



Ararat Rural City

Complaints Handling Policy

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Councillors

Chief Executive Officer

HR Business Partner

INTENT

Complaints management is an essential element of a quality customer service system. This policy provides the framework to ensure that the complaints Ararat Rural City Council (Council) receives are managed efficiently, effectively and fairly from the time of receipt through to satisfactory resolution or final determination of the matter.

This policy also aims to:

- increase the level of satisfaction with the performance and delivery of services;
- recognise, promote and protect consumer rights;
- provide an efficient, fair and accessible framework for resolving complaints; and
- enhance community confidence in Council's general complaints process and Council's reputation for being transparent and accountable.

POLICY

Council is committed to resolving customer complaints courteously, fairly and within established timeframes. Council recognises peoples right to complain and consider complaint handling to be an essential element to serving the community in an accountable transparent manner.

This policy applies to all Councillors, Council staff, volunteers and third-party contractors carrying out services on behalf of Council.

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

- a request for service and or action by Council (unless there was inaction or an otherwise unsatisfactory response to the first request for service);
- a request for information or an explanation of a policy or process;
- a complaint made under the *Public Interest Disclosures Act 2012*;
- decisions made under legislation which provides for separate avenues of appeal (e.g. prosecutions under Local Laws, decisions under the *Planning and Environment Act 1987* and *Building Act 1993*);
- an alleged breach under the Councillors Code of Conduct;
- an alleged breach of the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*; and
- complaints about Council that are received from external agencies such as the Victorian Inspectorate, Independent Broad-based Anti-Corruption Commission (IBAC), Victorian Ombudsman and Office of the Victorian Information Commissioner.

Staff grievances and staff code of conduct complaints are dealt with through separate mechanisms.

Guiding Principles of Effective Complaint Handling

This policy is based on seven (7) principles, as outlined in the Victorian Ombudsman "Councils and Complaints – A good practice guide". They are:

- 1 Commitment Council are committed to resolving complaints and have a culture that recognises an individual's right to complain. Council values complaints and recognise them as being part of our business of serving our communities and improving service delivery.

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2	Access	People with a range of needs can easily complain and staff actively assist them to navigate the complaints process
3	Transparency and fairness	Council makes it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
4	Objectivity	Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.
5	Privacy	Complaint information is handled according to privacy laws and other relevant legislation. Council provides clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.
6	Accountability	Council are accountable internally and externally for decision making and complaint handling performance. Explanations and reasons for decisions are provided, and Council ensures that decisions are subject to appropriate review processes.
7	Continuous improvement	Acting on, learning from and using complaint data helps Council identify problems and improve services.

Responsibilities

Frontline Staff

The first point of contact for a complaint is to frontline staff. This is not limited to Customer Service and this includes all staff who have direct contact with customers. They are responsible for clarifying the complaint and seeking to achieving a resolution. If the complaint is not resolved, frontline staff will refer the complaint to the relevant staff member or to the Chief Executive Officer for further investigation.

Council and its staff have the responsibility to:

- deal with informal complaints professionally, efficiently and impartially;
- provide any relevant information requested by the complainant, where appropriate;
- provide information about the complaint process including any timelines;
- document all complaints, identify all steps taken to redress the complaint and minimise any chance of reoccurrence;
- provide any assistance to the complainant to effectively resolve the complaint in accordance with this policy;
- respond to all complaints, where appropriate in writing; and
- provide information to all concerned parties as to their rights to appeal or review.

If Council does not meet its responsibilities the complainant may make a further complaint to the Chief Executive Officer.

All formal complaints, except those dealt with through other mechanisms must be forwarded to the Chief Executive Officer.

How to Make a Complaint

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

- Telephone 5355 0200
- Email council@ararat.vic.gov.au
- Letter PO Box 246, Ararat VIC 3377
- In person Municipal Offices, 59 Vincent St, Ararat VIC 3377

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Note: any comments or requests made through Social Media (i.e. Facebook) are not considered, nor treated as an official complaint.

