

# Complaint Handling (including Unreasonable Complainant Conduct)

## COUNCIL POLICY NO. 117

This Policy should be read in conjunction with Gannawarra Shire Council Policy No. 107 - Public Interest Disclosure.

### 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: Trust; Respect; Innovation and Collaboration.

### 3. 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
- 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 about Council staff, Council contractors carrying out services on Gannawarra Shire Council's behalf and decisions made at Council meetings.

## 4. DEFINITIONS

### **Complaint –**

An expression of dissatisfaction with the quality of action taken, decision made, or service provided by Gannawarra Shire Council or its contractor; a delay or failure in providing service, taking action or making a decision by Gannawarra Shire Council or its contractor, a policy or decision made by Council or a member of Council staff or a contractor.

### **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.

### **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.

## 5. ROLES AND RESPONSIBILITIES OF COUNCILLORS, COUNCIL STAFF AND CONTRACTORS

**All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process and will familiarise themselves with this policy and Council's complaint process, ensuring they treat members of the public respectfully and professionally, assisting members of the public to make a complaint if required.**

### **Councillors –**

Councillors in receipt of a complaint should advise the complainant to contact Council.

### **Chief Executive Officer (CEO) –**

Responsible for investigation and resolution of complaints about the behaviour of a Director.

### **Directors and Managers –**

Responsible for investigation and resolution of complaints and formulation of appropriate resolutions and responses.

### **Frontline Staff –**

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

### **Governance and Compliance Coordinator –**

Responsible for facilitating and supporting the process of investigating complaints (with the exception of complaints about the behaviour of members of Council staff), including formulation of appropriate resolutions and responses, monitoring and reviewing the complaint handling process, monitoring trends in complaints received, overseeing implementation of remedial actions and reporting on complaint handling.

### **Manager Human Resources –**

Responsible for facilitating and supporting the process of investigating complaints about the behaviour of members of council staff including formulation of appropriate resolutions and responses.

### **Records Management Staff –**

Responsible for capturing complaint correspondence received by Council and assigning them to the appropriate Council Officer.

### **Third Party Contractors –**

Third Party Contractors will refer any complaint received by them to the Governance and Compliance Coordinator for assessment and investigation.

## **6. WHAT IS A COMPLAINT?**

A complaint is 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, a policy or decision made by Council or a member of Council staff or a 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.

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 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?

**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 Public Interest Disclosure Policy and/or referred directly to the Independent Broad-based Anti-Corruption Commission Victoria.

## 7. UNREASONABLE COMPLAINANT CONDUCT (UCC)

When customers behave unreasonably when interacting with Council 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@gsc.vic.gov.au

**In person:**

Patchell Plaza	Civic Centre
47 Victoria Street	23 King Edward Street
Kerang Vic 3579	Cohuna Vic 3579

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such as an interpreter or TTY (for free)
- talking with you if you have trouble reading or writing
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

## 9. OUR COMPLAINTS PROCESS

Council will acknowledge all complaints within 10 business days.

We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant director or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

If we cannot resolve your complaint quickly, we will refer it to the relevant director or manager to investigate. We will tell you who you can contact about the investigation.

We aim to complete investigations within 28 days and will tell you if the investigation will take longer. We will update you every 28 days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

## 10. HOW TO REQUEST AN INTERNAL REVIEW

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review by any of the contact methods listed in section 8.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 28 days.

## 11. HOW TO REQUEST AN EXTERNAL REVIEW

There are external bodies that can deal with different types of complaints about us. You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council staff and contractors.  This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006(Vic)	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the Local Government Act	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy.  Complaint about a freedom of information application	Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

## 12. YOUR PRIVACY

When you make a complaint, we ask you to provide and will record:

- your name and contact details
- whether you have any communication or assistance needs that can be reasonably accommodated
- what you are complaining about
- what outcome you are seeking

When gathering information to respond to the complainant, we will:

- Keep your personal information secure at all times
- Ensure data is in a de-identified format if being disclosed
- Share it with Council staff on a need to know basis
- Use that information only to deal with the complaint or to address systematic issues arising from the complaint.

## 13. RELEVANT LEGISLATION

*Local Government Act 2020*

*Public Interest Disclosures Act 2012*

## 14. REFERENCE

- The *Victorian Charter of Human Rights and Responsibilities Act 2006*
- The Victorian Ombudsman’s Council and Complaints – A good practice guide 2<sup>nd</sup> edition

## 15. 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*.

## 16. 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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