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Related legislation:	<ul style="list-style-type: none"> • Local Government Act 1989 • Protected Disclosure Act 2012 		
Related strategic documents, policies, or procedures:	<ul style="list-style-type: none"> • Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014 • Victorian Ombudsman Councils and complaints - a good practice guide, February 2015 • Commonwealth Ombudsman Better Practice Guide to Complaint handling 1 April 2009 • NESTA Grumbles Gripes and Grievances: The Role of Complaints in Transforming Public Services, April 2013 • Victorian Ombudsman Good Practice Guide, November 2007 • Disability Services Commissioner Victoria Good Practice Guide and Self Audit Tool, 2nd Ed. 2013 • Charter of Human Rights and Responsibilities Act 2006 • Privacy and Data Protection Act 2014 		

Date	Version Number	Details of Version	Modified by
21/05/2019	1	New policy	Principal Governance Officer

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Mount Alexander Shire Intranet or TRIM to ensure that the version you are using is up to date.

1. Purpose

The purpose of this policy is to ensure that Mount Alexander Shire Council (the Council) handles complaints fairly, efficiently and effectively. It sets out the key principles and concepts of complaint management to ensure that any person who wishes to make a complaint has the matter dealt with in an approved and consistent manner.

Our Complaints Policy is intended to:

- enable us to respond to issues raised by people making complaints in a timely manner
- maintain public confidence in our administrative processes
- provide information that can be used to deliver quality improvements in our services, staff and complaint handling.

2. Scope

This policy applies to the Councillors and employees (including full time, part time, casual employees and agency staff), contractors, volunteers, students and consultants of Mount Alexander Shire Council. It also includes Section 86 committees of management who are acting on behalf of Council.

A complaint is defined as any expression of dissatisfaction made to or about us, our services, staff or the handling of an issue as defined in Section 5 of this policy.

However, a service request is generally not treated as a complaint where it relates to delivery of a Council service as defined under Service Request in Section 5 of this policy.

It does not cover staff grievances, internal staff code of conduct complaints or public interest (“Whistleblower”) disclosures, each of which is dealt with through separate mechanisms.

3. Policy

Mount Alexander Shire Council is committed to being accessible and responsive to all people who approach us with feedback or complaints.

To support this commitment we will manage complaints under the following broad principles:

3.1. People focussed

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling. Any complaints will be dealt with within a reasonable time frame.

People making a complaint will be:

- provided with whatever information they may wish or need about our complaint handling process
- provided with accessible ways to make a complaint
- listened to; treated with respect by staff; and be actively involved in the complaint process where possible and appropriate
- provided with reasons for Council's decisions and, where appropriate, provided with any options for redress or review.

3.2. No detriment to people making complaints

We will take all reasonable steps to ensure that people making a complaint are not adversely affected because a complaint has been made by them or on their behalf.

3.3. Anonymous complaints accepted

We will accept anonymous complaints that meet our basic criteria and will carry out an investigation of the issues raised where there is enough information provided.

3.4. Accessibility for all complainants

We will ensure that information is publicised about how and where complaints may be made to or about us. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish.

Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, Member of Parliament or another organisation).

3.5. No charge

Making a complaint is free of any charge.

3.6. Commitment to early resolution

Where possible, complaints will be resolved at first contact. Such complaints will still be recorded but noted as having been resolved so as to allow us to identify any systemic issues and to track more accurately the complaint handling activities of staff.

3.7. Responsiveness and priority of complaints

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the process
- the expected time frames
- the progress of the complaint and reasons for any delay.

We will advise people as soon as possible when we are unable to deal with any part or all of their complaint and provide advice about where such issues and/or complaints may be directed. For example, we cannot resolve complaints that are outside Council's powers. Such complainants may be directed to another more appropriate agency, including the Victorian Ombudsman, Local Government Inspectorate, or Independent Broad-based Anti-Corruption Commission (IBAC).

3.8. Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

3.9. Responding flexibly

Our staff are authorised to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives and assess each complaint on its merits. That flexibility is limited only by the authority under which we can act and the need to record and monitor all complaints.

