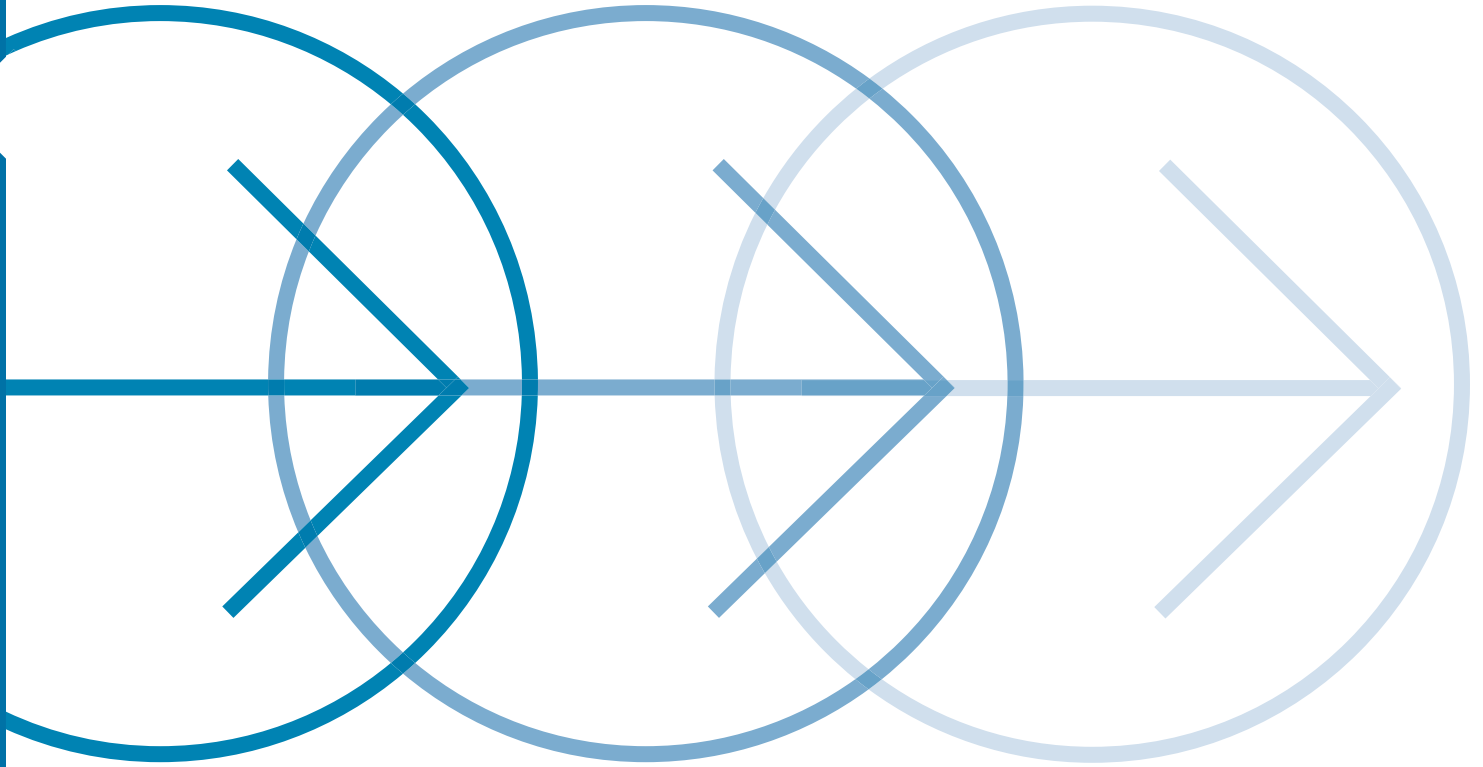




# COMPLAINTS HANDLING FRAMEWORK

2017





The following reference is a valuable source for much of the information in this Complaints Handling Framework. It is recommended reading for those with responsibility for complaint handling.  
*Victorian Ombudsman – Councils and complaints – A good practice guide*

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# 1. Purpose

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

As a customer focused organisation, the Framework outlines the actions Mitchell Shire Council will take in resolving complaints.

