

**LODDON
SHIRE COUNCIL**

**COMPLAINT HANDLING
FRAMEWORK**



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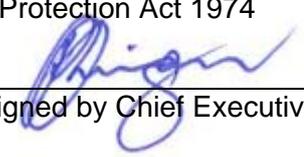
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Bullying Occupational Violence Policy
Protected Disclosure Procedure
Staff Complaints Policy
Staff Complaints Procedure
Complaint Handling Procedure

RELATED LEGISLATION: Local Government Act 1989
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This document is available in alternative formats (e.g. larger font) if requested.

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1 INTRODUCTION

Council is committed to service excellence and recognises a customer's right to make a complaint. Complaints give Council vital information about its services and a valuable opportunity to address any issues and identify any areas of service that need improvement.

2 PURPOSE

The Complaint Handling Framework (Framework) outlines Council's commitment to providing a fair and consistent process for customers making a complaint.

3 OBJECTIVES

As a customer focused organisation, a consistent and effective complaint handling framework will ensure a fair and reasonable process for customers.

This Framework will:

- define what is considered a complaint
- clarify roles and responsibilities of Council officers
- ensure Council officers manage complaints fairly and objectively
- establish timeframes for resolving complaints
- identify key performance indicators for Council officers to report on
- outline how complaints will be captured and reported
- provide an open and transparent complaint handling process
- ensure complaint outcomes inform continuous improvement activities
- improve the customer experience in relation to complaint handling
- provide for the analysis of complaint data for improved learning outcomes and continuous improvement.

4 BUDGET IMPLICATIONS

There are no budget implications to Council as a result of this Framework.

5 RISK ANALYSIS

The implementation of this Framework will limit the risks associated with management of complaints by giving further understanding and clarification on the roles and responsibilities required of staff.

6 SCOPE

This Framework is a document which applies to complaints made by members of the public, Councillors, volunteers and contractors who are carrying out services on Council's behalf.

Some complaints are governed by specific statutory and regulatory processes which fall outside the scope of this Framework. Where this is the case, the complainant will be referred to the appropriate process or authority. This includes decisions and processes relating to:

- privacy and health records
- Freedom of Information
- protected disclosures

- decisions made under legislation which provides for separate avenues of appeal (e.g. decision made under the Building, Planning and Environment Act, Infringement Act and Valuation of Land Act and under the Education and Services National Regulations)
- decisions made at Council and Special Committee meetings.

7 CONTEXT

Complaints to Council are inevitable. In a community where Council delivers a diverse and large volume of services, it is expected that Council will not be able to meet the service expectations of all customers. While receiving a complaint can be an unpleasant experience for staff, having a consistent and fair approach to the way we respond to complaints will ensure that the process is a positive one for both the complainant and the staff involved.

Complaints are a valuable resource for Council. Complaints are a feedback mechanism, providing customer insights that can be used to improve business processes, systems and services. Complaints will also identify and inform staff development opportunities and ensure that training programs are relevant and targeted. As such, it is imperative that complaints are documented and reported on appropriately.

Council's Complaint Handling Procedure provides customers with information about what they can expect when submitting a complaint to Council. The value of this procedure can only be realised if staff are aware, informed and resourced to administer complaints as required.

To respond to this, the Complaint Handling Framework guides how complaints are to be received, responded to and reported on.

7.1 What is a complaint?

The Victorian Ombudsman has developed a reference document named '*Councils and complaints – A good practice guide*' (the Good Practice Guide). In this report the ombudsman states the preferred definition of complaint is as follows:

A complaint is an expression of dissatisfaction with:

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

It is necessary to understand the difference between a 'complaint' and a 'request for service'.

A request for service is:

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

7.2 Guiding principles

The Complaint Handling Framework is based on seven principles, as outlined in the Good Practice Guide.

7.2.1 Commitment

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

7.2.2 Accessibility

Customers can easily find out how to complain to Council, and will be actively supported during the complaint process.

7.2.3 Transparency

The Complaint Handling Framework 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.

7.2.4 Objectivity and fairness

Under the Complaint Handling Framework, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact and there will be no change to service or treatment as a result. Where the complaint is found to be unreasonable in nature, Council may decide to withdraw or refuse service.

7.2.5 Confidentiality

The Complaint Handling Framework protects the personal information of customers making a complaint and Council staff are informed only on a 'need to know' basis.

7.2.6 Accountability

Council is accountable, both internally and externally, for decision making and complaint handling performance. Explanations and reasons for decision will be provided and Council will ensure that decisions are subject to appropriate review processes.

7.2.7 Continuous improvement

Council regularly analyses complaint data to find ways to improve operations and how to deliver services.

