services carried out by contractors on its behalf, and should deal with complaints about contractors.

6.7. Complaints about specific matters – alternative procedures

6.7.1. Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the IBAC guidelines. Council has established specific protocols to manage these issues.

Legislation requires that the CEO must notify IBAC of any matter they suspect on reasonable grounds to involve corrupt conduct that is occurring or has already occurred. The CEO's duty to notify IBAC cannot be delegated.

6.7.2 Complaints about Councillors

Complaints about Councillors will be dealt with in accordance with section 9.1 of SCS 002 of the Councillor Code of Conduct. Note that the acknowledgement response time referred to in the Code is five (5) days. A confidential register of complaints and outcomes will be maintained by the Principal Conduct Officer – General Manager Governance and Infrastructure.

6.7.3 Complaints about the conduct of the Chief Executive Officer (CEO)

These complaints will be handled in accordance with the *Local Government Act*. At the time of adopting this policy and procedure, *The Act*, requires the CEO is 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 a probity audit.

6.8. Remedies

Where Council has found that it has made an error, it will take steps to redress the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it happening again.
- a reversal of a decision.
- an ex-gratia payment or compensation.
- disciplinary action taken against a staff member.
- providing the means of redress requested by the complainant.

Where Council identifies an error, it will offer a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requested an apology.

Where Council has have found it has not made an error, it will contact the complainant via telephone to respectfully discuss the outcome of the complaint, prior to sending the outcome letter.

6.8.1 Providing an apology

One of the effective ways to diffuse a situation, or prevent a situation from escalating is to offer an apology where this is warranted. Mistakes, delays, omissions and misunderstandings happen. If this occurs, action should be taken immediately to remediate the problem. Remediation on its own may not be enough. An apology needs to be made as well.

A full apology given at the right time can:

- a. restore dignity, face and reputation.
- b. provide an acknowledgement that the recipient was indeed right.
- c. assure the recipient that they are not at fault.
- d. prevent escalation of the matter and the associated costs in terms of time, resources and stress.

6.8.2 Giving an apology

Apologies generally need to be given at the earliest practical opportunity. Although it is best to apologise as soon as a wrong is identified, it may be important to delay a full apology to allow time for inquiries or an investigation to establish the nature and cause of the problem – and to allow one or both parties time for reflection.

Apologies must be given by the right person, the one who is responsible for the error, or wrong doing or a person who is clearly perceived as speaking on behalf of the agency

responsible for the wrong. Apologies must also be given to the right person, being the one who was harmed. Apologising to a third party is generally not appropriate.

6.9. Privacy and confidentiality

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

- use it to deal with the complaint or to address systemic issues arising from the complaint.
- disclose it in a de-identified format when disclosing data to the public.
- share de-identified information with Council staff on a need to know basis.

6.10. Training our staff

Staff will be provided with training to understand and implement the complaint handling process. Staff will be appropriately equipped and supported to manage complaints within the scope of their role. Training will be developed, and delivered by the Customer Experience Coordinator.

6.11. Recording complaints

All complaints are recorded in the primary customer request management system. All complaints will be recorded by the staff member who first receives the complaint. It may be useful to ask the complainant to put their complaint in writing, but this is not mandatory. The Customer Experience Coordinator analyses complaint data and provides reports relating to customer experience. Executive management is responsible for acting on the recommendations in these reports.

The following information is recorded 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.
- any recommendations for improvement, and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to Customer Experience Coordinator.

6.11. Reporting on performance

To measure our performance, Council has the following key performance indicators. These KPIs will include:

- complaints upheld, partially upheld, not upheld.
- performance against timelines set by council i.e. average time to respond.
- Performance against how many complaint resolution processes fall beyond the target response time.
- number of changes made to services as a result of complaints.
- number of complaint outcomes overturned on internal review.
- 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.

Council will receive a bi-annual report on complaints performance, including trends analysis.

6.12. Learning from complaints

This complaints handling process is an opportunity for Council to learn and do better. All complaints are reviewed for service level improvement opportunities. Identified continuous improvement opportunities will be managed and implemented by the relevant service manager.

6.13. Unreasonable complainant 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 Council considers their conduct to be 'unreasonable'. Unreasonable complainant conduct ('UCC') 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.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

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 Surf Coast Shire 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:

- Do not dismiss a complaint because the complainant is difficult to manage.
- Use the processes in place to manage the difficult complainant.
- Carefully draft decision letters including evidence of unreasonable complainant conduct and action taken.
- 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.

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- New correspondence will be received and assessed but only acknowledged or responded to if the complainant provides new information about their complaint.

7. Records

Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location
Complaint records	PROS 07/01	Permanent	State Archives

8. Attachments

This management procedure is implemented with the following documents:

- 8.11. Complaints Policy
- 8.12. Customer Service Charter
- 8.13. Customer Service Strategy
- 8.14. Councillor Code of Conduct

9. References

Victorian Ombudsman	Good Practice Guide to Handling Complaints Report and Guide; September 2016
Victorian Ombudsman	Councils and complaints – A good practice guide; February 2015
AS/NZS 10002:2014	Guidelines for complaint handling in organisations
	Privacy and Data Protection Act 2014
	Health Records Act 2001
	Local Government Act 1989
	FOI Solutions Complaints Training Guidelines