

1.0 Council's policy on complaint handling

The council understands that the community expects the delivery of service and interactions with staff to be personalised and responsive. The council is committed to providing exceptional levels of service for every customer. The council values the feedback that the community provides and welcomes any suggestions for improvement in relation to the services that are delivered. The council recognises that all members of the public have a right to complain where service delivery does not meet reasonable expectations.

The councils approach to complaint handling is based on seven principles, as outlined in the Victorian Ombudsman's *Councils and complaints – A good practice guide*.

1. Commitment

The council is committed to resolving complaints that are received. Council culture recognises people's right to complain and considers complaint handling to be part of the council's core business of serving the community and improving service delivery.

2. Accessibility

The community can easily find out how to complain to council and the council will actively assist them with the complaint process.

3. Transparency

The complaint handling system clearly sets out 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 and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and the council staff are informed only on a 'need to know' basis.

6. Accountability

The council is accountable, both internally and externally, for decision making and complaint handling performance. The council will provide explanations and reasons for decisions, and ensure that decisions that are made are subject to appropriate review processes.

7. Continuous improvement

The council will regularly analyse complaint data to find ways to improve service delivery.

2.0 What is a complaint and other definitions

complaint: an expression of dissatisfaction with –

- The quality of an action taken, decision made, or service provided by the council or its contractor
- A delay or failure in providing a service, taking an action, or making a decision by the council or its contractor

A complaint is not:

- A request for service;
- Reports of damaged or faulty infrastructure;
- Reports of hazards eg fallen tree branch or road pot hole;

- Reports concerning neighbours or neighbouring property eg, noise or unauthorized building works;
- Anything that relates to the appointment or dismissal of any staff member or 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;
- An expression concerning the general direction or the performance of council or its elected representatives.

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 reviews and delivery methods.

request for service: contact with the council to seek assistance, to access a new service, to seek advice, or to inform or make a report about something for which the council has responsibility.

unreasonable complaint: Unreasonable complainant conduct (UCC) can be defined as 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 council and its staff, or the complainants themselves. Unreasonable complaint conduct can be in the form of any of the following:

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

3.0 Making a complaint

Anyone who has been affected by an action or inaction of the council can make a complaint. The council accepts and responds to anonymous complaints, provided the council have received enough information to do so.

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

- Mail: Wodonga Council
PO Box 923, Wodonga, VIC, 3689
- Telephone: (02) 6022 9300
- Email: info@wodonga.vic.gov.au
- In person: City Office
104 Hovell St, Wodonga, VIC 3690
- Fax: (02) 6022 9322
- Internet: www.wodonga.vic.gov.au
- NRS service: If you are deaf, or have a hearing impairment or speech impairment, contact the council through the National Relay Service:
- TTY users phone 133 677 then ask for (02) 6022 9300;
- 'Speak and Listen' users phone 1300 555 727 then ask for (02) 6022 9300; or
- Internet relay users connect to the NRS iprelay.com.au then ask for (02) 6022 9300

In order to be able to assist you in the best possible way, we require our staff to be treated with courtesy and with respect. Aggressive or offensive behaviours will not be tolerated.

4.0 Remedies

Where the council have found that an error has occurred, the council will take steps to redress the situation and will consider offering an apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

5.0 Recording complaints

All complaints are recorded in council's customer request management system and document control system.

Council officers will analyse the complaint data and provide annual reports to the council on how complaints can be reduced and services improved. Senior management is responsible for acting on the recommendations in these reports.

The council records 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; and,
- Any recommendations for improvement, and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to the Manager Governance and Customer Focus.

6.0 Complaint handling procedure overview

Complaints are to be handled using the following four-tiered approach;

1. Frontline resolution: frontline staff receive the complaint and resolve it immediately, if possible;
2. Investigation, if required: if frontline staff cannot resolve the complaint, they will refer it to a council officer for investigation;
3. Internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review; and,
4. Access to external review: if the complainant is not satisfied with the process or outcome of the internal review, council will inform them of any external avenues through which they can pursue their complaint.

6.1 Frontline resolution

All complaints must be acknowledged by frontline staff within 10 business days of receipt.

Frontline staff will clarify the complaint and the outcome the complainant is seeking.

Frontline staff will assess the complaint to determine how it should be dealt with.

The following criteria may be used to determine if the customer contact is a complaint and the best process for resolving the complaint;

What is the nature of the complaint?

If the complaint is about an issue which is covered by particular legislation or regulation, the requirements of the relevant legislation will need to be applied.

If the contact is in relation to a follow up service request which was previously raised by the complainant and council had advised that the matter would be resolved in a certain time frame and that time has not yet passed, this is not considered to be a complaint.

