



Council Policy Manual

WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY	
COMPLAINTS HANDLING POLICY	Policy No:
	Adopted by Council: 19 Feb 2020
	Next review date: February 2022
Senior Manager:	Director Corporate and Community Services
Responsible Officer:	Director Corporate and Community Services
Functional Area:	Corporate Services
Introduction & Background	<p>Council provides a wide and diverse range of services to our Community. Council understands that at times disputes arise around Council decisions, actions or the standard of service delivery.</p> <p>It is recognised that members of the public have the right to make complaints to Council regarding its service delivery and performance.</p> <p>To be able to maximise our service delivery to our community Council welcomes complaints and feedback when these disputes arise. Council will use these complaints to inform and drive service improvement.</p>
Purpose & Objectives	<p>This policy sets out guidelines to manage complaints to ensure where possible an effective and positive outcome. The policy allows Council to:</p> <ul style="list-style-type: none"> • Provide a mechanism for complaints to be received by Council • Provide a structure for complaints to be investigated and actioned by Council in a timely, transparent and fair manner • Provide a framework to utilise complaints in business and service provision improvement • Enhance our relationship with our Community
Guiding Principles	<p>This policy is based around the seven principles of complaints handling as outlined in the Ombudsman Victoria's publication <i>Councils and complaints – A good practice guide</i>.</p> <p>1. Commitment</p> <p><i>Council is committed to resolving complains that we receive and we recognise that members of the public have the right to complain. We consider complaint handling to be a core part of our business in providing and improving efficient services to our community.</i></p>



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	<p>2. Accessibility</p> <p><i>Council will provide sufficient support to enable people with a range of needs to lodge a complaint and provide suitable resources to allow them to navigate through the complaints handling process.</i></p> <p>3. Transparency</p> <p><i>Council will make it clear how to lodge a complaint, and provide a clear framework for handling complaints which will stand up to scrutiny.</i></p> <p>4. Objectivity and fairness</p> <p><i>Council will ensure that all complaints received will be dealt with courteously, impartially, on merit and within established timeframes.</i></p> <p>5. Privacy</p> <p><i>Council will ensure that all information involved in receiving and processing a complaint is handled in accordance with privacy and other applicable legislation. We will provide clear information to complainants about how personal information is disclosed. We will de-identify complaint data as a default unless otherwise necessary.</i></p> <p>6. Accountability</p> <p><i>We are accountable internally and externally for our decisions and actions. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes where required.</i></p> <p>7. Continuous Improvement</p> <p><i>Acting on, learning from and using complaint data helps Council identify problems and improve service levels to our community.</i></p>
Definitions	<p>Complaint – An expressed dissatisfaction with an action, decision or an omission to act or make a decision by Council or its representatives.</p> <p>A complaint may involve:</p> <ul style="list-style-type: none"> ○ the actions of a Councillor, staff member or contractor who act on behalf of Council ○ a complaint about the service standard (i.e frequency of road grading) ○ a complaint about the service quality (i.e failure to respond to a phone message) <p>A complaint is not:</p> <ul style="list-style-type: none"> ○ An initial request for works (i.e report of a pot-hole in a road) ○ Feedback related to proposals for public comment and consultation (i.e consultation under S.233 of the <i>Local</i>



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	<p style="text-align: right;"><i>Government Act 1989)</i></p> <ul style="list-style-type: none"> ○ A submission or application under any other Council Policy ○ A planning objection which would be handled under the regular planning process ○ A request for information that may or may not fall under the <i>Freedom of Information Act 1982</i> ○ An industrial relations issue <p>Complainant - The person or party making the complaint</p> <p>Council - A representative of West Wimmera Shire Council. This includes:</p> <ul style="list-style-type: none"> ○ A Councillor of West Wimmera Shire Council ○ An officer of West Wimmera Shire Council ○ Any contractor authorised to act on behalf of Council <p>IBAC - Independent Broad-based Anti-Corruption Commission</p>
Policy Details	
1.	<p>Scope</p> <p>This policy shall apply to all complaints received by Council. All Councillors, Council Officers and authorised contractors are subject to this policy.</p>
2.	<p>Making a Complaint</p> <p>Complaints may be received in the following manner:</p> <ul style="list-style-type: none"> ○ In person over the counter at one of Council's Customer Service Centres ○ Over the telephone ○ Via email or facsimile <p>Council works staff are not to receive complaints whilst working out of the depot/office. If a Council works staff member is approached whilst engaged in out of depot/office he or she is to direct the complainant to contact the nearest Customer Service Centre.</p> <p>A complainant has the right to remain anonymous when making a complaint. In this case no follow up or response is able to be made directly to the complainant.</p> <p>To enable complaints to be received, Council shall maintain the following:</p>