The framework:

- > Ensures complaint outcomes inform continuous improvement activities
- > Improves the customer experience in relation to complaints
- > Defines what is considered a complaint

- > Outlines roles and responsibilities of Council officers
- > Provides guidance for Council officers to manage complaints fairly and objectively
- > Establishes timeframes for resolving complaints
- > Identifies key performance indicators for Council officers to report on
- > Outlines how complaints will be captured and reported
- > Provides an open and transparent complaint handling process



## 2. Definitions

<b>Council</b>	Means Mitchell Shire Council, being a body corporate constituted as a municipal council under the Local Government Act 1989.
<b>Councillors</b>	Means the 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: <ul style="list-style-type: none"><li>&gt; The quality of service provided, an action taken, or a decision made by Mitchell Shire Council or its contractor</li><li>&gt; A delay or failure in providing a service, taking an action, or making a decision by Mitchell Shire Council or its contractor</li></ul>
<b>Request for a 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.

## 3. Scope

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The Complaint Handling Framework applies to all complaints made regarding Mitchell Shire Council in executing their responsibilities.

The Framework includes the management of the complaint from receipt of complaint to resolution and outcome.

## 4. Objectives

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In a fast-growing community, Council delivers a diverse and large volume of services to the community. It is expected that Council may, at times be unable to 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 will help ensure a positive outcome for all parties.

Council's commitment to provide high quality

customer service is based on a program of continuous improvement. Council will review and analyse complaint information regularly and identify opportunities for improvement.

Council's Complaint Handling Procedure provides customers with information on what they can expect when making a complaint to Council.

# 5. Guiding principals

The Complaint Handling Framework is based on seven principals, as outlined in the Victorian Ombudsmans' "Councils and Complaints – A good practice' guide".

## 1. Commitment

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.

## 2. Accessibility

Customers can easily find out how to complain to Council, and will be actively assisted to support them during the complaint process.

## 3. Transparency

The complaint handling framework 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.

## 4. Objectivity and Fairness

Under the Complaint Handling Framework, complaints and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

## 5. Confidentiality

The Complaint Handling Framework protects the personal information of customers making a complaint and Council staff are informed only on a 'need to know' basis.