Complainants are advised of the likely timeframe required to investigate and resolve a complaint, and regularly updated as to progress where necessary.

If Council determine that the complaint is extremely serious in nature and may be a criminal offence i.e. Sexual Assault, Council may involve Police to undertake any investigation.

Council will ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Complaints Handling Procedure

Council's multi-tiered approach to complaint handling is outlined below:

- 1 Frontline Resolution: frontline staff receive the complaint, assess it, and resolve it immediately, if possible
 - When complaints are received, they will be acknowledged within three (3) working days by the Council staff member who will clarify and attempt to resolve the complaint.
 - If the staff member can resolve the complaint, there is not required to escalate it further.
 - If a request for service is required, it will be recorded for action by the relevant staff member.
 - If council is not the correct organisation to respond to the complaint, the complainant will be referred to an organisation that can assist.
 - If the Council staff member cannot resolve the complaint, they may refer the complaint to another staff member to provide advice and the complaint will be dealt with at an operational level.
- 2 Investigation, if required: if frontline staff cannot resolve the complaint, they will refer it to an officer for investigation.
 - The staff member handling the complaint will advise the complainant that they are now the contact person and provide their details.
 - The staff member will advise the complainant how long it will take to respond to the complaint.
 - Staff members handling complaints will aim to resolve all complaints within 14 days.
 - If it takes longer than 14 days to resolve a complaint, the staff member will contact the complainant to explain the reasons for the delay.
 - Complaints that are not resolved within 14 days may be escalated if necessary.
- 3 Internal review: if the complainant is aggrieved with the process or outcome of the frontline resolution/investigation, they can request an internal review
 - The Governance and Administration Coordinator will be responsible for an internal review.
 - Note the staff member who carries out the review must be independent of the person who took the action, the person who made the decision and the person who provided the service.
 - A request for an internal review process must be in writing, outlining the complaint, including the reason why they are dissatisfied with the way the complaint was handled by the relevant staff member during the investigation.
 - The internal review process will be completed within 14 days of receipt of request.
 - The Chief Executive Officer will provide a response to the complainant at the conclusion of the internal review.

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- 4 Access to external review: if the complainant is aggrieved with the process or outcome of the internal review, we inform them of any available external review options.
 - If the complainant's concerns cannot be resolved to their satisfaction through Council's Complaint Handling Procedure or at any stage, they may refer the matter to the Victorian Ombudsman or other relevant organisations,

Refer to the Complaint Handling Procedure Flowchart Attachment 1.

Customer (Complainant) Conduct

Complainants have a responsibility to:

- provide sufficient information/detail about the complaint to ensure the complaint can be actioned;
- treat Councillors and Council staff members with courtesy and respect;
- not make trivial, frivolous or vexatious complaints;
- listen to the response provided by Council;
- allow the Council enough time to resolve the complaint; and
- identify if their complaint has not been adequately resolved.

If a complainant does not meet their responsibilities, Council may set limits or conditions on the handling of their complaint. Any abuse, harassment, or threats to the safety or welfare of Councillors or Council staff will result in the immediate cessation of the complaint investigation and contact with the complainant will cease.

Anonymous Complaints

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.

Anonymous complaints will be accepted, and Council will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint.

Complaints about Contractors

Where Council receives complaints about contractors, Council will monitor the way contractors deal with complaints and have clear oversight of their complaint handling process.

Contractors will liaise with the relevant staff member about the response to be provided to complaints.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask council to review the decision. All outcome letters written by contractors in relation to complaints will include the name and contact details of the member of council staff to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

Recording Complaints

All complaints (both verbal and written) are recorded in Council's Request Management System (RMS) in such a way that the information can also be analysed for service improvement opportunities.

Remedial action

Where Council have found that an error has been made, Council staff members 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 from 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, Council staff members will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

Privacy

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

- Use it to deal with the complaint or to address systemic issue arising from the complaint;
- Disclose it in de-identified format when disclosing data to the public; and
- Share it with staff on a need to know basis.

Continuous Improvement

Complaints data will be collected and analysed, both on the number and type of complaint and the effectiveness of the complaint handling process. This will be used to identify systemic issues and areas of improvement.