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	<ul style="list-style-type: none"> • Customer Service Centres in Edenhope and Kaniva shall be open between 8.30am and 5.00pm daily Monday - Friday • Council staff are available by telephone between 8.30am and 5.00pm daily Monday to Friday • An email address Council@westwimmera.vic.gov.au shall be provided and monitored between 8.30am and 5.00pm daily Monday – Friday • Council’s mail shall be collected and reviewed daily Monday –Friday • Maintain a website containing public information • Council’s email address, Customer Service Centre telephone numbers and postal address shall be displayed on its website
3.	<p>What Information Needs To Be Collected</p> <p>A Council Officer receiving a complaint should ensure that sufficient information is obtained concerning the complaint which enables Council to achieve a resolution.</p> <p>This may include items such as:</p> <ul style="list-style-type: none"> • The nature of the complaint (i.e what is being complained about) • The location and time of the item or action being the subject of the complaint (i.e when and where) • What the complainant believes a resolution of the complaint may be • Contact details of the complainant for follow up purposes – A complainant may chose to remain anonymous.
4.	<p>Confidentiality</p> <p>The details of all complaints will be treated with strict confidentiality. Complaints will be forwarded to and discussed by only those officers who have a direct interest in resolution of the complaint.</p> <p>All information received will be stored and treated in accordance with the provisions of the <i>Information Privacy Act 2000</i>.</p> <p>Some complaints may take the form of a Protected Disclosure under the <i>Public Interest Disclosures Act 2012</i>. Refer to Council’s <i>Protected Disclosures Policy</i> for further information.</p> <p>There are some complaints which may trigger disclosure to other agencies, including Police, IBAC, Local Government Victoria, the Victorian Auditor General’s Office, Victorian Ombudsman, etc. In this instance all relevant information will be referred to the appropriate agency.</p>
5.	<p>Who Deals With A Complaint</p> <p>Upon initial receipt of a complaint:</p> <ul style="list-style-type: none"> • Complaints concerning staff shall be directed to the Chief Executive Officer, who may then, dependent upon the nature of the complaint, delegate investigation



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	<p>and resolution to a relevant Director</p> <ul style="list-style-type: none"> • Complaints concerning Councillors shall be directed to the Chief Executive Officer and Council's Principal Conduct Officer. The Mayor shall be informed of any complaints received against Councillors. • Complaints about the Mayor shall be directed to the Chief Executive Officer and Council's Principal Conduct Officer • Complaints concerning service standard or quality shall be directed to the relevant Director, who may then, dependent upon the nature of the complaint, delegate investigation and resolution to a relevant Manager. <p>Officers receiving the complaint may access the knowledge and expertise of other officers and/or external parties to assist in investigating and resolving a complaint. However, the onus on ensuring such investigation and resolution occurs remains with the receiving officer.</p>
<p>6.</p>	<p>Complaints about contractors</p> <hr/> <p>Council recognises that it retains a level of responsibility for the actions of contractors providing works and services on Council's behalf.</p> <p>In the case that a complaint is received by Council concerning the actions of a contractor then that complaint shall be referred to the relevant Manager or Director responsible for the relevant service being provided.</p>
<p>7.</p>	<p>Timeliness</p> <hr/> <p>Complaints received shall be investigated and resolution shall be made in an appropriate time frame.</p> <p>Upon initial receipt of the complaint, the complainant will be contacted to acknowledge receipt of their complaint within 2 working days (except where the complaint is made anonymously).</p> <p>Formal communication of the outcome of the investigation of the complaint shall be made to the complainant within 30 days of the receipt of the complaint.</p> <p>It is acknowledged that some complaints may be complex in nature and a resolution may not be feasible within 30 days. If this is the case then the complainant will be informed of this along with an estimate of when a resolution may be possible within 30 days of lodging the complaint.</p> <p>Some complaints may be required to follow a specific Code of Conduct or legislation.</p>
<p>8.</p>	<p>Rights of Complainants, Officers and Councillors</p> <hr/> <p>A complainant has the following rights under this policy:</p> <ul style="list-style-type: none"> • Confidentiality. Council will ensure that the complainant's details are treated in compliance with the <i>Information Privacy Act 2000</i> and are not distributed to any person without need for the purposes of investigating and/or resolving the



