



# Complaints Handling Policy

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| <b>Policy Owner</b>       | Michael Sinclair,<br>Manager, Customer Communications and Engagement |
| <b>Authorisation Date</b> | 13/12/2021   |
| <b>Next review date</b>   | 01/07/2022   |
| <b>Policy Number</b>      | MSC 021  |

## **Purpose**

The Complaints Handling Policy details Council's commitment to providing a fair and consistent process for customers making a complaint.

As a customer focused organisation, the Policy outlines the actions Mitchell Shire Council will take in responding to complaints.

## **Scope**

The Policy applies to all complaints made by members of the public relating to Council staff (including contractors and volunteers) and covers decisions made by Council in the execution of their duties.

It does not include complaints made about individual Councillors. Complaints about your local Councillor should be directed to the Local Government Inspectorate by calling Complaints and enquiries 1800 469 359 or emailing [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

Nor does the Policy apply to complaints subject to review under specific legislation.

The Policy outlines the management of the complaint from receipt of complaint to resolution and outcome.

## **Policy**

### ***Objectives***

In a fast-growing community, Mitchell Shire Council delivers a diverse and large volume of services to the community. At times, Council may be unable to satisfactorily meet the service expectations of all customers. The way we respond to complaints is critical in ensuring that our customers are treated with respect and fairness. Having a consistent and fair approach to the way we respond to complaints helps to ensure an acceptable outcome for all parties.

Councils' commitment to provide high quality customer service is based on continuous improvement. Council will review and analyse complaint information regularly and identify opportunities for improvement.

Council's Complaints Handling Policy provides customers with information on what they can expect when making a complaint to Council along with the options available.

## Principles

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| <b>Commitment</b>               | Council is committed to resolving complaints that are received. Council recognises a customer's right to complain and considers complaint handling to be part of its core business of serving the community and improving service delivery.              |
| <b>Accessibility</b>            | Customers can easily find out how to complain to Council and will be actively assisted to support them during the complaint process.   |
| <b>Transparency</b>             | The complaint handling policy 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.  |
| <b>Objectivity and Fairness</b> | Under the Complaints Handling Policy, complaints and staff are treated with respect and courtesy, and complaints are judged on merit and fact.   |
| <b>Confidentiality</b>          | The Complaints Handling Policy protects the personal information of customers making a complaint and Council staff are informed only on a 'need to know' basis.  |
| <b>Accountability</b>           | Council is accountable, both internally and externally, for decisionmaking and complaint handling performance. Explanations and reasons for decisions will be provided and Council will ensure that decisions are subject to appropriate review process. |
| <b>Continuous Improvement</b>   | Council regularly analyses complaint data to find ways to improve operations and how to deliver services.  |

## Policy Statement

The Policy:

- Puts in place an open and transparent customer complaint handling system;
- Establish our timeframes for addressing complaints (where statutory timelines apply; they will override the timelines in this Policy);
- Informs continuous improvement across service areas and aims to improve the customer experience;
- Establishes timeframes for resolving complaints;
- Enables Council Officers to report on Key Performance Indicators;
- Outlines how complaints will be captured and reported; and
- Provides an open and transparent complaint handling process and how the process will be continuously improved.

## Roles and Responsibilities

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| <b>Frontline staff</b>               | The first point of contact for a complaint is to frontline staff. This is not limited to Customer Service and includes all staff who have direct contact with customers.   |
| <b>Team Leaders and Coordinators</b> | They can support frontline staff to achieve a solution and may also provide support to Managers during the investigation.  |
| <b>Managers</b>                      | Managers are accountable for complaints that cannot be resolved by the frontline staff members. They are responsible for complaint investigation and managing the process, including communicating expected resolution timeframes to the complainant and keeping them informed. This correspondence will inform the complainant of their right to escalate the complaint further to the Internal Reporting Officer if they are not satisfied with the outcome. |
| <b>Internal Reporting Officer</b>    | The Internal Reporting Officer is responsible for conducting an internal review when the complainant is not satisfied with the outcome of the investigation by the Manager. Recommendations from the Internal Reporting Officer will be made to the Chief Executive Officer.   |
| <b>Chief Executive Officer</b>       | The Chief Executive Officer will advise the complainant in writing of the outcome of the internal review.  |

## Definitions

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| <b>Council</b>         | Means Mitchell Shire Council, being a body corporate constituted as a municipal council under the <i>Local Government Act 2020</i> .   |
| <b>Councillors</b>     | Means the elected individuals holding the office of a member of Mitchell Shire Council.  |
| <b>Council officer</b> | Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.   |
| <b>Customers</b>       | Means an individual, business or organisation that utilises the services of Mitchell Shire Council.  |
| <b>Complaint</b>       | Means an expression of dissatisfaction with:<br>The quality of service provided, an action taken, or a decision made by Mitchell Shire Council or its contractor<br>A delay or failure in providing a service, taking an action, or making a decision by Mitchell Shire Council or its contractor<br>A complaint is not a request for service that is made for the first time. |

