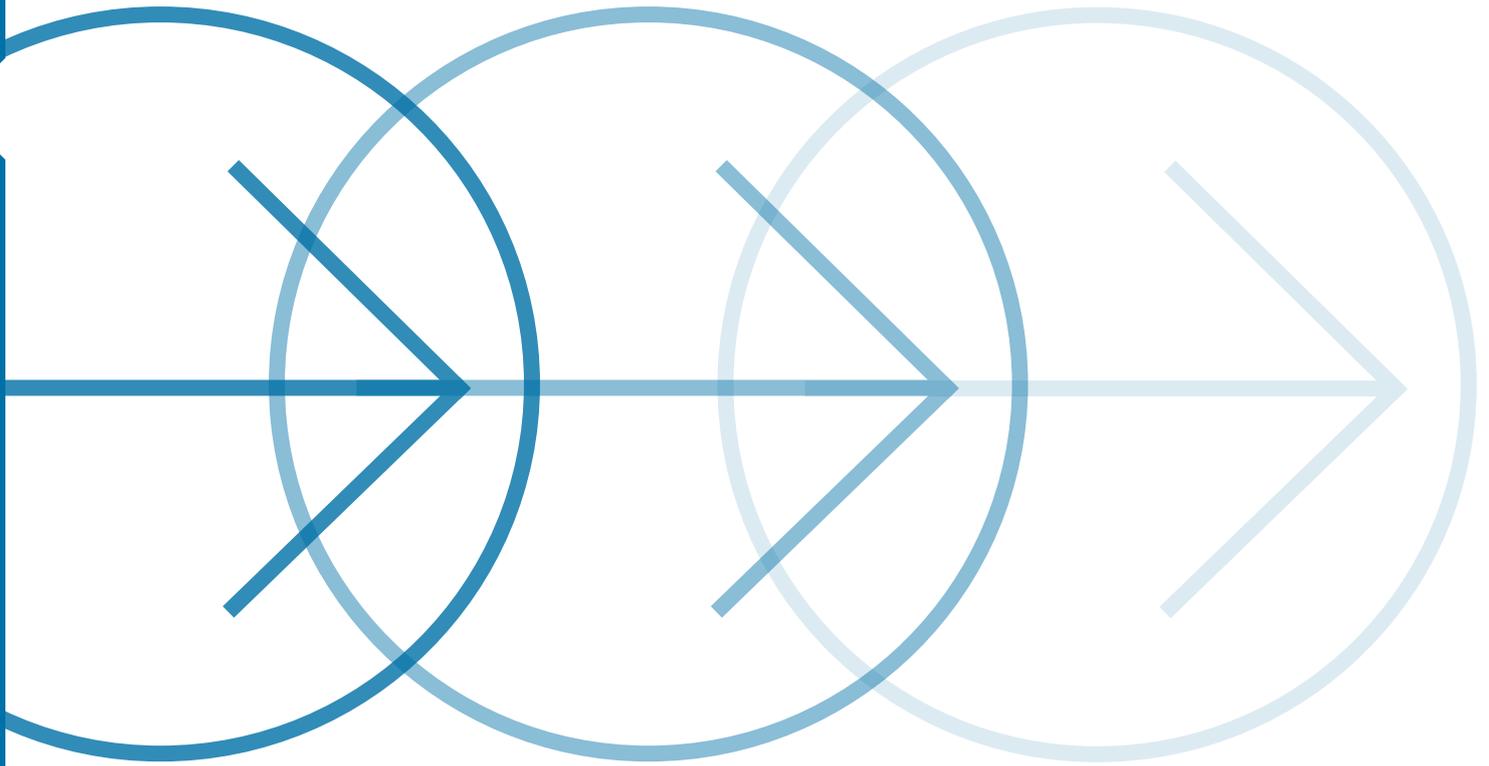




# COMPLAINTS HANDLING FRAMEWORK

2021





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:

- > Informs continuous improvement across service areas
- > Aims to improve the customer experience
- > Defines what is considered a complaint versus a request for service
- > Outlines roles and responsibilities of Council Officers
- > Provides guidance for Council Officers to manage complaints fairly and objectively
- > Establishes timeframes for resolving complaints
- > Enables Council Officers to report on Key Performance Indicators
- > Outlines how complaints will be captured and reported
- > Provides an open and transparent complaint handling process and how the process will be continuously improved



## 2. Definitions

<b>Council</b>	Means Mitchell Shire Council, being a body corporate constituted as a municipal council under the Local Government Act 2020.
<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: <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> A complaint is not a request for service that is made for the first time.
<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.
<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.

## 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.

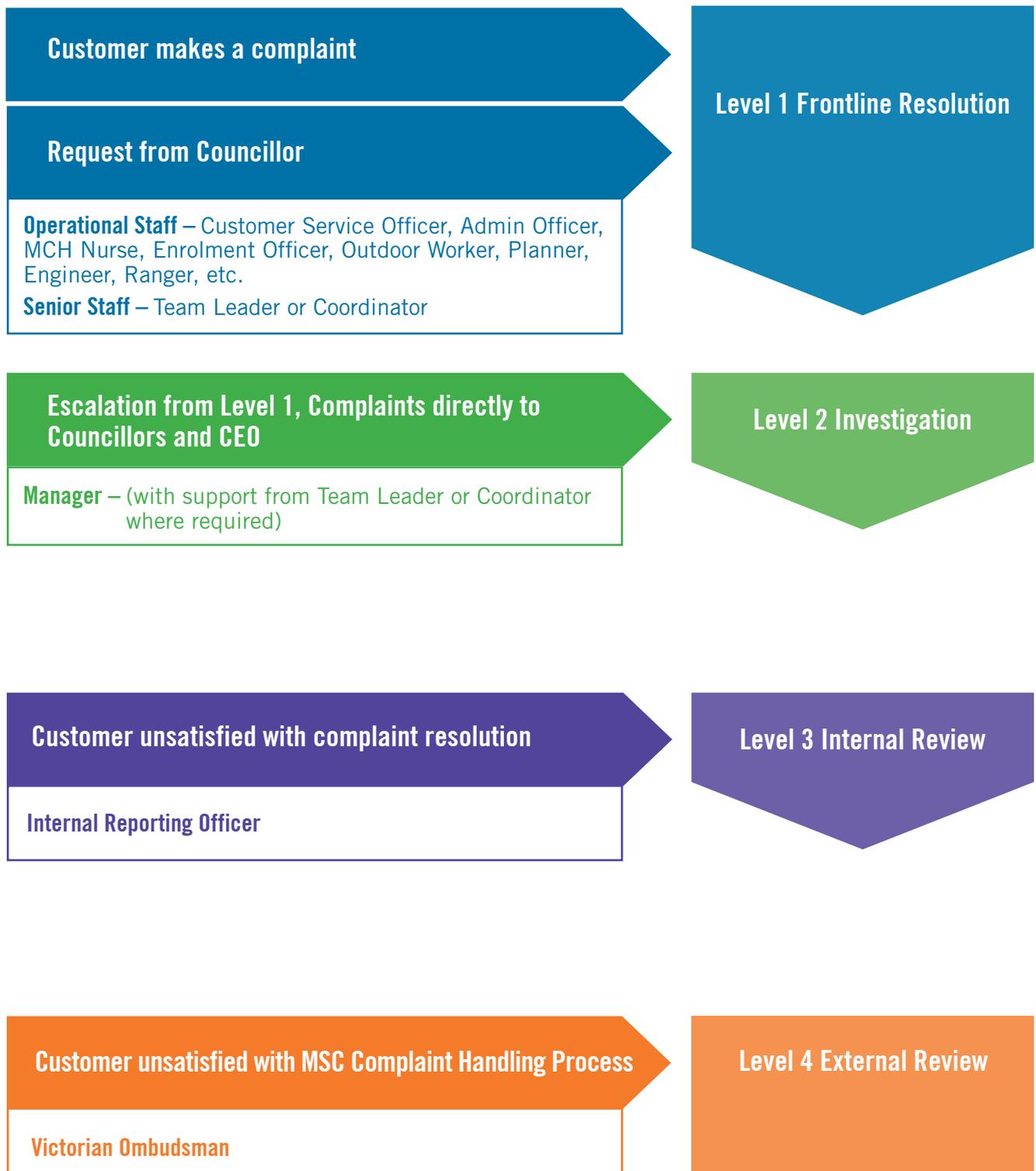