8 ROLES AND RESPONSIBILITIES OF COUNCIL OFFICERS

All Council officers are accountable to the Complaint Handling Framework. Roles and responsibilities vary depending on which stage the complaint has reached and how it is resolved.

8.1 Frontline staff

This is the first point of contact for the complainant. This is not limited to customer service frontline staff; it includes all officers who have direct contact with customers. The frontline staff are responsible for clarifying the complaint, seeking to achieve a resolution.

If the complaint is not resolved, frontline staff will refer the complaint to the responsible officer in the relevant department.

8.2 Team leaders/supervisors

Team leaders/supervisors play a role in escalated complaints. They can support frontline staff to achieve a resolution. They may also provide support to managers during the investigation stage.

8.3 Managers

Managers are responsible for complaints that have not been resolved at the frontline. They are responsible for complaint investigation and managing the process, including communicating expected resolution timeframes to the complainant and keeping them informed of the investigation.

Managers will inform the complainant of their right to escalate the complaint further to the Internal Regulator if they are not satisfied with the outcome.

Directors may also be required to undertake this role where the relevant manager is unavailable or where the complaint may involve the manager themselves.

8.4 Internal Regulator

The Director Corporate Services is the appointed Internal Regulator.

The Internal Regulator is responsible for conducting an internal review when the complainant is not satisfied with the outcome of the investigation by the manager. Investigations are to be assessed in conjunction with the Chief Executive Officer (CEO). Recommendations will be made in writing to the CEO.

8.5 Chief Executive Officer (CEO)

The CEO will assist with forming the investigation recommendations. The CEO will advise the complainant in writing of the outcome of the internal review.

9 OTHER COMPLAINTS

9.1 Complaints made to Councillors

When a Councillor receives a complaint from a member of the public they should refer them to the relevant department manager. If the member of the public does not want to make a formal complaint to the manager, the Councillor will then refer the issue to the relevant department manager.

When a Councillor wishes to make a complaint on their own issues they will refer the issue to the CEO as referred to in the Councillor Code of Conduct.

The manager will respond to the complaint in accordance with this Framework as per the level two process which is outlined in Section 13 – Recording complaints.

At the manager's discretion, a complaint may be de-escalated to the frontline staff if the nature of the complaint and/or request can be typically resolved at level one.

The manager must advise the Councillor of the outcome.

9.2 Complaints received from members of staff

Complaints from members of staff will be dealt with in accordance with the Staff Complaints Policy and Staff Complaints Procedure.

9.3 Complaints received from Members of Parliament

Any enquiries (including complaints) from Members of Parliament are to be managed by the Chief Executive Officer via the Executive Assistant.

9.4 Complaints about contractors

Council retains a level of responsibility for services carried out by contractors on its behalf. Contract managers will ensure that all contractors are made aware of their obligations and contract managers will review any complaint handling during any regular meetings.

Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance. 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 a Council staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided. If a complainant is not satisfied with the outcome of a complaint managed by a contractor, they can request a review in accordance with this framework.

The manager will respond to the complaint in accordance with this Framework as per level two process.

9.5 Complaints about allegations of corrupt conduct

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

9.6 Complaints about Councillors

Complaints about Councillors will be dealt with in accordance with the Complaints Against Councillors Policy.

9.7 Complaints about the Chief Executive Officer

Complaints about the CEO will be handled according to the Local Government Act 1989, the Protected Disclosure Act 2012 or the Staff and Contractors Code of Conduct and should be made in writing to the Director Corporate Services.

10 HOW CAN A CUSTOMER MAKE A COMPLAINT?

A customer can make a complaint in the following ways:

| Option | Details |
|---------------|--|
| Email | loddon@loddon.vic.gov.au |
| Online | www.loddon.vic.gov.au |
| Telephone | 03 5494 1200 |
| Post | Loddon Shire Council, PO Box 21 Wedderburn VIC 3518 |
| In person | 41 High Street, Wedderburn 37 Peppercorn Way, Serpentine |

11 BUILDING INTERNAL CAPACITY

Building the capacity of the organisation to effectively and consistently manage complaints will support the implementation of this framework.

The guiding principles for building this capacity include:

11.1 Training

Provide appropriate training, support and resources to staff who handle complaints.

11.2 Recognition

Recognise and reward good complaint handling by staff.

11.3 Delegations

Provide staff with appropriate authority and guidance to be able to resolve issues that commonly arise in the handling of complaints.

11.4 Empowering

Empower staff to effectively implement the organisation's complaint handling policies and procedures as relevant to their role.