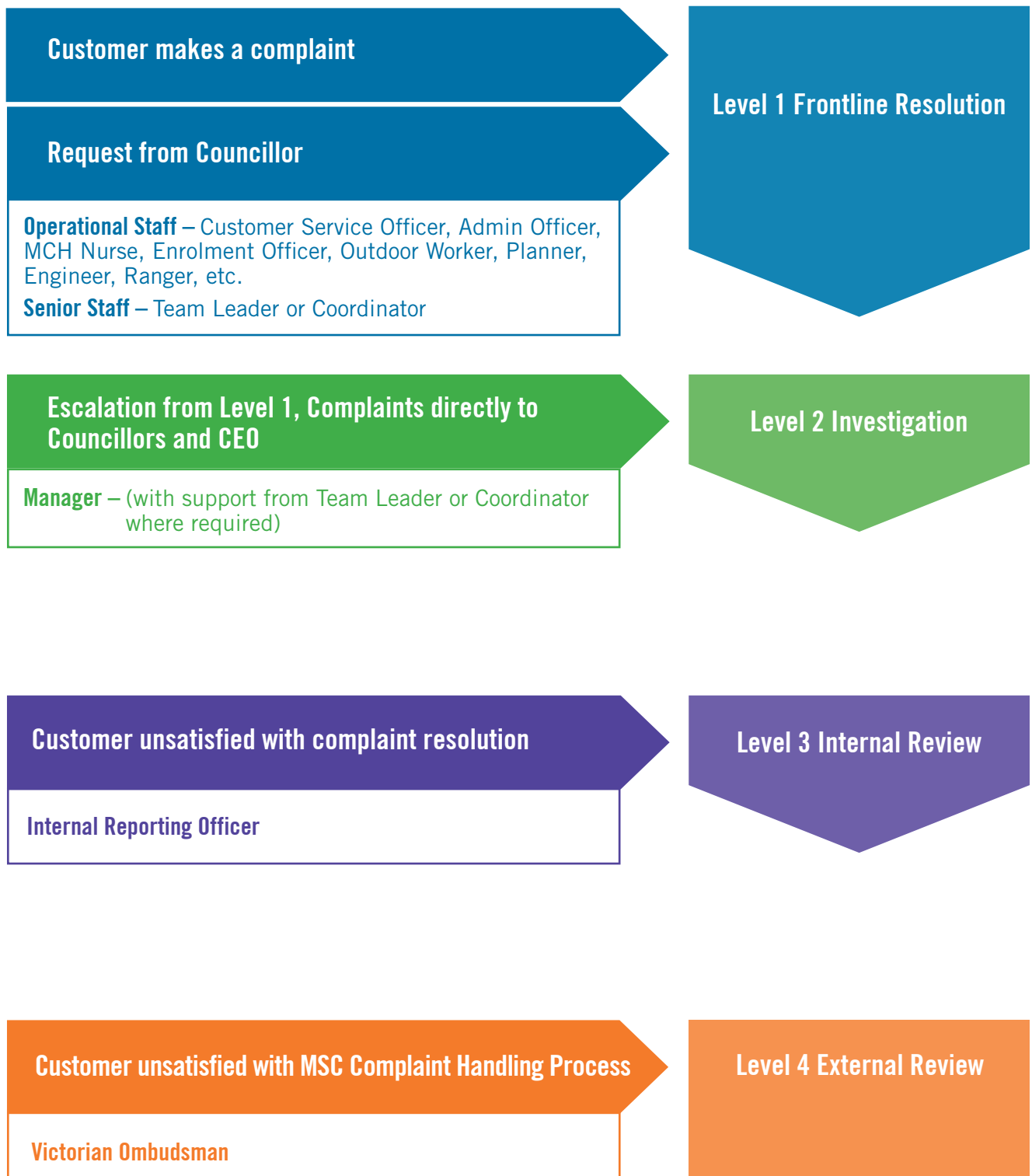
## 6. Accountability

Council is accountable, both internally and externally, for decision making and complaint handling performance. Explanations and reasons for decisions will be provided and Council will ensure that decisions are subject to appropriate review process.

## 7. Continuous Improvement

Council regularly analyses complaint data to find ways to improve operations and how to deliver services.

## 6. Complaint handling process





# 7. Complaint handling procedure

Council's multi-tiered approach to complaint handling is outlined below.

## 1. Frontline Resolution

Frontline staff will endeavor to provide an immediate resolution to a complaint.

- > When a complaint is received, it will be acknowledged by the Council officer who will clarify and attempt to resolve the complaint.
- > If the officer can resolve this complaint, there is no requirement to escalate it further.
- > If a request for a service is required, it will be recorded for action by the relevant department.
- > If Council is not the correct organisation to respond to the complaint, the complainant will be referred to an organisation that can help.
- > If the Council officer cannot resolve the complaint, they may refer the complaint to another staff member to provide advice and the complaint will be dealt with at operational level.

## 2. Investigation

Complaints will be escalated to a Team Leader or Coordinator if there is no frontline resolution.

- > The Team Leader or Coordinator will provide an initial response in line with response times outlined in the Customer Service Charter. The response will include the expected timeframe for resolution.
- > If the Team Leader or Coordinator cannot resolve the complaint, they will refer the complaint to the Manager.
- > The Manager may delegate the investigation of the complaint, however the Manager remains the responsible officer for the complaint and any outcome letter or email will be signed by a Manager.
- > All investigations are to be resolved within 28 days. If this is not possible, the complainant is to be contacted prior to this time and provided with an update and expected resolution date.

