

# Complaint Handling Policy

ADOPTED BY COUNCIL

14 DECEMBER 2021

(administrative updates made in December 2022)

## Table of Contents

1.	Introduction .....	3
2.	Scope .....	3
3.	Objectives .....	3
4.	What is and is not a complaint under this policy? .....	4
5.	How to make a complaint? .....	5
6.	Our complaint handling framework .....	6
7.	Our complaints process .....	6
8.	Complaints about specific matters – alternative procedures.....	8
9.	Implementation, reporting and improvement .....	9
10.	Unreasonable complainant conduct.....	10
11.	Responsibilities.....	11
12.	Policy context.....	12

# 1. Introduction

Nillumbik Shire Council is committed to delivering an excellent customer experience, and we recognise a customer's right to provide feedback to Council, both positive and negative, about Council's services and their experiences with them.

Complaints provide Council with important information about its services, our customers' experiences, and can create an opportunity to remedy customer concerns, build greater community advocacy for Council and its services, as well as identify areas of service that need improvement. Council aims to make it easy and accessible for a customer to make a complaint.

We recognise that 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 all 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.

This policy provides a framework to ensure Council:

- handles complaints effectively, ensuring our customers can raise their complaints about Council with ease and with confidence;
- listens to our customers' concerns, and being responsive; and
- manages received complaints fairly, objectively and in a timely manner.

We treat every complaint we receive on its individual merits, through clear and consistent processes. Our complaints handling procedure (which supports the administration of this policy) continues to be reviewed and updated to assist Council staff in the effective management of complaints, responding to complaints, and improving the experience for our customers and staff.

## 2. Scope

This policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council.

The policy applies to all Council staff, and extends to contractors and volunteers carrying out work on behalf of Council. This policy does not apply to complaints about individual Councillors, nor does it relate to intra-organisational staff disputes or grievances which are addressed through other policies.

## 3. Objectives

This policy aims to:

- define what is considered a complaint to be managed under this policy;
- outline the process for handling complaints;
- ensure Council staff handle complaints consistently, respectfully and objectively;
- outline roles and responsibilities of Council staff handling complaints; and
- outline how complaints will be captured and reported as input to continuously improve the delivery of Council's services.

Council recognises that at times it is not possible to meet customer expectations due to policy position, resource constraints or legislative requirements. However, Council is committed to ensuring that customers are satisfied with their interaction with Council every time they make contact, and are able to communicate feedback on their experience through the provision of easy to access complaint handling processes.

## **4. What is and is not a complaint under this policy?**

A complaint is defined as the communication, whether orally or in writing, to Council which expresses dissatisfaction about:

- the quality of an action taken, decision made, or service provided by a member of Council staff or a contractor engaged by the Council; or
- the delay, omission or failure to act by a member of Council staff or a contractor engaged by the Council; or
- a policy or decision made by Council or a member of Council staff or a contractor.

This policy does not apply to matters or complaints that are otherwise subject to statutory review.

Below are some examples of what is not defined as a complaint:

- complaints/objections relating to a planning application or a planning decision
- complaints/appeals relating to parking infringements
- freedom of information requests
- a petition to Council about a particular matter
- comments or submissions received during a formal consultation or community engagement process, which has a specific process for management
- work related grievances from Council staff (i.e. complaints relating to their employment)
- complaints about alleging fraud, corruption or other criminal behaviour
- complaints that have already been reviewed by an external agency.

A request for service is also not a complaint. Unlike a complaint, a request for service (also termed a service request) is raised when a customer wants to:

- seek assistance;
- access a new service;
- seek advice; or
- inform/make a report about something for which Council has responsibility.

The following are examples of requests for service:

- a request for information or explanation of policies or procedures
- an insurance claim
- reports of damaged or faulty infrastructure (i.e. potholes)
- reports of hazards (e.g. fallen trees)
- a dispute concerning neighbours.

## 5. How to make a complaint?

Any member of the public, including children, can make a complaint. You can make a complaint in a number of ways:

<b>Online</b>	<a href="http://nillumbik.vic.gov.au">nillumbik.vic.gov.au</a>
<b>Email</b>	<a href="mailto:nillumbik@nillumbik.vic.gov.au">nillumbik@nillumbik.vic.gov.au</a>
<b>Telephone</b>	9433 3111 (translating & interpreting service available)
<b>Mail</b>	Nillumbik Shire Council PO Box 476 GREENSBOROUGH VIC 3088
<b>In person</b>	32 Civic Drive GREENSBOROUGH VIC 3088

We encourage you to try and raise concerns directly with the Council staff member or Council contractor in the first instance.