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	<p>complaint.</p> <ul style="list-style-type: none"> • To be protected from detrimental action. Council must ensure that a complainant does not suffer detrimentally and is not the subject of targeted detrimental action as a result of making a complaint. • Access to information on progress of complaint. A complainant has the right at any stage to enquire from Council as to the progress of a complaint. • Review of resolution – A complainant has the right to request a review of the resolution of a complaint. This request must be made in writing to Council’s Chief Executive Officer. <p>A Council Officer and a Councillor has the following rights under this policy:</p> <ul style="list-style-type: none"> • The right to provide evidence and response to allegations made against them. • Review of resolution – A respondent to a complaint has the right to request a review of the resolution of the complaint. This request must be made in writing to Council’s Chief Executive Officer. • To be protected from detrimental action – Council must ensure that respondents to complaints are not punished or treated detrimentally in any manner outside any action directly related to the resolution of that complaint. <p>All rights listed under this policy are complimentary to all and any rights available to complainants and respondents under the Victorian <i>Charter of Human Rights and Responsibilities</i>.</p>
9.	<p>Review of Resolutions and Outcomes</p> <p>If a complainant or respondent to a complaint is unhappy or dissatisfied with the outcome of a complaint, then they may request a review of that outcome.</p> <p>Such request must be made in writing to Council’s Chief Executive Officer. The review will be undertaken by a senior officer who was not originally involved in the complaint, or in the case where this is not possible, a suitably qualified and/or experienced external party.</p> <p>If after a review has been undertaken a complainant remains unsatisfied with the outcome, then they will be advised of relevant external agencies, such as IBAC, Local Government Victoria, The Victorian Auditor General’s Office or Victorian Ombudsman, to refer their complaint.</p>
10.	<p>Redress</p> <p>If a review of an complaint outcome results in that outcome being overturned, the following remedies may be taken to redress the situation:</p> <ul style="list-style-type: none"> • A commitment to undertake works to rectify the initial complaint as a minimum • A full explanation of why the initial decision was made and whether any steps have taken to prevent an incorrect decision being made in future



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	<ul style="list-style-type: none"> • A review of processes to aim to prevent future situations which gave rise to the initial complaint from happening again • Potential disciplinary action to against a staff member or contractor where applicable. <p>Where it has been shown that Council made an error in its initial assessment of the complaint Council will provide a formal apology to the complainant acknowledging its error.</p>
11.	<p>Reporting on Performance</p> <p>To measure Council's performance on complaint handling we shall measure the following Key Performance Indicators and report on them to Council at least annually:</p> <ul style="list-style-type: none"> • Total number of complaints received • Number of complaints upheld, partially upheld, and rejected • Average time to respond to complaints • Number of complaint outcomes subject to review • Number of complaint outcomes overturned on review • Number of service changes made as a result of complaints

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Appendix 1 - Complaint or Request for Service

The following table provides examples of whether contact with Council is considered a complaint or a request for service:

Complaint (to be dealt with per Council's Complaints Handling Policy)	Request for Service
My rubbish bins were out on time but the truck didn't pick them up	I forgot to put my bins out, can someone please pick them up
I have reported a neighbour's barking dog to Council but nothing has been done. I don't believe Council has investigated the situation correctly	My neighbour's dog keeps barking – can Council do anything about it?
I reported a pothole on Budjik Street 3 weeks ago to Council and it has not been fixed and I have heard nothing in reply to my complaint	There is a pothole on Budjik Street – can Council please fix it