

COUNCIL POLICY

Complaints

Contents

1.	<u>Purpose</u>	4
2.	<u>Scope</u>	4
3.	<u>Policy details</u>	4
3.1	<u>COMPLAINT CATEGORISATION</u>	4
3.1.1	<u>Level 1 complaint - First point of contact resolution:</u>	4
3.1.2	<u>Level 2 complaint - Escalation:</u>	5
3.1.3	<u>Level 3 complaint - Internal review:</u>	5
3.1.4	<u>Level 4 complaint - Access to external review:</u>	5
3.2	<u>COMPLAINT RESOLUTION</u>	5
3.3	<u>TIMELINES</u>	6
3.4	<u>RECEIVING COMPLAINTS</u>	6
3.5	<u>COMPLAINT REPORTING</u>	6
3.6	<u>PRIVACY AND CONFIDENTIALITY</u>	6
3.7	<u>REMEDIES</u>	7
4.	<u>Roles and responsibilities</u>	7
5.	<u>Breaches</u>	7
6.	<u>Human Rights Charter compatibility</u>	8
7.	<u>Supporting documents</u>	8
8.	<u>Definitions and abbreviations</u>	8
9.	<u>Approval</u>	8

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Directorate Corporate Performance	Department Corporate	Internal / External External

REVISION RECORD

Date	Version	Revision description
28/08/2020	0.1	First draft for key internal stakeholder and AMT review
21/09/2020	0.2	Final draft including final edits endorsed by CEO
16/02/2021	1.0	Approved by CEO
13/10/2021	1.1	Amendments to response times updated and approved by the CEO

1. Purpose

Council is committed to providing a high-quality service to all customers and community members and seeking out opportunities to improve service delivery. Where Council has failed to meet a customer's expectations the customer may wish to lodge a complaint.

Council actively encourages and welcomes feedback and maintains this policy to:

- demonstrate Council's approach to complaint handling
- provide visible and transparent information about how and where to complain
- establish a consistent and transparent complaint handling system
- establish expected timeframes for resolving complaints
- clarify the roles and responsibilities of Council staff
- ensure staff handle complaints fairly and objectively
- be accessible to everyone
- ensure there is no detriment to people who complain.

This policy supports Council's commitment to providing excellent customer service:

Care	We will listen to your needs and treat you with respect
Communicate	We will record and acknowledge an initial response to your request for service within five business days
Confirm	We will let you know the timeframes, steps and what we need from you
Carry Through	We will take ownership and follow through on our commitments.

2. Scope

This policy applies to Council staff and contractors engaged by Council.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes. Examples of service areas in which there are separate statutory or legislative appeal processes include but are not limited to:

- Complaints relating to a Council or Committee resolution
- Complaints relating to a planning application or decision
- Complaints relating to parking or local law infringements
- Complaints relating to building, health and food services
- Complaints relating to a Councillor when not performing their role as a Councillor
- Complaints alleging fraud, corruption, or other criminal behaviour
- Freedom of information requests
- Work related grievances from Council staff (i.e. Complaints relating to their employment)
- Complaints already reviewed by an external agency

Council recognises that the above complaints are still valid, however these will be managed separately from the complaint handling policy.

3. Commencement Date

This Policy will come into effect from 1 January 2022.

4. Policy details

4.1 COMPLAINT CATEGORISATION

The Local Government Act 2020 defines a complaint as a Communication, whether oral or in writing to the Council by a person of their dissatisfaction with:

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

Council has adopted a four-tiered approach to complaint handling and has categorised complaints as follows.

4.1.1 Tier 1 complaint - First contact

A Council officer receives the complaint and is able to resolve the complaint at the time a person first contacts Council. Details of the complaint is recorded in Council's systems.

If the complaint cannot be immediately resolved the complaint is escalated to Tier 2.

4.1.2 Tier 2 complaint - Investigation

An investigation is required to be carried out by an officer with specialist expertise and should not be the person that the complaint relates to. They gather additional information and make an evidence-based decision. The officer will communicate with the complainant throughout the investigation and provide a written outcome that explains the Council's decision.

Details of the complaint and the correspondence is recorded in Council's systems.

4.1.3 Tier 3 complaint - Internal review

If a complainant believes the Council has made the wrong decision, they can request an internal review.

A senior officer conducts an independent internal review and looks at whether the complaint should have been dealt with differently. This can lead to the original decision being upheld or overturned.

Any Tier 3 complaints already with the CEO at Tier 2 but remain unresolved will be reviewed by a Director that does not manage the area where the complaint originated. The assigned Council officer then follows through to resolution and records the resolution accordingly in Council's systems.

Any complaints received at any level about the CEO will be initially escalated to the Director Corporate Performance who may, if appropriate, record the complaint as a public interest disclosure (see Public Interest Disclosure policy and related procedures) or refer the complainant to an external review body.

4.1.4 Tier 4 complaint - Access to external review

If the complainant remains unsatisfied with the process or outcome of the Tier 3 internal review, the Director Corporate Performance must then inform the customer of any external avenues through which they may pursue their complaint. These can include the Local Government Inspectorate, the Ombudsman of Victoria, Victorian Civil and Administrative Tribunal (VCAT), Independent Broad-based Anti-corruption Commission (IBAC) or other appropriate authority. The customer must then be informed that the complaint will be closed in Council's systems and this outcome recorded accordingly.

4.2 COMPLAINT RESOLUTION

The officer responsible for resolving the complaint must communicate with the complainant(s) via phone or email to advise of the outcome, including reasons for the decision made and contact information for the responsible officer. The details of this communication must be recorded against the complaint in Council's Customer Request Management system.