The following information is helpful to include in your complaint:

- your name and contact details (you can complain anonymously, but this may limit how the Council responds to you);
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied;
- relevant details, such as dates, times, location or reference numbers, and documents that support your complaint;
- the outcome you are seeking from making your complaint; and
- whether you have any communication needs.

### Accessibility

We are committed to ensuring our complaint process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- providing an interpreter;
- talking with you if you have trouble reading or writing; or
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

### Anonymous complaints

Although anonymous complaints will be recorded, Council's ability to fully investigate the matter will be limited as specifics may not be fully available. Additionally, Council will be unable to provide a response to you, including any decisions or actions taken.

### Non-specific complaints

Correspondence in relation to a complaint that is non-specific in nature, or not relevant to the operations of Council and/or generally classed as haranguing in nature, will be received and recorded but not responded to. Reasons for the determination will be filed along with the correspondence.

## Complaints received through Councillors

When a Councillor receives a complaint from you, the Councillor will refer it to the Council administration for appropriate action and response in accordance with this policy. A copy of the outcome response concerning the complaint will be shared with you and the Councillor.

## 6. Our complaint handling framework

Council has established a four tiered approach to managing and responding to complaints. This approach has been informed by the Victorian Ombudsman's better practice guide to Councils and Complaints: A Good Practice Guide 2<sup>nd</sup> edition (July 2021) and supports complainants with a standardised, responsive, fair and transparent experience and response.

<b>Tier 1</b>	<b>First contact complaint resolution</b> Frontline staff receive the complaint, record it, and resolve it within the scope of their authority immediately, where possible.
<b>Tier 2</b>	<b>Investigation</b> If frontline staff cannot resolve the complaint, they will refer it to the most appropriate Council officer for investigation and resolution (in many cases this will be a more senior Council officer). An investigation will be carried out which will likely include further information gathering, evidence-based decision making and remedy (if any).
<b>Tier 3</b>	<b>Internal Review</b> If you are not satisfied with the response or the way in which your complaint has been handled, you can ask for your complaint to be referred for an internal review in writing by emailing your request and accompanying information and supporting documentation via email or postal mail (as per contact details above).  An internal review will be carried out by a member of a panel of senior Council officers who has not had any prior involvement with your complaint. The senior Council officer undertaking the internal review will inform you of the outcome of the internal review, and explain the reasons.
<b>Tier 4</b>	<b>External review</b> If you are not satisfied with Council's final response, or the outcome of the internal review, you can refer your complaint to an appropriate external agency.

## 7. Our complaints process

### Tier 1: First contact complaint resolution

When we receive your complaint we will assess the information available and decide the most appropriate course of action. Where possible, we will attempt to resolve your complaint at the time you first contact us.

After our initial assessment, we may:

- take direct action to resolve your complaint;
- refer your complaint to a relevant Council officer or manager for further investigation. This person will be your primary contact and will take responsibility for working through the resolution of your enquiry on behalf of the Council; and
- advise you if there is an alternative process to deal with your complaint including if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

We acknowledge a written complaint within 5 working days, or by phone within 48 hours.

## Tier 2: Investigation

Complaints unable to be resolved at first point of contact will be referred to the relevant team or a senior Council officer for investigation and management.

As part of our investigation we will:

- make prompt contact with you to discuss the matter and understand what resolution outcome you are seeking;
- assess the information against relevant legislation, policies and procedures;
- refer to Council documents and records;
- convene with affected parties, when appropriate to discuss issue and possible solutions;
- take ownership of your complaint, clearly set out actions and timeframes and keep you updated regularly;
- advise you of the outcome and explain our reasons and follow this up with a response in writing, if required.

We aim to complete investigations within 30 days, and we will tell you once we know if the investigation will take longer. We will update you every 30 days about progress until the investigation is complete.

## Tier 3: Internal Review

If you are dissatisfied with the process or outcome of either a tier 1 first contact complaint resolution or a tier 2 investigation, you can request an internal review. You can do this by a request in writing (as per the contact details above).

