

Complaint Handling Procedure

(COUNCIL POLICY NO. 117)

INTRODUCTION

Gannawarra Shire Council is committed to being a customer focussed organisation, striving to deliver excellent service and encouraging customer feedback, whether complaint or compliment.

BACKGROUND

This procedure was developed taking into account guidance provided within the Victorian Ombudsman's Good Practice Guide and should be read in conjunction with Council Policy No. 117 - Complaint Handling (including Unreasonable Complainant Conduct).

COMPLAINTS

A complaint is an expression of dissatisfaction with the quality of action taken, decision made, or service provided by Gannawarra Shire Council, its contractor, or a failure in providing service, taking action or making a decision by Gannawarra Shire Council or its contractor.

A 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/s
- Reports of damage or faulty infrastructure
- Reports about neighbours, noise, dogs, nuisances or similar issues that fall into the regulator aspect of our service.

Many of the matters listed above are classed as requests. Requests are dealt with as part of Council's standard approach to customer service.

Some common examples of complaints and requests for services are outlined below:

Complaint to be dealt with according to Council's complaint handling policy	Request for service
I put my bin out on time and the truck didn't collect it	I forgot to put my bin out and missed the collection truck. Can you send someone to collect my bin this afternoon?
The council has said the neighbour's barking dog isn't breaching any noise laws, but I think the council is wrong and feel they haven't investigated the situation properly.	My neighbour's dog's keeps barking and I can't sleep. Can the council do something about it?
I reported a pothole to council six weeks ago and I have not heard anything since and it still isn't fixed.	There is a pot hole on the road out the front of my house. Can you send someone to fix it?

COMPLAINT HANDLING PROCESS

Gannawarra Shire Council takes the following four-tiered approach to complaint handling:

- 1. Frontline Resolution** – Customer Service Officers receive the complaint and are able to resolve it immediately. Examples include report of damaged or faulty infrastructure, report concerning neighbouring properties etc.
Note: Complaint about the behaviour of staff members, the Mayor or Councillors must be made in writing and referred to our Records Management staff to be captured and have an action officer assigned.
 - Complaint is received
 - Complaint is acknowledged in accordance with Council’s Corporate Performance Reporting Framework
 - Outcome the complainant is seeking is clarified
 - If council is not the most appropriate organisation to respond to the complaint, the complainant will be notified of the contact details of the most appropriate organisation
 - Complaint is assessed to determine how it should be dealt with
 - Complaint is dealt with immediately or referred to another member of staff.
- 2. Investigation** – Complaints referred from Customer Service officers to another member of staff and those captured by Records Management staff.
 - The officer assigned the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint
 - Complaint handling staff will aim to resolve all complaints within 28 days
 - If it takes longer than 28 days to resolve a complaint, the contact officer will contact the complainant prior to or at this time to explain why
 - Complaints that are not resolved within 28 days will be subject to review and escalated if necessary to ensure a resolution is expedited
 - The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer
 - Where possible, the officer handling the complaint will contact the complainant via telephone to discuss the outcome of their complaint, prior to sending the outcome letter.
- 3. Internal Review** – If the complainant is not satisfied with the outcome of the investigation, they can request an internal review. The nature of the complaint and who initially investigated it will determine who will undertake the internal review however, it will be a senior member of council staff who was not involved in the original decision and is not from the same work area.

A written outcome letter signed by the officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

Where available, the outcome letter will advise the complainant of any avenues of external review available in relation to the matter.
- 4. Access to External Review** – If the complainant is not satisfied with the process or outcome of the internal review, he or she will be advised of any external avenues through which they can pursue their complaint.

COMPLAINTS ABOUT CONTRACTORS

Council recognises it has a level of responsibility for services carried out by contractors on its behalf.

Complaints about contractors will be referred to the Governance and Compliance Coordinator for investigation. The officer will undertake a thorough assessment involving project manager(s) and contractor(s). The complainant will be advised of the outcome as soon as practical.

COMPLAINTS ABOUT SPECIFIC MATTERS

Complaints about the behaviour of staff members will be referred to the relevant Director and HR Manager for investigation and resolution. Should a complaint about the behaviour of an employee be substantiated, action may be taken under Council's disciplinary process.

Complaints about the behaviour of a Director will be referred to the Chief Executive Officer (CEO) for investigation and resolution.

Complaints about the behaviour of the CEO will be referred to the Director Corporate Services for review. If the complaint is a reportable complaint under the *Local Government Act 1989* (bullying, victimisation or harassment) the CEO must notify the Council. In this event, the CEO or the Mayor may request the appointment of a probity auditor.