## 3. Internal Review

An Internal review can be requested by the complainant if they are not satisfied with the outcome of the investigation.

- > The Internal Reporting Officer will undertake an internal review into the handling of the complaint.
- > A request from the Internal Reporting Officer to conduct an internal review will be in writing, except in circumstances where the Internal Reporting Officer agrees to accept a verbal request. This request must contain full details of the complaint, including the reason why they are dissatisfied with the way it has been handled by the relevant Manager during the investigation.
- > An internal review will be acknowledged to the complainant within 10 days, including any request for further information.

## 4. Access to External Review

The complainant will be informed of any external avenues through which they can pursue their complaint if they are not satisfied with the outcome of the internal review.

- > If the complainant's concerns can not be resolved to their satisfaction through Council's Complaint Handling Procedure or at any stage, they may refer the matter to the Victorian Ombudsman, who can be contacted on (03)9613 6222 or via [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

# 8. Roles and responsibilities

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## Frontline Staff

The first point of contact for a complaint is to frontline staff. This is not limited to Customer Service and this includes all staff who have direct contact with customers. They are responsible for clarifying the complaint and seeking to achieve a resolution. If the complaint is not resolved, frontline staff will refer it to either the responsible officer in the relevant department, or if it is the responsible officer receiving the complaint, the complaint will be escalated to the Team Leader or Coordinator for further investigation.

## Team Leaders/Coordinators

Play a role in both Level 1 and Level 2. They can support frontline staff to achieve a solution at Level 1. They may also provide support to managers during the investigation stage at Level 2.

## Managers

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.

## Internal Reporting Officer

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.

## Chief Executive Officer

The Chief Executive Officer will advise the complainant in writing of the outcome of the internal review.

## 9. How can a customer make a complaint?

### In Person:

#### **Broadford Customer and Library Service Centre**

113 High Street, Broadford  
Monday to Friday 8.30am – 5pm (excluding public holidays)

#### **Kilmore Customer and Library Service Centre**

12 Sydney Street, Kilmore  
Monday, Tuesday, Wednesday and Friday 9am – 5pm, Thursday 10am – 6pm, Saturday 9am – 12noon (excluding public holidays)

#### **Wallan Customer and Library Service Centre**

Wellington Square, 9/81-99 High Street, Wallan  
Monday and Friday 9am – 6pm, Tuesday, Wednesday, Thursday 10am – 6pm, Saturday 9am – 12noon (excluding public holidays)

#### **Seymour Customer and Library Service Centre**

125 Anzac Avenue, Seymour  
Monday, Wednesday, Friday 10am – 5pm, Tuesday and Thursday 10am – 6pm, Saturday 9am – 12noon (excluding public holidays)

### **By Telephone:** (03) 5734 6200

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

### **Translation Services:**

**TTY:** (for hearing and speech impaired)

**Teletypewriter (TTY) users phone** 133 677 then ask for (03) 5734 6200

**Speak and Listen users phone** 1300 555 727 then ask for (03) 5734 6200

**Internet relay users** connect to the National Relay Service then ask for (03) 5734 6200

**Translating and Interpreting Services (TIS)** for people who do not speak English and for English speakers needing to communicate for them.

