

SCS-032 Complaint Handling Policy

TRIM Reference: D21/191898

Due for Review: 26 October 2023

Responsible Officer: Coordinator Customer Experience

Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

The policy meets requirements of Local Government Act 2020 and includes best practice recommendations made to local government by the Victorian Ombudsman

Policy Principles

This policy is based on seven principles for effective complaints handling, as outlined in the Victorian Ombudsman's – *Good Practice Guide to Handling Complaints*:

Commitment

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

Accessibility

People can easily find out how to make a complaint and be supported through the complaint process.

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.

Objectivity and fairness

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

Confidentiality

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

Accountability

Council is accountable, both internally and externally, for its decision making and complaint handling performance. Council provides explanations and reasons for decisions, and ensures that decisions are subject to appropriate review processes.

Continuous Improvement

Council regularly analyses complaint data to find ways to improve how it operate and how it delivers services.

Scope

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 members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

This policy applies to all complaints from members of the public about Council services, staff, volunteers, Council contractors and decisions made at Council meetings.

This policy does not apply to complaints about individual Councillors.

This policy is not applicable to:

- Complaints about third parties (unless it involves contractors carrying out work on Council's behalf), except when Council has a legal responsibility to report complaints, for example Child Safe Standards.
- A request for service or reporting infrastructure damage in the first instance.
- Comments or submissions received during formal consultation, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures and legislation, or otherwise subject to statutory review, examples include:
 - complaints/objections relating to a planning application decision
 - complaints/appeals relating to parking infringements
- A petition to Council about a certain matter.
- Complaints that have already been reviewed by an external agency

The above issues are still valid and are managed separately from the complaint handling process.

For the purposes of this policy, an issue that is resolved at the first point of contact is not recorded as a complaint.

Policy

The policy commits Surf Coast Shire Council to deal effectively with complaints and guides how complaints handling procedures are implemented.

Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	The policy affirms council's commitment to achieve the best outcomes and seek continuous improvement opportunities for the community in our complaint handling management.
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
Public Transparency	Yes	Adopting the policy in a Council meeting provides transparency about how

(Consideration of Public Transparency Principles under s.58 of LGA 2020)		Council will continue to handle complaints. The Complaint Handling Policy is available on Council's website. Council's complaint handling performance will be reported bi-annually to Council.
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	This policy aligns to the service principles under the <i>Local Government Act 2020</i> to account for council's service performance and provide an avenue of recourse for dissatisfied customers.

Definitions

For the purposes of this policy, the following definitions apply:

Complainant	A person, organisation or their representative making a complaint
Complaint	An expression of 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 or a contractor engaged by the Council; or the 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 Council or a member of Council staff or a contractor.
Complaint handling system	The way individual complaints are dealt with by Council, including the policy, procedure, technology, reporting, evaluation and improvement
Complex complaint	Complex complaints are those which cannot be resolved/managed at the first point of contact and are generally of a more serious or complex nature than simple complaints. Complex complaints typically require cross functional collaboration to resolve, a number of interactions or discussions with the complainant and may involve commitment of resources. Complex complaints are to be acknowledged within 5 business days and resolved within 20 business days, except those with extenuating circumstances.
Council	A Council consists of Councillors who are democratically elected by the residents and ratepayers of a municipality in accordance with the Local Government Act 2020, to set the overall direction for the municipality through long-term planning and decision making. In the context of this Policy, the Council refers to Surf Coast Shire Council
Customer	An individual, business organisation that utilizes a service or asset of the Council.

Days	Any references to days in this document are business days.
Decisions	Are decisions made by the Council, or an officer under delegated authority (on behalf of the Council).
External Review	<p>External Reviews are conducted by the Victorian Ombudsman.</p> <p>External reviews are an avenue of recourse for complainants who are dissatisfied with the outcome of a complaint or the way it was handled.</p> <p>A complainant is not required as prerequisite to seek an Internal Review before requesting an External Review.</p> <p>The Victorian Ombudsman investigate complaints about an action or decision made by a Victorian public organisation.</p>
Feedback	<p>Feedback may take the form of positive and negative comments about a service, product, experience or process of Council.</p> <p>The feedback may not require corrective action.</p> <p>Feedback may be used to inform or influence future service reviews and delivery methods.</p>
First Contact staff	Any staff member who takes initial receipt of a complaint.
Internal review	<p>Internal review can be requested if the complainant is not satisfied with the complaint outcome or the way it was resolved or handled.</p> <p>Internal reviews will be handled by an officer who is independent of the original decision, action or investigation.</p>
Request for service	A request for service is when a customer asks the Council to provide a service, or asks for an action to be taken to address a problem.
Simple complaint	Straight-forward expressions of dissatisfaction which may be managed and resolved at the first point of contact by frontline staff or the subject matter expert.
Statutory Review	Means a decision that is able to be reviewed by an independent statutory body set up for that purpose such as the Victorian and Civil Administrative Tribunal (VCAT).

Unlike a complaint, a service request is raised when a customer wants Council to provide something, generally information or a service, or similarly report a fault by a maintenance request.

The following are examples of service requests:

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

A complaint, on the other hand, deals with a failure (in the eyes of the customer) to satisfactorily respond to a request or expectation that a service will be provided.