Complaints requiring investigation, internal or external review may also lead to corrective actions and improvements.

All areas within Council will work to improve their service delivery and reduce the number of complaints, as well as improve the handling of complaints raised.

Challenging Behaviour and Unreasonable Complainant Conduct (UCC)

Councillors and Council staff members will not tolerate challenging behaviour and unreasonable complainant conduct (UC). Challenging behaviour is any behaviour you find challenging, which varies from person to person and may include yelling, swearing, physical intimidation or emotional outbursts.

Some types of behaviour are never acceptable, they include verbal abuse, threats and violence. Challenging behaviour may lead to unreasonable conduct by a complainant.

Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Councillors, staff, other complainants or the complainant themselves.

UCC can be divided into five categories of conduct:

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

Council will provide training to Council staff members to assist them to deal with unreasonable complainant conduct and support them where the conduct is affecting their wellbeing.

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Complaints to another Organisation

If a person is not satisfied with the way Council have handled their complaint, there are a number of organisations that can consider complaints relating to Council.

Some complaints are governed by specific statutory and regulatory processes which fall outside the scope of this policy.

Organisations which may be able to assist with complaints are:

- Victorian Ombudsman, investigates complaints about actions, decisions or conduct of public bodies, including Councils.
- Local Government Inspectorate, investigates concerns relating to council operations, including election and conflict of interest provisions.
- Independent Broad-Based Anti-corruption Commission, investigates complaints relating to corruption and misconduct in public bodies, including Councils.
- Equal Opportunity Commission, responsible for eliminating discrimination in Victoria
- Victorian Civil Administrative Tribunal (VCAT), deals with disputes between people and Councils in many areas including: planning, land valuation, councillor conduct and objections to council decisions.
- Office of the Victorian Information Commission, independent regulator with combined oversight of information access, information privacy and data protection.

DEFINITIONS

TERM	DEFINITION
Complainant	A person or organisation who has expressed dissatisfaction with Council's services, systems or staff.
Complaint	Includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with: <ul style="list-style-type: none">• the quality of an action taken, decision made, or service provided by a member of Council staff, volunteer or a contractor engaged by Council;• a delay by a member of Council staff, volunteer or a contractor engaged by the Council in taking an action, making a decision or providing a service; or• a policy or decision made by a Council or a member of Council staff, volunteer or contractor.
Contractor	Third parties carrying out services on behalf of Council.
Customer	The person/people (resident, ratepayer, business owner, visitor) who has expressed dissatisfaction (refer to Complaint definition above)
Formal Complaint	A concern which has not been resolved informally, and which is then set out in writing, and forwarded to the Chief Executive Officer.
Frontline Staff	Any Council staff member (including volunteers) who has direct contact with customers. This is not limited to the function of Customer Services.

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TERM	DEFINITION
Informal Complaint	A concern, dissatisfaction, or frustration which can be resolved informally and without the need for further action.
Request for Service	Contact with Council to seek assistance, access to a new service, advice or to inform/make a report about something which Council has responsibility.
Resolution	A complaint is resolved after an initial investigation has taken place and the customer has been updated with what service recovery action has or will take place or a plan has been implemented

REFERENCES

Charter of Human Rights and Responsibilities Act 2006
Child Wellbeing and Safety Act 2005
Equal Opportunity Act 2010
Freedom of Information Act 1982
Information Privacy Act 2000
Local Government Act 2020
Public Interest Disclosure Act 2012
Privacy and Data Protection Act 2014
Health Records Act 2001

Victorian Ombudsman's Revisiting Councils and Complaints (October 2019)
Victorian Ombudsman's Councils and Complaints - A good practice guide (February 2015)
AS/NZS 10002:2018 - Guidelines for complaints handling in organisations.
Councillor Code of Conduct
Staff Code of Conduct
Council's Privacy Policy
Public Interest Disclosure Procedure

ATTACHMENT 1 COMPLAINT HANDLING PROCEDURE FLOWCHART