Complaints about the behaviour of the Mayor or Councillors will be referred to the CEO for investigation and resolution.

MANAGING UNREASONABLE COMPLAINANT CONDUCT

Unreasonable Complainant Conduct can be divided into five categories of conduct:

1. **Unreasonable persistence** – continued, incessant and unrelenting conduct by a complainant that has a disproportionate impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable persistent behaviour include:
 - An unwillingness or inability to accept reasonable and logical explanations including final decision 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 complaint/s
 - Reframing a complaint in an effort to get it taken up again
 - Excessive phone calls, visits, letters, emails (including cc'd correspondence) and social media posts when requested not to do so
 - Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.
2. **Unreasonable demands** – any demands (expressed or implied) that are made by complainant that have a disproportionate and unreasonable impact on our organisation staff, services, time and/or resources, Some examples of unreasonable demands include:
 - Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved
 - Insisting on talking to a Manager (or the CEO/Director) 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. For example, demanding for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this exists
 - Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly
 - Insisting on an outcome when the matter is before a court or tribunal
 - Insisting on an outcome when the matter relates to the decision of Council or relates to a matter awaiting determination by Council.

3. **Unreasonable lack of cooperation** – unwillingness and/or lack of ability by a complainant to cooperate with our organisation, staff, or complaints system and processes that result in a disproportionate and unreasonable use of our 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 defying any issues of complaint or explaining how they relate to the core issues being complaint about – only where the complainant is clearly capable of doing this
 - Providing little to no detail with a complaint or presenting information in ‘drips 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.
4. **Unreasonable arguments** – include any argument that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or irrational and that has a disproportionately and unreasonable impact upon our organisation, staff, services, time and/or resources. Arguments are unreasonable when they:
- Fail to follow logical sequence
 - Are not supported by any 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.
5. **Unreasonable behaviours** – conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety, security of our staff, other service users or the complainant himself/herself. 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.

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

1. **Restricting access** – Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a sole contact point. This staff member will exclusively case manage their complaint(s) and interactions with Council.
2. **Restricting 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 by Council, restrictions may be applied to the issues/subject matter the customer can raise with Council.
3. **Limiting interaction** – A customer’s telephone, written or face-to-face contact with the Council may place unreasonable demand on time and resources the health, safety and wellbeing of staff due to persistent, rude threatening, abusive and/or aggressive behaviour. As such, Council may limit when, where and or how the customer can interact with Council.

REMEDIES

Where we have found that we have made an error, we will take steps to redress the situation. Possible remedies include, but are not limited to:

- An explanation of why the error occurred and the steps taken to prevent it happening again
- A reversal of the decision
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant.

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

PRIVACY AND CONFIDENTIALITY

When gathering information to respond to the complainant, we 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 staff on a need to know basis.

RECORDING COMPLAINTS

Complaints are recorded in either Council's Records Management System and if also required, Council's Customer Request System. Complaint data is analysed for trends and opportunities to reduce their number and improve services.

The following information is recorded relevant to each complaint:

- Complainant details
- How the complaint was received
- A detailed description of the complaint
- 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 outcome
- Any recommendations for improvement and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to the Governance and Compliance Coordinator.

REPORTING ON PERFORMANCE

To measure our performance we will:

- Report on the Corporate Performance Reporting Framework complaint standard quarterly
- Report to Councillors annually detailing any service improvements made as a result of complaints received
- Report in Council's Annual Report, detailing any service improvements made as a result of complaints received.

EXTERNAL

If the complainant is not satisfied with the resolution of their complaint or wishes to get independent advice, they may be referred to the following agencies:

- The Victorian Ombudsman – www.ombudsman.vic.gov.au
- Independent Broad-based Anti-corruption Commission – www.ibac.vic.gov.au
- Local Government Victoria – www.localgovernment.vic.gov.au
- Privacy Victoria – www.ovic.vic.gov.au
- Human Rights and Equal Opportunity Commission Victoria – www.humanrightscommission.vic.gov.au
- Australian Competition and Consumer Commission (ACCC) – www.accc.gov.au
- Worksafe – www.worksafe.vic.gov.au

Altus Folder – 3.000518

Originally adopted: 17/04/2013

Reviewed: 21/12/2016

Reviewed: 19/12/2018

To be reviewed by: 2022

Minute Book Reference: 9849

Minute Book Reference: 12478

Minute Book Reference: 13781