12 ANONYMOUS COMPLAINTS

Anonymous complaints are to be accepted and responded to where possible. However, Council will only be able to investigate a complaint where all the necessary information is provided.

13 RECORDING COMPLAINTS

Process information for level one to level four complaints are contained within in the Complaint Handling Procedure.

13.1 Level one – frontline resolution

Level one complaints are where frontline staff (anyone who has direct contact with a customer) will endeavour to provide an immediate resolution to complaints.

Complaints resolved at level one which have resulted in a request for service will be recorded in the Customer Request Management System and used to inform continuous improvement.

13.2 Level two - investigation and three – internal review

Level two complaints will be escalated to a manager for investigation if there is no frontline resolution.

Level three complaints are where an internal review can be requested by the complainant if they are not satisfied with the outcome of the investigation at level two.

Complaints that have escalated to level two and level three will be recorded as a complaint within the Customer Request Management System. This complaint needs to include:

- 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
- the electronic document management system registration number for any documentation/correspondence relating to this complaint.

It is critical that all the available information is gathered and recorded to ensure that Council can respond to analyse the results to form part of the improvement process.

13.3 Level four – access to external review

Level four is where the complainant will be informed of any external avenues through which they can pursue their complaint if they are not satisfied with the outcome of the internal review at Level three.

14 REPORTING ON PERFORMANCE

Council will continue to measure complaint handling performance with the following key performance indicators (KPIs):

1. Number of complaints received and resolved (level one).
2. Number of complaints escalated to managers (level two).
3. Number of complaints received by the Internal Regulator (level three).
4. Number of complaint outcomes upheld on review by the Internal Regulator (level three).
5. Number of unique contacts made with the Victorian Ombudsman (level four).

The data for the KPIs will be recorded in the Customer Request Management System and reports generated from this as required.

This information will be collated bi-annually the Director of Corporate Services who will report performance to the Management Executive Group (MEG).

15 PRIVACY AND CONFIDENTIALITY

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

- use it to deal with the complaint or to address systematic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with Council officers on a need to know basis; therefore only tell staff that need to know, the facts they need to know, at the time they need to know them, and nothing more.

16 UNREASONABLE COMPLAINANT CONDUCT

While the majority of customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

When customers behave unreasonably in their dealings with staff, their conduct can have a negative impact on Council's service delivery to other customers. Because of this, Council will take immediate action to manage customer conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Management considers unreasonable complainant conduct is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, and resource or equity issues for the Council, staff, other service users and customers or the customer himself/herself.

Unreasonable complainant conduct can be divided into five categories of conduct:

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

16.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on Council, staff, services, time and/or resources.

Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with
- persistently demanding a review simply because it is available and without arguing or presenting a case for one
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints
- reframing a complaint in an effort to get it taken up again
- bombarding Council staff/organisation with phone calls, visits, letters and emails (including cc'd correspondence) after repeatedly being asked not to do so
- contacting different people within Council and/or externally to get a different outcome or more sympathetic response to their complaint.

16.2 Unreasonable demands

Unreasonable demands are any demands (expressed or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Council, staff, services, time and/or resources.

Some examples of unreasonable demands include:

- issuing instructions and making demands about how Council should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved
- insisting on talking to a senior officer or CEO personally when it is not appropriate or warranted
- emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case
- insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation where there is no reasonable basis for expecting this
- demanding services that are of a nature or scale that Council cannot provide when this has been explained to them repeatedly.

16.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with Council, staff, or complaints systems and processes that result in a disproportionate and unreasonable use of Council services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

- sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this
- providing little or no detail with a complaint or presenting information on 'dribs and drabs'
- refusing to follow or accept instructions, suggestions, or advice without a clear or justifiable reason for doing so
- arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations
- displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

16.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council, staff, services, time, and/or resources.

Arguments are unreasonable when they:

- fail to follow a logical sequence
- are not supported by evidence and/or are based on conspiracy theories
- lead a complainant to reject all other valid and contrary arguments
- are trivial when compared to the amount of time, resources and attention that the complainant demands
- are false, inflammatory or defamatory.

16.5 Unreasonable behaviours

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that complainant is – because it unreasonably compromises the health, safety and security of staff, other service users or the complainant themselves.

Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- harassment, intimidation or physical violence
- rude, confronting and threatening correspondence
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats
- stalking (in person or online)
- emotional manipulation.

All staff should note that Loddon Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Council employees. Any conduct of this kind will be dealt with under the Equal Opportunity and Anti-Discrimination Policy and Bullying Occupational Violence Policy, in accordance with our duty of care and occupational health and safety responsibilities.