Roles and Responsibilities

Councillors	<p>Councillors guide customers to lodge complaints directly with Council.</p> <p>Councillors may be contacted as part of an investigation.</p>
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	<p>In some instances Councillors will be advised of the outcome of the complaint, if it is not a personnel related matter.</p>
Chief Executive Officer (CEO)	<p>Manages complaints about Councillors in accordance with the Councillor Code of Conduct.</p> <p>Legislation requires the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct.</p> <p>Manages complaints about General Managers.</p> <p>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</p>
General Managers	<p>Deal with complaints escalated to them, generally where they were unable to be resolved by others.</p> <p>For complex complaints across multiple departments will determine the most appropriate officer to take the lead investigation role.</p> <p>Responsible for Internal Review of complaints, provided they do not have a significant connection to the subject matter of the complaint.</p> <p>Write to the complainant to advise them of the outcome.</p> <p>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</p> <p>Report on complaints handling to Council bi-annually.</p> <p>Will consider requests from investigating officers to extend a complaint investigation beyond 20 days in extenuating circumstances.</p> <p>Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).</p>
Managers (or delegated Officers)	<p>Investigate complaints referred to them.</p> <p>In first instance contact complainant by phone (or request telephone number if via another channel). And, if appropriate (simple complaint) resolve complaint immediately. If more complex ascertain details and confirm outcome complainant is seeking.</p> <p>If complaint is complex acknowledge it in writing within 5 days, providing officer contact details and expected time to resolve, aiming for within 20 days.</p> <p>Telephone complainant advising outcome before delivering outcome in writing.</p> <p>Identify, implement and report on improvement opportunities from handling complaints.</p>

	Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).
First Contact staff	<p>Assess complaint.</p> <p>Resolve immediately if possible.</p> <p>If more information is required, and customer is on the telephone make every effort to connect with subject matter expert (SME).</p> <p>If not possible to connect to SME, or SME not able to resolve in the first instance First Contact staff will record the complaint in Customer Request Management system for investigation.</p>
Coordinator Customer Experience	Responsible for overseeing implementation of the policy; ensuring staff are adequately trained to handle complaints; providing assistance to other staff in the handling of complaints; undertaking internal reviews of complaints as required; analyse data, monitor performance and prepare reports relating to customer experience.
Third party contractors	Refer complaints to a First Contact staff member.
Volunteers	Refer complaints to a First Contact staff member.

Exercising discretion where matters are subject to statutory review

This means complaints where there is a review or appeal to a tribunal, eg the Victorian Civil and Administrative Tribunal ('VCAT') or a court, under an Act or regulation. Complaints of this type usually concern a particular subject matter, such as infringements, planning, or public health.

Council's reasons for refusing to deal with a complaint which is otherwise subject to statutory review might include:

- the statutory review process is already underway
- it is reasonable in the circumstances to expect the complainant to go through that review process
- a tribunal or court will settle or determine the matter faster
- the complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect).

Where the discretion to refuse these complaints is exercised, reasons will be provided.

How to make a complaint

Council will deal with all complaints it receives. A person can make a complaint in a number of ways.

Channel	Access
Mail	PO Box 350, Torquay, VIC, 3228
Telephone	5261 0600
Email	info@surfcoast.vic.gov.au
In person	1 Merrijig Drive, Torquay, VIC, 3228 or a Council satellite office
Online	www.surfcoast.vic.gov.au or direct message through Council's social media platforms

The complaint should include the following information if relevant:

- The date, time, location or event;
- The nature and description of the complaint; and

- A statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution.

Anonymous Complaints

Council will accept anonymous complaints provided enough information is provided to do so.

Officers are encouraged to advise the Complainant that providing information will assist Council in administering the complaint handling policy. Where a Complainant is unwilling to disclose their details the investigation process is disadvantaged because:

- anonymity generally reduces Council's ability to properly investigate a matter, and,
- it can be difficult to clarify the nature of the complaint and obtain additional information from the complainant
- Council is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

Notwithstanding the above constraints, Council will endeavor to address anonymous complaints in a manner consistent with the principles and processes applied to other complaints.

A Complainant may use an advocate or authorized personal representative to progress their complaint.

If required an interpreting service will be provided to facilitate the complaint.

Non-specific complaints

Correspondence received that is non-specific in nature, or not relevant to the operations of Council will be received and recorded, but not always via the complaint handling process. Reasons for the determination will be filed along with the correspondence.

Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Independent Broad-based Anti-corruption Commission (IBAC) complaints process.

The Chief Executive Officer has legislated obligations in respect of mandatory reporting of suspected corruption that operate outside of this policy.

Monitoring and Reporting

Council will proactively monitor performance via a set of KPIs and by analysing trends in complaints at least bi-annually.

Related Procedure

Complaints Handling Procedure

Staff Code of Conduct

References

Victorian Ombudsman	Councils and complaints – A good practice guide 2 nd Edition; July 2021
Victorian Ombudsman	Revisiting Councils and Complaints: October 2019

Victorian Ombudsman	Good Practice Guide to Handling Complaints Report and Guide; September 2016
Victorian Ombudsman	Councils and complaints – A good practice guide; February 2015
AS/NZS 10002:2014	Guidelines for complaint handling in organisations
	Privacy and Data Protection Act 2014
	Equal Opportunity Act 2010 (Vic)
	Infringements Act 2006 (Vic)
	Charter of Human Rights and Responsibilities
	Health Records Act 2001
	Local Government Act 2020
	Public Interest Disclosures 2012 (Vic)
	FOI Solutions Complaints Training Guidelines

Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 23 July 2019</i>
2	<i>Adopted</i>	<i>Council Resolution – 26 October 2021</i>