**TIS:** 131 450

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

**In Writing:** Mitchell Shire Council  
113 High Street  
Broadford, Victoria 3658



## 10. Other complaints

<b>Complaints received from Councilors</b>	<ul style="list-style-type: none"><li>&gt; When a councilor receives a complaint from a member of the public, they will refer it to the Governance Department who will allocate it to the relevant department Manager</li><li>&gt; The Manager will respond to the complaint in accordance with this framework as per Level 2 processes</li><li>&gt; At the Managers discretion, a complaint may be referred to another staff member if the nature of the complaint and/or request can be typically resolved at Level 1</li></ul>
<b>Complaints received from Members of Parliament</b>	<ul style="list-style-type: none"><li>&gt; Any enquiries (Including complaints) from Members of Parliament will be managed by the Chief Executive Officer.</li></ul>
<b>Complaints about contractors</b>	<ul style="list-style-type: none"><li>&gt; If a complainant is not satisfied with the outcome of a complaint relating to a service provided by a contractor, they can request a review in accordance with this framework</li><li>&gt; The Manager will respond to the complaint in accordance with this framework as per Level 2 processes</li></ul>
<b>Complaints about allegations of corrupt conduct</b>	<ul style="list-style-type: none"><li>&gt; Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the procedure for handling disclosures made under the <i>Protected Disclosure Act 2012</i></li></ul>
<b>Complaints about Councillors</b>	<ul style="list-style-type: none"><li>&gt; Complaints about Councilors will be dealt directly in accordance with the Victorian Ombudsman Details: <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a> or phone (03) 9613 6222</li><li>&gt; Local Government Investigations and Compliance Inspectorate Details: <a href="http://www.vic.gov.au">www.vic.gov.au</a> or phone (03) 9665 9555</li></ul>

# 11. Alternative avenues for dealing with a complaint

If following an internal investigation and an internal review, a complainant is still unsatisfied, they will be referred to an external complaint handling body.

Some complaints are governed by specific statutory and regulatory processes which fall outside the scope of the Framework.

Review by an external body or tribunal aims to ensure that the decision making of an agency is fair and reasonable and that proper procedures are followed in making decisions.

If Mitchell Shire Council is not able to assist the complainant, or the complaint is outside Mitchell Shire Council's jurisdiction there are bodies that may be able to help.

Complainants will be advised of the following Victorian complaint and dispute resolution bodies:

- > **Ombudsman Victoria** – Any person who thinks they have been treated unfairly may make a complaint to the Ombudsman. The Ombudsman will then consider the complaint and the administrative actions of the agency.
- > **Victorian Equal Opportunity and Human Rights Commission** – Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice.
- > **Office of the Public Advocate** – An independent statutory body established by the Victorian State Government, working to protect and promote the interests, rights and dignity of people with a disability.

- > **Privacy Victoria** – The key body regulating the way Victorian Government agencies and local councils collect and handle personal information.
- > **Dispute Settlement Centre (Victorian Department of Justice)** – Provides an informal, impartial, accessible, low cost dispute resolution service to the community. This service is best utilized when there are private disputes between neighbours that council has no jurisdiction over.
- > **Independent Broad-based Anti-corruption (IBAC)** – the key body who investigates complaints regarding the improper conduct of public officers and public bodies.

Further information and contact details are provided via Mitchell Shire Council's website. [www.mitchellshire.vic.gov.au](http://www.mitchellshire.vic.gov.au).

## 12. Remedies

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Where Council considers a complaint is justified, an appropriate remedy will be determined.

The investigation may lead to one or more of a range of possible outcomes, including:

- > 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
- > 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.

## 13. Anonymous complaints

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Anonymous complaints will be investigated and responded to where possible. However, it is noted that Council will only be able to investigate a complaint where all the necessary information is provided.

# 14. Reporting

Mitchell Shire Council will report to the community regularly on complaint handling performance. We will measure our performance from the following KPIs

1. 90% of customer complaints resolved internally
2. 90% satisfaction level regarding complaint handling resolution process
3. Number of complaints reviewed by the Victorian Ombudsman where Mitchell Shire Council's original decision has been upheld (Level 4).
4. The data for the KPIs will be recorded in the Complaint Management Register and reports will be generated from this as required.



## 15. Privacy

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All personal information collected by the Council in connection with feedback or a complaint will be protected in accordance with all applicable privacy laws and will only be used for the purpose of actioning the feedback or investigating the complaint.

