

# Complaint Handling (including Unreasonable Complainant Conduct)

## COUNCIL POLICY NO. 117

This Policy should be read in conjunction with Gannawarra Shire Council's Complaint Handling Procedure and Protected Disclosure Policy no. 107.

### 1. POLICY OBJECTIVE

The objective of this policy is to:

- Put in place an open and transparent complaint handling system
  - Specify the key performance indicators to which we will hold ourselves accountable
- Ensure staff handle complaints fairly and objectively

### 2. POLICY STATEMENT

Gannawarra Shire Council is committed to providing the best services and facilities to its community. Council employees and Councillors are committed to Council's values of: Be Collaborative; Be Resourceful; Be Innovative; And we will listen.

All complaints will be acted upon promptly and in accordance with Council's Complaint Handling Procedure.

### 3. GUIDING PRINCIPLES

This policy is based on seven principles, as outlined in the Victorian Ombudsman's *Councils and complaints – a good practice guide*:-

#### **Commitment**

We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.

#### **Accessibility**

People can easily find out how to complain to us and we actively assist them with 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, and complaints are judged on merit and fact.

### **Confidentiality**

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

### **Accountability**

We are accountable, both internally and externally, for our decision making and complaint handling performance. We provide explanations and reasons for decision, and ensure that our decisions are subject to appropriate review processes.

### **Continuous Improvement**

We regularly analyse complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.

## **4. SCOPE**

This policy applies to all Councillors and Council Staff. It also applies to third party contractors carrying out services on Gannawarra Shire Council's behalf.

## **5. DEFINITIONS**

**Complaint** - An expression of dissatisfaction with the quality of action taken, decision made, or service provided by Gannawarra Shire Council or its contractor and a delay or failure in providing service, taking action or making a decision by Gannawarra Shire Council or its contractor.

The matter is not a complaint if it is any of the following:

- A request for service (unless there was no response to a first request)
- A request for information
- Disagreement with a policy of Council
- An appeal or request for internal or external review of a decision for which a structured process applies, other than that made as a result of the complaint
- An expression concerning the general direction and performance of Council or its Councillors
- An expression of dissatisfaction with the behaviour of a Councillor
- Reports of damage or faulty infrastructure
- Reports about neighbours, noise, dogs, nuisances or similar issues that fall into the regulator aspect of our service.

**Note:** Complaints concerning alleged corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment will be taken extremely seriously and may be referred to external agencies for investigation. In these situations, the complaint may be actioned through Council's Protected Disclosure Policy and/or referred directly to the Independent Broad-based Anti-corruption Commission Victoria.

**Complainant** Person or entity affected by the action or inaction of Council.

**Complaint handling system** - The way individual complaints are dealt with by Council including the policy, procedures, practices and technology.

**Customer Service Charter** – Document outlining Council's commitment to customers, and includes the standards the customer can expect, how the customer can measure whether Council is achieving the specified standards and the rights and obligations customers have when using Council services.

**Frontline Staff** - Customer Service Officers located within the Kerang and Cohuna Customer Service Centres.

**Request for Service** - Contact with Council to seek assistance, advice, information, access to a new service or to inform/make a report about something for which the Council has responsibility.

**Unreasonable Complainant Conduct (UCC)** - Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, Council staff, Council contractors, agents or volunteers, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

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

## 6. ROLES AND RESPONSIBILITIES OF COUNCIL STAFF AND CONTRACTORS

**Councillors** – Councillors in receipt of a complaint should refer the complainant to Customer Service or refer the matter directly to the Chief Executive Officer.

**Chief Executive Officer (CEO)** – Responsible for investigation and resolution of complaint about the behaviour of the Mayor, Councillors or a Director.

**Director Corporate Services** – Responsible for investigation and resolution of complaints about the behaviour of the CEO. If the complaint is a reportable complaint under the *Local Government Act 1989* (bullying, victimisation or harassment), the CEO must notify Council. In this event, the CEO or Mayor may request the appointment of a probity auditor.

**Directors and Managers** – Responsible for participating in and cooperating with investigations of complaints and formulating appropriate resolutions.

**Governance and Compliance Coordinator** – Responsible for overseeing and reviewing the complaint handling process, monitoring trends in complaints received, overseeing implementation of remedial actions and reporting on complaint handling.

**Frontline Staff** – Responsible for resolving complaints, directing complaints to another organisation or referring an unresolved complaint to the appropriate Council Officer/s.

**Records Management Staff** – Responsible for capturing complaints and assigning them to an appropriate Council Officer in accordance with the Complaint Handling Procedure.

**Third Party Contractors** – Third Party Contractors will refer any complaint received by them to the Continuous Improvement Officer for assessment and investigation.

## 7. UNREASONABLE COMPLAINANT CONDUCT (UCC)

When customers behave unreasonably when interacting 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.

It is recognised that all members of the community have a right to ask questions about Council and the services it provides, express opinions about Council and Council services and to lodge complaints about Council and Council services. However, the right to ask questions, express opinions and lodge complaints is not unqualified and Council may, and in some cases is legally obliged to, take action when faced with UCC.

Council's responses to UCC will be reasonable and proportionate, and will, as far as is practicable, allow the individual or group involved in the UCC to continue to communicate with Council in a controlled manner.

Nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstances so dictate, such as where the UCC involves an imminent threat to the mental or physical health or well-being of another customer, Councillor, volunteer or staff member, or the failure to obey a lawful instruction.

The appropriate strategy for dealing with UCC will depend on the specific circumstances and will be incident specific.

Managing UCC will generally involve placing a reasonable and proportionate limitation on one or more of the following:

- Subject matter of communications, such as where a reasonable person would believe that a specific issues has been adequately addressed
- Timing of communications, including time of day and frequency or duration of contact
- Access, including prohibiting entry to Council premises
- Method of communication, such as all contact to be via a single email address.

## 8. HOW TO MAKE A COMPLAINT

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

**Mail:**

Gannawarra Shire Council

PO Box 287

KERANG VIC 3579

**Telephone:**

(03) 5450 9333

**Email:**

council@gannawarra.vic.gov.au

**In person:**

Patchell Plaza            Civic Centre

47 Victoria Street      23 King Edward Street

Kerang Vic 3579        Cohuna Vic 3579

**Fax:**

(03) 5450 3023

## 9. REFERENCE

- The *Victorian Charter of Human Rights and Responsibilities Act 2006*
- The Commonwealth Ombudsman's Better Practice Guide to Managing Unreasonable Complainant Conduct 2009
- The Victorian Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual 2012.

## 10. POLICY REVIEW

Council will review this policy within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victoria Charter of Human Rights and Responsibilities Act 2006*.

## 11. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at [www.gannawarra.vic.gov.au](http://www.gannawarra.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Chief Executive Officer on (03) 5450 9333.

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