17 STRATEGIES FOR MANAGING UNREASONABLE COMPLAINANTS

The CEO may decide to deal with unreasonable customer conduct in one or more of the following ways. Any decision is to be taken after having consulted with the Director Corporate Services and the Director of the area responsible for the functional area being complained about.

17.1 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 of misunderstandings, contradictions and manipulation.

17.2 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 that the customer can raise with Council.

17.3 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 and 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.

18 REMEDIES

Where Council has made an error, steps will be taken to redress the situation, offering an explanation as to why the error occurred and the actions taken to prevent it happening again.

19 REVIEW

The Manager Financial Services will review this framework for any necessary amendments no later than 2 years after adoption of this current version.

20 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

| Term | Definition |
|---------------------|--|
| Council | Loddon Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989. |
| Councillors | The individuals holding the office of Loddon Shire Council. |
| Council officer | The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer. |
| Customers | An individual, business or organisation that utilises the services of the Loddon Shire Council. |
| Complaint | An expression of dissatisfaction with: <ul style="list-style-type: none">• the quality of a service provided, an action taken, or decision made by Council or its contractor• a delay or failure in providing service, taking an action, or making a decision by Council or its contractor. |
| Complainant | A person or group that makes a complaint. |
| Frontline staff | Any Council officer or anyone representing or contracted by Council who has direct contact with customers. This is not limited to the function of Customer Service. |
| Contractor | A person, company or other entity that provides materials or labour to perform a service or do a job on behalf of Council. |
| Request for service | Contact with Council to seek assistance, access to a new service, advice or to inform/make a report about something for which Council has responsibility. |
| Internal Regulator | Director Corporate Services is the Internal Regulator. |

APPENDIX 1: COMPLAINT HANDLING ORGANISATIONS

Key Victorian complaint and dispute resolution bodies

Accident Compensation Conciliation Service

Provides an independent service to resolve workers compensation disputes in Victoria.

Commissioner for Privacy and Data Protection

The key body regulating the way Victorian government agencies and local councils collect and handle personal information.

Consumer Affairs Victoria

Promotes consumer protection and ethical trading and ensures that consumer protection laws are properly enforced.

Dispute Settlement Centre – Victorian Department of Justice and Regulation

Provides an informal, impartial, accessible, low cost dispute resolution service to the Victorian community.

Disability Services Commissioner

Deals with complaints about disability services in Victoria.

Health Services Commission

Deals with complaints about health service providers.

Local Government Investigations and Compliance Inspectorate

Investigates complaints of alleged breaches of the *Local Government Act 1989* by councillors, senior council officers and certain other persons.

Mental Health Complaints Commissioner

Deals with complaints about public mental health service providers.

Public Transport Ombudsman

Deals with complaints about Victorian public transport that members of the community have been unable to resolve directly with the public transport operators.

Victorian Equal Opportunity and Human Rights Commission

Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice.

Victorian Inspectorate

Key oversight body in Victoria's integrity system. It can take complaints about IBAC, Chief Examiner and Examiners, Victorian Ombudsman and Auditor General.

Victorian Ombudsman

Received complaints about the administrative actions of Victorian government authorities and local councils.

Industry complaint and dispute resolution bodies

Energy and Water Ombudsman Victoria

Dispute resolution service for Victorian electricity, gas and water consumers.

Financial Ombudsman Service

Dispute resolution scheme for disputes concerning financial services, including banking and finance, home, contents, travel and life insurance, insurance broking, financial planning, managed funds mortgage and finance broking, pooled superannuation funds, estate planning and management and traditional trustee services.

Private Health Insurance Ombudsman

Assists private health fund members to resolve disputes about health insurance.

Telecommunication Industry Ombudsman

Dispute resolution service for residential and small business customers who have a complaint about their telephone or internet service in Australia.

Tolling Customer Ombudsman

Alternative dispute resolution service for customers of CityLink and EastLink.

Public sector corruption and police misconduct

Independent Broad-based Anti-corruption Commission

Receives complaints and notifications about corruption and misconduct in Victorian government departments and agencies, councils, Victoria Police, the Parliament and the judiciary; assesses potential protected disclosures under the Protected Disclosure Act 2012.

Professional Standards Command, Victoria Police

Receives complaints about Victoria Police members.

Courts and tribunals

Victorian Civil and Administrative Tribunal (VCAT)

Magistrates' Court of Victoria

County Court of Victoria

Supreme Court of Victoria

Commonwealth and interstate ombudsman

Commonwealth Ombudsman

NSW Ombudsman

Queensland Ombudsman

Ombudsman South Australia

Ombudsman Western Australia

Ombudsman Tasmania

Ombudsman NT

ACT Ombudsman