An internal review will be carried out by a member of a panel of senior Council officers who has not had any prior involvement with your complaint. The officer will undertake a review of the complaint and gather information and expert advice where necessary. The senior Council officer will inform you of the outcome of the internal review, and explain our reasons. The outcome letter will also advise you of any avenues of external review available in relation to the matter.

## Tier 4: External Review

If you are not satisfied with Council's final response, or the outcome of the internal review, you can refer your complaint to the Victorian Ombudsman and/or another relevant external agency to request an independent review.

## External agencies

There are external agencies that can deal with different types of complaints. You can request an external review from the following organisations, as appropriate:

Complaint	Organisation to contact for external review
Actions, decisions, delays or inaction of a Council, Council staff and contractors.  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>	Victorian Ombudsman <b>ombudsman.vic.gov.au</b>
Breaches of the <i>Local Government Act 2020</i>	Local Government Inspectorate <b>lgi.vic.gov.au</b>

Breach of privacy, or a complaint about a freedom of information application	Office of the Victorian Information Commission <b>ovic.vic.gov.au</b>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission <b>ibac.vic.gov.au</b>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <b>humanrights.vic.gov.au</b>
Council elections	Victorian Electoral Commission <b>vec.vic.gov.au</b>
Reportable allegations of sexual and physical abuse, sexual misconduct, significant emotional or psychological harm, or significant neglect towards a child in the care of a Council service.	Commission for Children and Young People <b>ccyp.vic.gov.au</b>

## 8. Complaints about specific matters – alternative procedures

There are specific complaint procedures that will apply to certain types of complaints. If the complaint received would be better handled through another process outside this policy, this will be explained to you at the start. In these circumstances, the nature of the complaint and the parties nominated in the complaint will determine how the complaint is investigated and responded to.

### Complaints about Council contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

This policy applies to all contractors carrying out services or works on Council's behalf to the extent provided under their contractual obligations with Council. Council staff responsible for the oversight of contractors will ensure the contractors are made aware of their obligations under this policy, and where required, review any complaint handling during status update meetings.

Where a complaint is made in relation to services or works carried out by a contractor, the complaint will go straight to the investigation stage and be assigned to an appropriate Council officer to examine the complaint and liaise with both the customer and the contractor.

If you believe the complaint remains unresolved, you can escalate the matter for either an internal or external review as outlined in this policy.

### Complaints about improper conduct with public interest disclosure

Where a complaint involves allegations of improper conduct by a public officer, Chief Executive Officer or other Council staff, it will be handled by the Public Interest Disclosure Coordinator in accordance with the *Public Interest Disclosures Act 2012* and Council's Public Interest Disclosure Procedure.

A complaint should clearly show or suggest improper conduct by a public officer:

- improper conduct must be either criminal conduct or conduct serious enough to result in a person's dismissal.

Council's Public Interest Disclosure Coordinator is the Director Governance, Communications & Engagement.



Disclosures of alleged improper or corrupt conduct that relate to Councillors must be made directly to the Independent Broad-based Anti-Corruption Commission (IBAC).

## 9. Implementation, reporting and improvement

Council recognises the importance of reviewing complaints to identify root causes for service failure, find appropriate treatments and adjust our processes accordingly, and undertake continuous improvement.

We will analyse our complaint data and use that to measure our effectiveness in handling complaints, inform how we can reduce complaints, improve services, and the outcomes of service improvements. 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.

This policy establishes processes for Council staff to follow, to ensure that complaints are recorded, investigated, actioned and responded to appropriately. The policy also regulates a review process which involves identifying and analysing root causes and implementing treatment plans to decrease future customer dissatisfaction.

Root causes to escalations and complaints will be categorised for reporting and review purposes as follows:

- **People** – customer dissatisfied with interaction with staff member, which is inclusive of staff failing to escalate (as per the Customer Escalation Procedure) resulting in the customer's enquiry/request for service not being resolved
- **Process** – Customer dissatisfied with a process
- **Policy** – Customer dissatisfied with council policy
- **Service Delivery** – Non-compliance to Council's Customer Service Standards, service not meeting customer expectations due to quality of delivery

### How we learn from complaints

We are open and transparent about the complaints we have received, and what we have done to resolve them. Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

### Reporting on performance

Appropriate performance data will be captured to enable Council to review the timeliness and efficiency of Council's complaint handling as well as identifying trends and patterns in complaints to use to inform service improvements. Such data will be reported annually in our Annual Report.