Is the complaint raised a council responsibility?

If the council is not the right organisation to respond to the complaint, frontline staff will refer the complainant to an organisation that can help.

Is the complainant personally affected by the issue?

A person should be personally affected by an issue or have sound reason to complain on behalf of another individual.

6.2 Investigation

If the complaint is unable to be resolved in the first instance, it will be assigned to a council officer for investigation.

The investigating officer will need to make contact with the complainant to advise how long it will be to respond to the complaint. The complaint should try to be resolved within a maximum of 28 days.

Complaints which are not resolved within 28 days will be subject to review and escalated if necessary to ensure that a resolution is expedited.

If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.

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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.

6.3 Internal review

If the complainant is not satisfied with the outcome of the investigation, a senior staff member not involved in the original decision/action/investigation will need to conduct an internal review.

The complainant must be provided with written acknowledgement of their request for internal review within 10 business days of the receipt of request.

The acknowledgment will include the contact details of the officer handling the review.

The reviewing officer, will review the complaint history, including the outcome of the initial complaint and the responses provided to the complainant.

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.

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

7.0 Complaints about contractors

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

In some instances, the council will refer complainants to the contractor for resolution. Contract managers will review any complaint handling with the contractor during regular project meetings.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask the council to review the decision.

All outcome letters written by contractors in relation to complaints will include the name and contact details of a council staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

8.0 Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the council's *Protected Disclosure Procedure*.

9.0 Complaints about employees

Complaints about employees will be dealt with in accordance with *Staff Code of Conduct*.

10.0 Complaints about councillors

Complaints about councillors will be dealt with in accordance with *Governance Code, incorporating the Councillors' Code of Conduct*.

11.0 Complaints about the Chief Executive Officer

Any complaints about the CEO will be handled in accordance with the requirements in the *Local Government Act 1989* and the *Protected Disclosure Procedure*.

12.0 Roles and responsibilities of the council staff and contractors

12.1 Frontline staff

Printed copies of this document are uncontrolled. The controlled version is available through the Quality Manager database.

Frontline staff will receive and assess the complaint and aim to resolve the complaint at the time of contact where possible. Complaints that cannot be managed at this first point of contact will be referred to an appropriate officer for further investigation and follow up of the complaint.

12.2 Team leaders, Managers and Directors

Team leaders, managers and directors will provide support to staff to ensure that all staff are aware of the complaint handling policy and procedures, and that complaints are managed at the appropriate level relevant to the employee's role and responsibilities.

Complaints which have been escalated to management or director level will be investigated and managed through to resolution of the complaint.

If a complainant has requested an internal review of the initial complaint, this will be handled at either manager or director level until a final resolution of the complaint is determined.

11.3 Third Party Contractors

Third party contractors are required to keep the project manager informed of complaints received and resolutions provided.

They will refer any complaints back to the council where the complaint relates to an issue outside of their agreement with the council.

13.0 Privacy and confidentiality

When gathering information to respond to a complaint, the 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; and,
- Share it with council staff on a need to know basis.

14.0 Reporting on performance

The council will report against complaint handling key performance indicators in the council annual report. The council will also detail any service improvements made as a result of complaints received.

15.0 Unreasonable complainant conduct

A complaint is considered unreasonable when 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 council and its staff or other service users and complainants themselves.

Unreasonable complaint conduct can be in the form of any of the following;

- Unreasonable persistence; complainants that persist with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence;
- Unreasonable demands; complainants insisting on outcomes that are unattainable, moving the goal posts or demanding to have their complaints dealt with in particular ways;
- Unreasonable lack of cooperation; complainants providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to define their issues of complaint when they are capable of doing so;
- Unreasonable arguments; complainants seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations; and,

- Unreasonable behaviours; this includes extreme anger, aggression, threats or other threatening or violent conduct.

If a customer is deemed to display unreasonable behavior in interactions with the council and staff, the council may impose any of the following restrictions;

- Require that all communication be in writing;
- Restrict the complainant from using specific services;
- Restrict the complainant from attending the council buildings;
- Require the complainant only contact a specific staff member; and,
- Restrict communication to certain days / times / duration.

Unreasonable complaint conduct will be reviewed by a senior member of staff and prior to imposing any restrictions the following will be determined:

- The original complaint has been investigated correctly;
- Any decision reached is the right decision;
- Communication with the complainant has been adequate; and
- The complainant has not provided the council with any new or significant information that might affect the council's decision.

The senior staff member has the option to impose restrictions on the customer when interacting with council. Any restrictions placed will be in accordance with the complaint handling policy.