## 6. Accountability

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



\*Please note, internal policies and systems are in place to ensure above processes are undertaken effectively.

# 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 within agreed service timeframes outlined in the Customer Service Charter.
- > 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.
- > The customer will be advised who is dealing with their complaint.

## 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 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 9am – 6pm, Saturday 9am – 12noon (excluding public holidays)

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

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

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

125 Anzac Avenue, Seymour  
Monday, Wednesday, Thursday and Friday 9am – 5pm, Tuesday 9am – 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

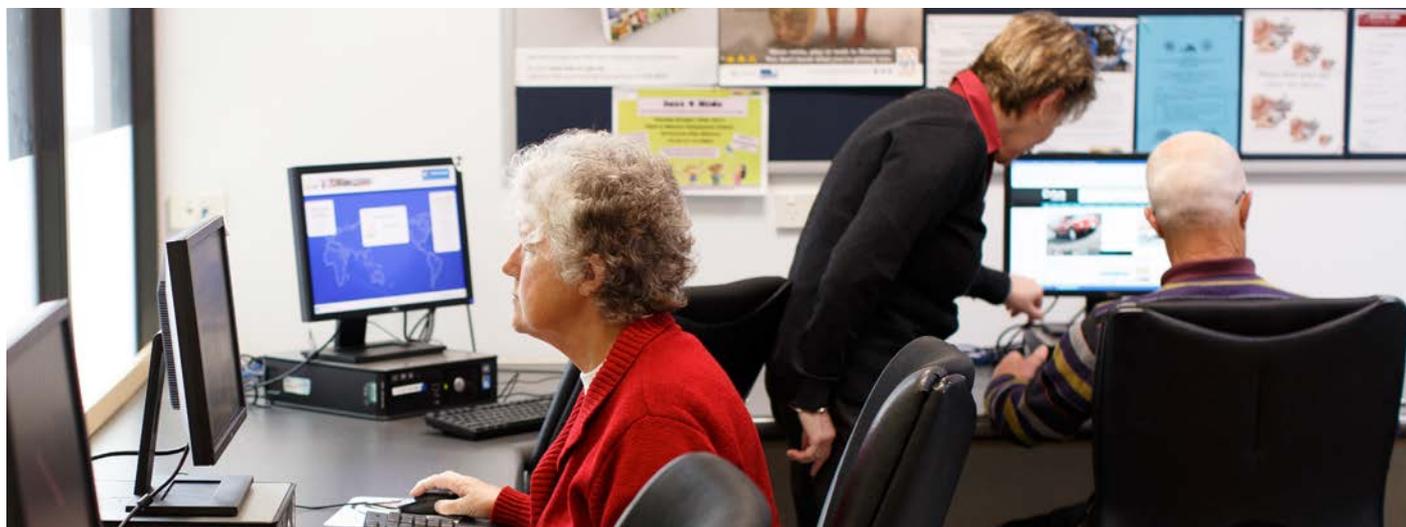
**Translating and Interpreting Services (TIS)** for people who do not speak English and for English speakers needing to communicate for them.