3.10. Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.11. Unreasonable behaviour

Our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible;
- the health, safety and security of our staff; and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct may significantly affect the progress and efficiency of our work.

As a result, we will take appropriate action to manage any conduct that negatively and unreasonably affects our staff and operations. Where necessary, after a warning has been issued, a customer's contact with Council may be limited to only by way of correspondence.

4. Review

4.1. Requests for review

A person who is dissatisfied with the resolution or proposed resolution of their complaint may request a review of the decision and/or proposed resolution.

Their concerns must be made in writing, either by conventional mail or email addressed to the Chief Executive Officer¹, and should specify the reasons why they are unhappy with the decision or service delivery. If it is unclear why they are unhappy they will be asked for further particulars, and may be asked to meet with the reviewing officer.

The request for review will be acknowledged within seven working days.

4.2. Review of original matter

The review is not a reinvestigation of the original matter. Rather the purpose of the review is to satisfy the reviewer that the original complaint has been dealt with fairly and reasonably and that the officer's decision or actions were appropriate in the circumstances.

In undertaking a review, the reviewing officer will consider:

- Was the matter handled in a timely fashion?
- Were the officer's decisions or actions consistent with Council's guidelines and policies?
- Was another decision or action available to the officer?

The original officer will be given an opportunity to comment on a draft of the reviewer's decision letter before it is sent to the complainant.

4.3. One comprehensive review only

We will undertake one comprehensive review of a complaint. The only exception will be where the review identifies further information previously not known.

If a complainant continues to contact the Council after they have been provided with the review outcome, they will be informed that any future correspondence will be filed and not responded to unless they are providing new and relevant information.

A complainant who is still dissatisfied may be given contact details for any other appropriate avenues of appeal, e.g. Victorian Ombudsman.

¹ Where an email is directed to the Chief Executive Officer it should be sent to info@mountalexander.vic.gov.au with "For the Chief Executive Officer" in the subject line

5. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy and procedure/s

Term	Definition
Complaint	Any expression of dissatisfaction made to or about us, our services, staff or the handling of an issue where a response or resolution is expected or legally required.
Complaints management system	All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.
Dispute	A dispute is an <u>unresolved</u> complaint escalated either within or outside of our organisation, i.e. the initial issue may be a complaint. Where a complaint is not resolved to the satisfaction of the person raising the matter, the complaint becomes a dispute.
Feedback	<p>Feedback includes all opinions, comments and expressions of interest or concern, made directly or indirectly to or about us, about our services or complaint handling where a response is not expected or legally required.</p> <p>Common examples of feedback are:</p> <ul style="list-style-type: none"> • General comments about a Council service or services made in the course of a conversation between a Council officer and any non-employee². • Comments about a Council service or services made in response to a request by us for feedback or comment about those services, e.g. through a service survey clearly intended to allow us to make improvements in those services. • Any comment made on social media, whether by a Shire resident or not.
Service Request	<p>Service requests include:</p> <ul style="list-style-type: none"> • a request for a new action – this does not cover examples where a person calls to advise us that we have failed to provide an expected action. For example, a person calling to report a failure of kerbside collection to pick up their waste is a complaint, not a request for a new action. On the other hand, a person ringing to advise us that they have moved into a new house and want regular rubbish pickup or a bin is not a complaint. • routine inquiries about our business • requests for the provision of services or seeking assistance in how to access a service • reported failure by third parties to comply with laws regulated by Council, e.g. a report of illegal or unapproved building activity is not a complaint.

² If necessary and/or appropriate, it is open to an officer to ask a person whether they want a matter on which they are commenting treated as a complaint.

Term	Definition
	<ul style="list-style-type: none">a request for an explanation of policies, procedures and decisions.
Grievance	A report about wrong doing made by or about a public official in Victoria that meets the requirements of the Protected Disclosure Act 2012. There is a separate procedure for such disclosures.
Public interest disclosure	A report about wrong doing made by or about a public official in Victoria that meets the requirements of the Protected Disclosure Act 2012. There is a separate procedure for such disclosures.

6. Human Rights and Diversity Statement

Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees. Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.

Diversity and Inclusion Statement

It is considered that this policy supports the principles identified in the MASC Access and Inclusion Action Plan 2019.