### Your privacy

We collect your information and handle all records in accordance with the *Privacy and Data Protection Act 2014*. We keep your personal information secure. We use the information you provide 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 we publish complaint data, personal information is removed.

In most cases, complaints to Council and the complainant/s are considered confidential however complaints lodged with Council may be subject to requests for access under the *Freedom of Information Act 1982*. In this instance, the complainant is consulted in regards to their views regarding confidentiality and personal information where applicable.

Council may be obligated to investigate a complaint and where required instigate enforcement proceedings because of the investigation. If an investigation leads to prosecution relevant to a complaint, Council may be required to disclose details relating to the complaint including the complainant to the defendant under rules relating to discovery.

Any queries regarding privacy should be directed to Council's Privacy Officer at [privacy@nillumbik.vic.gov.au](mailto:privacy@nillumbik.vic.gov.au).

## 10. Unreasonable complainant conduct

Council has adopted a [Mutual Respect Charter](#). We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.

Council does not tolerate rude or aggressive behaviour, or bullying of Council staff and contractors. We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

When managing unreasonable conduct and behaviour, we try to ensure that:

- the complainant's expectations are clear and realistic, something which can be determined when contact is made after receiving a complaint
- we maintain regular, firm and clear communication, either in writing and/or verbally
- a complainant understands what Council can do and not do in relation to the complaint, and where they are able to go for further assistance
- we provide clear reasons for our decisions, and we avoid unnecessary delays
- we provide clear guidance and procedures for staff to deal with complaints.

Council may also decide to deal with unreasonable conduct in one or more of the following ways:

### Who they contact

Where a person demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point) and request that communication be made in writing to assist with quality control.

This Council officer will exclusively case manage the complaint(s) and interactions with Council. This will ensure the person is dealt with consistently and will minimise the chances for misunderstandings, contradictions and conflict.

### What they can raise with Council

Where a person continues to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the person again raises with Council.

### When, where and how they can have contact

A person's telephone, written or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff. It may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when, where and/or how the customer can interact with Council.

Vexatious complaints are when complainant behaviour causes annoyance, frustration, or worry. The Victorian Ombudsman has released a policy and guide to assist workers, dealing with complaints of this nature. When a person behaves in this way, we consider their conduct to be unreasonable.

Categories of unreasonable complainant conduct can be grouped into five categories:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviour.

Dealing with unreasonable behaviour is based on the understanding that:

- every complainant deserves to be treated with respect
- every complainant, regardless of how much time and effort is taken up in responding to their complaint, should have their complaint properly and appropriately dealt with
- a person whose conduct is unreasonable may still have a legitimate complaint, however their inappropriate behaviour must be effectively managed
- the substance of a complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.
- Council retains an express discretion to refuse to deal with a complaint that is otherwise subject to statutory review. In exercising this discretion, Council will consider whether it is reasonable in the circumstances to expect the complainant to exercise their rights under the relevant statutory review process.

## 11. Responsibilities

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

Role	Responsibility
Chief Executive Officer	<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>
Senior leaders and managers	<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>
All Council staff	<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>
Councillors	<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>
Council contractors	<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. Policy context

This policy has been developed in accordance with the requirements of sections 106 and 107 of the *Local Government Act 2020*. The policy has also been developed with consideration of:

- Victorian Ombudsman's Good Practice Guide to Dealing with Challenging Behaviour (May 2018)
- Victorian Ombudsman's Revisiting Councils and Complaints (October 2019)
- Victorian Ombudsman's Councils and Complaints: A Good Practice Guide 2<sup>nd</sup> edition (July 2021).

### Related documents

This policy has been developed particularly in accordance with the following legislation, regulations, policy and standards:

- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosures Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- Child Safe Standards.

Relevant Council policies and procedures include but are not limited to:

- Complaint Handling Procedure
- Public Interest Disclosure Procedure
- Freedom of Information – Part II Statement
- Information Privacy Policy
- Records Management Policy
- Staff Code of Conduct
- Performance Improvement and Discipline Policy
- Workplace Bullying and Occupational Violence and Aggression Policy
- Councillor Code of Conduct.

### Review

This policy will be reviewed at least every four years, or more frequently if there are changes to legislation or internal processes impacted on the policy.