**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

**Via email:** [mitchell@mitchellshire.vic.gov.au](mailto:mitchell@mitchellshire.vic.gov.au)



## 10. Other complaints

<b>Complaints received from Councillors</b>	<ul style="list-style-type: none"><li>&gt; When a councillor receives a complaint from a member of the public, they will lodge it through the Councillor Portal where it will be allocated to the relevant department</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 Councillors 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 Inspectorate Details: <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a> or phone (03) 7017 8212</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 Complaints Handling 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 utilised 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 response is upheld (Level 4).
4. The data for the KPIs will be recorded in the Complaint Management Register and reports generated 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 complainant conduct

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

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

Further information relating to Unreasonable Complainant Conduct can be found in Appendix Two.

# 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 One: 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.

MSC's Complaints Procedure should deal with all complaints where there is not a specific or legal procedure to deal with the matter. The following are examples of categories that would fall within MSC's procedure:

- > Failure to consider relevant matters in coming to a decision or implementing it
- > Employee/contractor attitudes and the actions of individual employees/contractors
- > Delays in responding, or complaints about the administrative process
- > Failure to provide an agreed service properly or at all
- > Failure to fulfil statutory/legislative responsibilities - but not disagreements with those powers or duties
- > Bias or unfair discrimination

Customer's may complain about the standard of the service received because:

- > MSC have not provided the service to the agreed service standards, or
- > MSC are doing something which they did not ask us to do, or
- > MSC are carrying out our duties in an unsatisfactory way, or
- > MSC staff or contractors are behaving in an unacceptable way (including rudeness, violence or aggression), or
- > MSC repeatedly fail to do something which we have agreed to do, or

- > MSC fail to do something which they think we should have done, even if we were not actually asked to do it

MSC's complaints procedure should not be used for the following:

- > Complaints which are essentially disagreements with statutory powers or duties, Council policies or decisions in themselves, rather than the way they have been carried out
- > Complaints against individual employees which arise directly from the resident's dissatisfaction with a Council policy or decision
- > A planning or development control matter, or housing or Council tax where a right of objection exists, unless the complaint relates specifically to the way the matter has been administered
- > A matter which is, or could reasonably be, the subject of court or tribunal proceedings, or which is in the hands of the Council's insurers
- > Complaints against MSC Councillors. There should exist a separate complaint's procedure for dealing with these complaints
- > Comments and views about Council Policy which has been agreed democratically in accordance with the Council's Governance Rules, cannot be treated as a complaint

Scenario	Action required at Level 1
<p>The Customer and Library Service Department receives a telephone call from a customer who advises that her bin has not been emptied.</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. This scenario is not recorded as a complaint.</li> </ul>
<p>A customer visits the Customer and Library Service Centre to complain about the interest charges on their overdue rates account.</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 the counter to respond to 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>A customer emails Council to complain about a utility bill.</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>The Customer and Library Service Department receives a telephone call from a customer disputing a parking fine.</p>	<ul style="list-style-type: none"> <li>&gt; This is an example of a complaint that is covered by other legislative processes (the <i>Infringements Act 2006</i>) and not subject to Council's Complaint Handling Framework. The customer will be advised of the Infringement Review process</li> </ul>
<p>A participant at a training program conducted by Council provides feedback to the Council Officer at the event that the catering was poor.</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>A Councillor contacts Council to lodge a report on behalf of a customer.</p>	<ul style="list-style-type: none"> <li>&gt; This will be escalated to Level 2 as per this Framework. Depending on the nature of the report, this scenario may constitute either a request for service or complaint and will be recorded as appropriate.</li> </ul>
<p>A complaint alleging corrupt conduct, criminal activity or action by a member of staff.</p>	<ul style="list-style-type: none"> <li>&gt; This allegation is governed by procedure for handling disclosures made under the <i>Protected Disclosure Act 2012</i>. Investigation into the allegations will determine action taken and how this is recorded.</li> </ul>
<p>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.</p>	<ul style="list-style-type: none"> <li>&gt; This complaint will be resolved by the Public Health Support Officer (Level 1) and recorded as a complaint for continuous improvement purposes.</li> </ul>

# Appendix Two: Request for Service examples

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Council defines a Request for Service as the first application by a customer to have Council or its representative/s take some form of action to provide or improve a Council service.