Information gathered during the complaint process will only be used in order to deal with, and resolve, the complaint or to address systemic issues arising from the complaint. If information is disclosed to the public, it will be in a non-identifiable format.

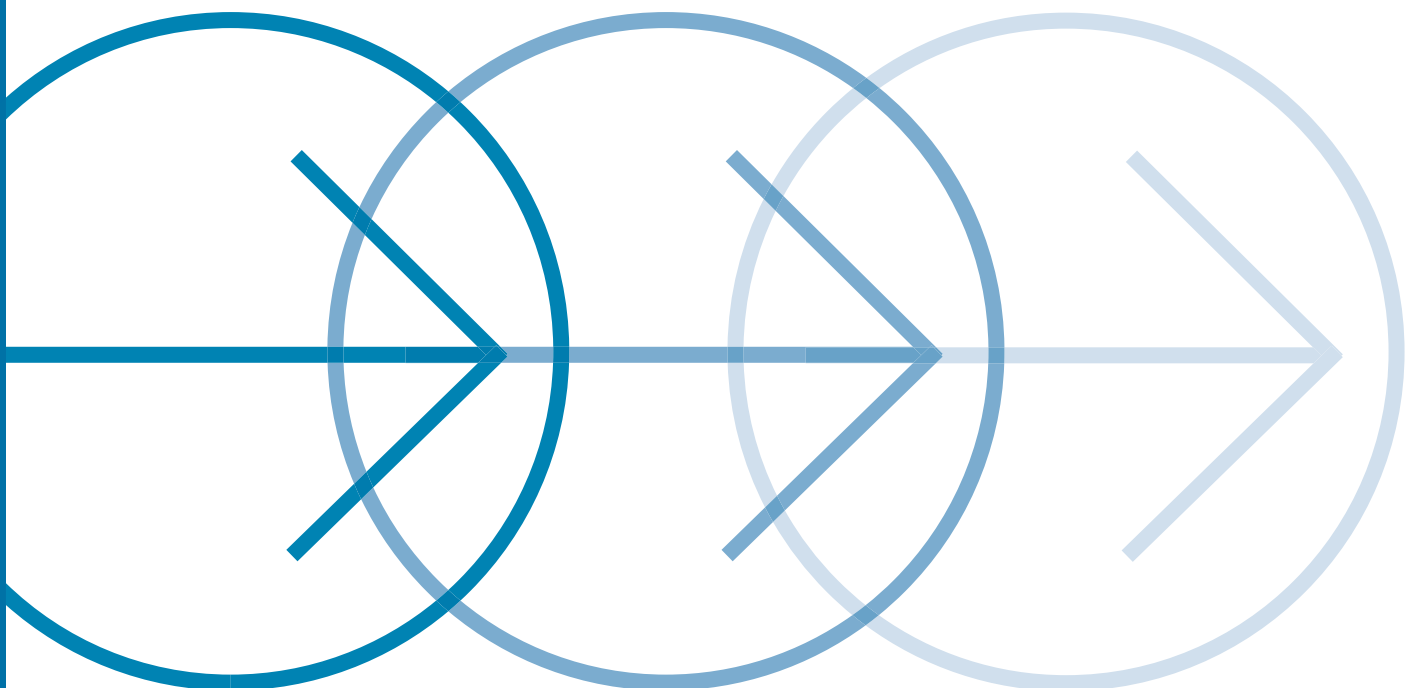
## 16. Unreasonable complaint conduct

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Unreasonable complainant conduct is defined as “behavior by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues”.

a complaint is found to be malicious, frivolous or vexatious, no further action will be taken. The customer will be informed of this decision in writing, following consultation with the Internal Reporting Officer.

All complaints received by Council will be treated with the utmost seriousness, however if





# 17. Organisational capacity to effectively manage complaints

Building the capacity of the organisation to effectively and consistently manage complaints will support the implementation of this framework.