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| <b>Request for service</b>           | Means contact with Mitchell Shire Council to seek assistance, access to a new service, advice or to inform/make a report about something which Mitchell Shire Council has responsibility. |
| <b>Complainant</b>                   | Means a person or group that makes a complaint.   |
| <b>Frontline staff</b>               | Means any Council Officer or anyone representing or contracted by Mitchell Shire Council who has direct contact with customers. This is not limited to the function of Customer Service.  |
| <b>Contractor</b>                    | Means a person, company or other entity that undertakes or provides materials or labour to perform a service or do a job on behalf of Mitchell Shire Council.                             |
| <b>Complaint management register</b> | Means the platform (Request Management System) used to record Level 2 and Level 3 complaints.   |
| <b>Negative feedback</b>             | A customer's view/s or disagreement on a matter of Council Policy that has already been agreed democratically in accordance with the Council's Governance Rules.                          |
| <b>Positive feedback</b>             | A customer's view/s or opinion that they are satisfied with MSC's service and processes and proves that policies and procedures meet or exceed the customer's expectations.               |

## How to make a complaint

### *In person*

Broadford Customer and Library Service Centre  
 Kilmore Customer and Library Service Centre  
 Wallan Customer and Library Service Centre  
 Seymour Customer and Library Service Centre

### *Phone*

(03) 5734 6200  
 8.30am to 5pm Monday to Friday (Public holidays excluded)

### *Online*

[www.mitchellshire.vic.gov.au](http://www.mitchellshire.vic.gov.au)

### *In writing:*

Mitchell Shire Council  
 113 High Street  
 Broadford, Victoria 3658  
 Via email: [mitchell@mitchellshire.vic.gov.au](mailto:mitchell@mitchellshire.vic.gov.au)

Your email/letter should be set out in a logical order and include:

- the date
- your name, address and day-time phone number
- a description of the incident or problem
- dates, places, times, and names of people
- details of any phone conversations and meetings
- any explanations you think are important
- copies of relevant documents
- the result you are seeking.

Complaints about your local Councillor should be directed to the Local Government Inspectorate by calling Complaints and enquiries 1800 469 359 or emailing [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

### **Complaints process and timeframes**

When a complaint is received, Council will record the complaint immediately and acknowledge it within one business day.

Following an initial assessment, Council officers may:

- Take direct action to resolve the complaint;
- Refer the complaint to the relevant team or manager for investigation;
- Refer the complaint to the relevant external agency for investigation;
- Decline to deal with the complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT). Where possible, Council will attempt to resolve the complaint at the time you first contact us. If Council decides not to act on the complaint, Council officers will explain why, and, where possible, inform the complainant about other options.

Council will aim to complete investigations within 20 business days and will inform the complainant if the investigation is expected to take longer.

Council will inform the complainant of the outcome of the complaint and explain our reasons.

As part of our investigation, Council will:

- Assess the information against relevant legislation, policies and procedures;
- Refer to Council documents and records;
- Speak to affected parties to consider possible solutions; and
- Advise in writing of the outcome and our reasons.

### **Remedies**

Where Council determines a complaint is justified, an appropriate remedy will be determined and may include:

- An explanation;
- An apology;
- Mediation;
- An admission of fault;
- A change in decision;

- A change in policy, procedure or practice;
- A correction of misleading records;
- Financial reimbursement, including a refund of any fees;
- The waiving of a debt;
- The remission of a penalty;
- Disciplinary action; or
- Referral of a matter to an external agency for further investigation or prosecution.

Remedies will be implemented as soon as possible during the complaint process.

## **Reporting**

Council will report to the community regularly on complaint handling performance.

We will measure our performance according to the following key performance indicators:

- 90% of customer complaints resolved internally
- 90% satisfaction level regarding complaint handling resolution process
- Number of complaints reviewed by the Victorian Ombudsman where Mitchell Shire Council's response is upheld.

The data for the key performance indicators will be recorded in the Complaint Management Register and reports generated as required.

## **Applicable Legislation and Regulation**

Development of a Complaints Policy is a requirement under the *Local Government Act 2020* which states that a Council must develop and maintain a complaints policy.

Section 107

- (1) A Council must develop and maintain a complaints policy that includes
  - a) a process for dealing with complaints made to the Council; and
  - b) a process for reviewing any action, decision or service in respect of which the complaint is made; and
  - c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
  - d) the prescribed processes for dealing with complaints about the Council; and
  - e) the prescribed processes for internal review of complaints made to a Council; and
  - f) the prescribed processes for exercising the discretion referred to in paragraph (c); and
  - g) any other matter prescribed by the regulations.
  
- (2) A review process must provide for a review that is independent of—
  - a) the person who took the action; and
  - b) the person who made the decision; and
  - c) the person who provided the service.

- (3) For the purposes of the complaints policy, complaint includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with —
- a) 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
  - b) 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
  - c) a policy or decision made by a Council or a member of Council staff or a contractor.

(4) A Council must develop the first complaints policy under this section within 6 months of the commencement of this section.

### **Charter of Human Rights and Social Impact**

This Policy has considered and complies with the human rights and responsibilities contained in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### **Revision History**

| <b>Version</b> | <b>Authorised by</b> | <b>Authorisation Date</b> | <b>Regulatory Policy</b> | <b>Policy Category</b> |
|----------------|----------------------|---------------------------|--------------------------|------------------------|
| 1              | Council adopted      | 13/12/2021                | Yes                      | Environment Policy     |
|                |                      |                           |                          |                        |