Request for Service examples include:

**Scenario 1:** A resident advises that they forgot to put their bin out and missed the collection truck. The resident requests Council send someone to collect their bin. This request will be dealt with in accordance to agreed service levels

**Scenario 2:** A resident advises that their neighbour's dog keeps barking and that they can't sleep. The resident asks Council if they are able do something about it

**Scenario 3:** A resident advises that there is a pothole and requests Council send someone to rectify

When a request for a service is made more than once it becomes a complaint, (e.g. if a customer reports a neighbour for a fire hazard and MSC fail to investigate their report and the customer makes a secondary contact with Council).

# Appendix Three: Unreasonable Complainant Conduct

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

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

## Defining unreasonable complainant conduct

Most people who use Council services and resources act reasonably and responsibly in their interactions, even when they are experiencing high levels of distress, frustration and anger about their complaint. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable including being aggressive or verbally abusive towards Council staff.

Unreasonable conduct can also include threats of harm and violence, excessive or repetitive phone calls and emails, making inappropriate demands on Council services and resources and refusing to accept Council decisions and recommendations in relation to their complaints.

Unreasonable complainant conduct (UCC) includes any behaviour which, because of its nature or frequency raises substantial wellbeing, health, safety, resource or equity issues for our organisation, staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable arguments
5. Unreasonable behaviours

## Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Some examples of unreasonable persistence include:

- > An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with
- > Persistently demanding a review simply because it is available and without 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
- > Reframing a complaint in an effort to get it taken up again
- > Bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked 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

# Appendix Three: Unreasonable Complainant Conduct (continued)

## Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Examples include:

- > Demanding services that are of a nature or scale that Council cannot provide
- > Insisting on outcomes that are not possible or appropriate in the circumstances – for example, for someone to be prosecuted or infringed, an apology and/or compensation when there is no reasonable basis for expecting this
- > Issuing instructions and making demands about how Council have/should handle the complaint, the priority it was/should be given, or the outcome that was/should be achieved
- > Insisting on talking to a senior manager or Director personally when it is not appropriate, warranted or in accordance with existing procedures
- > Emotional blackmail and manipulation of staff with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised without basis

## Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.

Examples include:

- > Sending a large volume of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about
- > Providing little or no detail relating to a complaint or not presenting information in its' entirety
- > Refusing to follow or accept Council instructions, suggestions, or advice without a clear or justifiable reason for doing so
- > Arguing frequently and/or with extreme intensity.
- > Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, etc

## Options for responding to and managing UCC

Depending on the nature of the Unreasonable Complainant Conduct, Council will pursue various remedies including:

### Changing or restricting a person's access to Council services

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to people by restricting:

- > **Who they have contact with** – for example, limiting a person to a sole contact person/ staff member in our organisation
- > **What they can raise with us** – for example, restricting the subject matter of communications that will be considered and responded to

- > **When they can have contact** – for example, limiting a person’s contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact
- > **Where they can make contact** – for example, limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office
- > **How they can make contact** – for example, limiting or modifying the forms of contact that the person can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether

When using these restrictions we recognise that discretion will need to be used to suit a complainant’s personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

### **Completely terminating a complainant’s access to our services**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the relevant responsible Manager, and if necessary Director or CEO, may decide that it is necessary for Council to completely restrict a complainant’s contact/access to our services and resources.

A decision to terminate contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk to Council staff or other parties and involves one or more of the following types of conduct:

- > Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault
- > Damage to property while on our premises
- > Threats with a weapon or items that can be used to harm another person or themselves
- > Physically preventing a staff member from moving around freely either within their office or during an off-site visit – for example, entrapping them
- > Conduct that is otherwise unlawful

In these cases the person will be advised in writing that they are deemed an unreasonable complainant and they have the right to appeal the decision by writing to the CEO.

A person’s access to Council services and premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.



**MITCHELL SHIRE COUNCIL**

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**MITCHELL  
SHIRE COUNCIL**