4.3 TIMELINES

All complaints must be responded to within the following timelines:

Initial response

All complaints received will be acknowledged by a relevant Council officer within five business days. This acknowledgement must convey who the responsible officer will be that will ultimately be handling the complaint.

Resolution

Every reasonable step must be taken to resolve complaints within 28 calendar days. For any complaint that takes longer than 28 days to resolve, the responsible officer must contact the complainant prior to the expiry of this timeframe and explain the reasons for this decision.

Complaints that remain unresolved within 28 days will be subject to review and escalated to the manager of the team where the complaint originated.

4.4 RECEIVING COMPLAINTS

Complaints can be received in numerous ways.

Mail: Alpine Shire Council
PO Box 139
Bright VIC 3741

Telephone: (03) 5755 0555

Email: info@alpineshire.vic.gov.au

In person: Alpine Shire Council Office
2 Churchill Avenue, corner Hawthorn Lane, Bright

Website: www.alpineshire.vic.gov.au
Alpine Shire Customer Portal

4.5 COMPLAINT REPORTING

The Manager Corporate will report complaints received and resolved to the Alpine Management Team to ensure that Council maintains a diligent focus on the satisfactory resolution of customer complaints and continuous improvement in complaint handling.

The Director Corporate Performance will provide regular reporting of complaints received and resolved to Councillors at Councillor Briefing Sessions.

4.6 PRIVACY AND CONFIDENTIALITY

Council staff must adhere to all Council policies regarding the handling of private and confidential information. When gathering customer information to respond to a complaint, Council staff may only use it exclusively for the following purposes:

- to manage the complaint or to address systemic issues arising from the complaint
- to share it in a de-identified format when reporting summary data to the public
- to share it with other relevant Council officers only as needed to effectively resolve a complaint or investigate complaint trends and opportunities to improve how Council handles complaints.

4.7 REMEDIES

Where it has been found that a Council decision was made in error, Council will take steps to redress the situation. Possible remedies may include:

- an apology to the affected customer(s)
- an explanation of why the error occurred and the steps taken to prevent it happening again
- a reversal of an earlier decision
- disciplinary action taken against a staff member
- providing a suitable means of redress.

4.8 OTHER COMPLAINTS

Type of Complaint	Specific Handling Procedure
Complaints about Councillors	Complaints about Councillors will be forwarded to the Director Corporate Performance and handled in accordance with the Councillor Code of Conduct
Complaints about Council Staff	Any complaints received about Council staff conduct will be handled in accordance with the Council's Employee Code of Conduct

4.9 UNREASONABLE CONDUCT

Most complainants act reasonably and responsibly in their dealings with Council. In a small number of cases some complainants, despite our best efforts to help them, behave in ways that are inappropriate and unacceptable.

Unreasonable conduct is that which because of its nature raises substantial health, safety, resource or equity issues for our organisation, our staff, contractors and other service users.

In managing unreasonable conduct, we try to ensure that:

- the complainant's expectations are clear and realistic
- we maintain firm and clear communication, either in writing or verbally
- a complainant understands what Council can do and not do in relation to the complaint, and
- we provide clear reasons for our decisions.

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

Who they contact

- Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).
- This staff member will exclusively case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions, and conflict.

What they can raise with Council

- Where customers continue 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 customer can again raise with Council.

When, where and how they can have contact

- A customer'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.

5. Roles and responsibilities

The following positions are responsible for:

Role / Position	Responsibility
Customer Service Team	Typically, the first point of contact for handling complaints. The team's initial responsibility is to record the complaint and attempt to resolve the complaint. If they are unable to resolve the complaint, they will assign it to a responsible officer.
All Staff	Upon receipt of a complaint each staff member is responsible for capturing all complaint information and ensuring the complaint and its resolution is logged via the appropriate system or with the Customer Service team.
Managers and Directors	Managers and Directors are responsible for addressing issues escalated to them and recording the resolutions accordingly. This includes third-party contractor complaints where the Manager or Director is responsible for the contract relationship.
Chief Executive Officer (CEO)	The Chief Executive Officer is ultimately accountable for the complaints handling process and ensuring that all complaints are resolved as swiftly as possible.
Third Party Contractors	Complaints made to third-party contractors regarding Council should be referred to the agreed first point of contact to ensure they are recorded and actioned accordingly.

6. Breaches

Failure to comply with this policy, supporting procedures or guidelines will be subject to investigation which may lead to disciplinary action.

7. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

8. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 2020 [Vic]*
- *Freedom of Information Act 1982 [Vic]*
- *Privacy and Data Protection Act 2014 [Vic]*

- *Public Interest Disclosures Act 2012 [Vic]*

Related Guidelines, Operational Directives or Policies

- Council Policy No.80 Councillor Code of Conduct
- Council Policy No.92 Public Interest Disclosures
- Council Employee Code of Conduct

Related Procedures

- Complaints Handling Procedure

9. Definitions and abbreviations

Term	Meaning
Complainant	Any person or organisation who is impacted by Council decisions, actions or inactions
Customer	Any person who contacts Council
Request for Service	A request for service includes 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. This is not a complaint.

10. Approval

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this 9th day of November 2021 in the presence of:

 _____ COUNCILLOR	 _____ SIGNATURE
 _____ COUNCILLOR	 _____ SIGNATURE
 _____ CHIEF EXECUTIVE OFFICER	 _____ SIGNATURE