## Training

Provide appropriate training, support and resources to staff who handle complaints.

## Delegation

Provide staff with appropriate authority and guidance to be able to resolve issues that commonly arise in the handling of complaints.

## Empowerment

Empower staff to effectively implement the organisation's complaint handling policies and procedures as relevant to their role.

## Recognition

Recognise and reward good complaint handling by staff.

## Continuous Improvement

Complaints data will be reviewed regularly and used to inform service improvements.

# 18. Communicating Outcomes

A written outcome letter will be provided for all complaints that have been investigated.

A Manager is responsible for signing the outcome letter for all complaints.

## The outcome letter will:

- > Use plain English
- > Clearly identify the complaint by accurately describing the issues
- > Outline the steps Council has taken to investigate and resolve the complaint
- > Explain the relevant legislation or policies in simple language

- > Identify the outcome
- > Provide reasons for the final decision
- > Acknowledge and apologise for any errors made by Council
- > Advise the complainant of their right for the complaint to be reviewed by the Internal Reporting Officer or any other relevant review bodies (eg. Victorian Ombudsman)

# Appendix: Examples of complaints at Level 1

The following examples have been developed to support Council Officers understanding of the Complaint Handling Framework and processes to follow when receiving a complaint at Level 1.

Scenario	Action required at Level 1
<p><b>The Customer and Library Service Department receives a telephone call from a customer who advises that her bin has not been emptied.</b></p>	<ul style="list-style-type: none"> <li>&gt; The Customer and Library Service Officer enters a request for service in the Request Management System for the bin to be collected in the next 48 hours. The customer is happy with this outcome</li> <li>&gt; No further action is required</li> </ul>
<p><b>A customer visits the Customer and Library Service Centre to complain about the interest charges on their overdue rates account.</b></p>	<ul style="list-style-type: none"> <li>&gt; The Customer and Library Service Officer explains the reason the interest has been applied. The customer is not happy with this response and requests to speak to someone in the Rates Department</li> <li>&gt; Customer and Library Service Officer contacts the Rates Department and a Rates Officer attends to the counter to handle the customer's complaint. The Rates Officer or Team Leader (as Level 1), is unable to provide a resolution to this complaint, and escalates the complaint to a Manager at Level 2</li> </ul>
<p><b>A customer emails Council to complain about a utility bill.</b></p>	<ul style="list-style-type: none"> <li>&gt; Local Government is not responsible for this utility. The Customer is provided with the appropriate contact details for this issue. There is no requirement to record this as a complaint</li> </ul>
<p><b>The Customer and Library Service Department receives a telephone call from a customer disputing a parking fine.</b></p>	<ul style="list-style-type: none"> <li>&gt; This is an example of a complaint that is covered by other legislative processes (the Infringements Act 2006) and not subject to Council's Complaint Handling Framework. The customer will be advised of the Infringement Review process</li> </ul>
<p><b>A participant at a training program conducted by Council provides feedback to the Council Officer at the event that the catering was poor.</b></p>	<ul style="list-style-type: none"> <li>&gt; Council Officers from Community and Development Department thank the participant for the feedback and inform them that they will consider this when next arranging catering. The customer is happy with this response</li> <li>&gt; This is not recorded as a complaint</li> </ul>

<p><b>A Councillor contacts Council to lodge a report on behalf of a customer.</b></p>	<p>&gt; This complaint will be escalated to Level 2 as per this Framework</p>
<p><b>A complaint alleging corrupt conduct, criminal activity or action by a member of staff.</b></p>	<p>&gt; This complaint is governed by procedure for handling disclosures made under the Protected Disclosure Act 2012</p>
<p><b>A customer calls the Central Maternal Child Health (MCH) Booking Line to complain that their appointment has been rescheduled twice and they are unhappy with the service.</b></p>	<p>&gt; This complaint was resolved by the Public Health Support Officer (Level 1) and recorded for continuous improvement</p>



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