

# POLICY



## Complaints Handling Policy

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### 1 Purpose

To establish a systematic approach for handling complaints that embodies the principles of procedural fairness and reflects Council's desire to best serve the community.

### 2 Scope

This Policy applies to complaints received by Council from residents and ratepayers.

This Policy **does not** apply to:

- Customer action requests;
- Accident/ hazard reports;
- Service requests;
- Complaints pertaining to a councillor or a group of councillors.

This Policy does not apply to decisions or processes that have a separate statutory or other legislative appeal processes. Examples of service areas in which there are separate statutory or other legislative appeal processes. Examples of service areas in which there are separate statutory or legislative appeal processes include, but are not limited to:

- Complaints relating to a Council or Committee resolution.
- Complaints relating to a planning application or decision.
- Complaints relating to compliance infringements: parking, local law, animal management, health, planning or building.
- Complaints relating to building, health and food services.
- Complaints relating to a Councillor when not performing their role as a Councillor.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Freedom of information requests.
- Work related grievances from Council employees.
- Complaints already reviewed by an external agency.

Where a complaint is outside Council's service responsibility, guidance will be given to direct the complainant to the appropriate authority or service provider.

### 3 Definitions

**Complaint** includes the communication, whether orally or in writing, to 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 Council; or
- (b) the delay by a member of Council staff or contractor engaged by Council in taking an action, making a decision or providing a service; or
- (c) a policy or decision made by a Council staff or a contractor.

**Service Request:** where a member of the community:

- Requests for the provision of a service that is not provided on a programmed basis; or
- Requests for the provision of a programmed service in excess of the predetermined standard (timeline, quality and quantity).

**CEO:** Chief Executive Officer of Hindmarsh Shire Council

**Council:** Hindmarsh Shire Council

**Complainant / customer:** a person or group that utilizes the services of Council and/or makes a compliment, request for service of complaint.

**Customer action request system:** Council's system to record information and administer workflows related to community and resident requests for services.

## **4 Receipt of Complaint**

Complaints may be lodged through a number of channels and at any level.

### **4.1 Verbal Complaints**

Verbal complaints should be made to Council's Customer Service Centres in person or by telephoning 03 5391 4444.

The Council Officer receiving the verbal complaint will determine the details of the complaint and forward them to the appropriate manager or director.

The Council Officer will repeat the details back to the complainant to ensure they are satisfied with what has been recorded.

The Council Officer will explain the process that will occur once the complaint has been received.

The Council Officer will determine whether the complainant is satisfied with the proposed course of action.

If the nature of the complaint appears to be severe, the Council Officer will encourage the complainant to put the Complaint in writing.

The relevant manager or director will acknowledge receipt of the claim via phone or email within 2 business days of receipt of the complaint.

### **4.2 Written Complaints**

Written complaints should be marked "Complaint – Private & Confidential" and emailed to [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au), dropped into Council's Customer Service Centres, or posted to PO Box 250 NHILL VIC 3418.

Written complaints are registered into **MagiQ** and delegated to the appropriate manager or director. The complaint will also be delegated to the Manager Governance and Human Services so that the complaint can be recorded in Hindmarsh Shire Council's Complaints Register.

A letter of acknowledgment is to be sent by Council within two business days of receipt of the complaint.

The acknowledgment letter is to explain the course of action that will be taken, commit to an action and ask whether the complainant is satisfied with the proposed course of action.

## **5 Responsibility for responding to complaint**

### **5.1 Contracted services**

In-house and external contract complaints will be delegated to the contract manager to resolve with the contractor. It is the responsibility of the contract manager to receive and handle service complaints.

### **5.2 Non-contracted services**

These complaints will be delegated to the relevant manager for investigations and resolution. Where satisfactory resolutions are not obtained by complainants, the matter may be referred to the relevant director to resolve.

The review must be completed by an officer who 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.

## **6 Types of Complaints**

### **6.1 Complaints regarding statutory matters**

Where Council activities are governed by State or Federal legislation, Council is unable to alter its decision making processes and is guided by the requirements of the legislation.

Council has adopted local laws that operate in conjunction with State legislation. When Council officers commence proceedings, including legal action and issuing infringement notices, and a member of the community wishes to have the decision reviewed, a request for review must be received in writing.

### **6.2 Complaints about Council Officers**

Complaints regarding Council Officer behaviour will be handled sensitively and confidentially.

All complaints regarding the behavior of Council Officers must be made in writing and include the detail necessary to allow investigation of the complaint.

The complaint will initially go to the relevant manager of the Council Officer. If the complaint is unable to be resolved this way, the relevant director will become involved.

All aspects of the complaint, discussions and resolution shall be accurately recorded and may form the basis for disciplinary action.

### **6.3 Strategy related issues raised by Community Groups**

Strategy related issues raised by community groups shall be referred to the relevant Director in the first instance.

Where the concerns are complex, the Director shall refer the issue to the CEO. The CEO will consider the matter and determine whether the Complaint should be managed by this Policy.

## **7 Process for responding to complaints**

- 7.1 Upon receipt of a complaint, the relevant officer acknowledges receipt of the complaint in writing or over the phone (depending on how the complaint was made) within 2 days.
- 7.2 The relevant officer considers the complaint and conducts necessary enquiries to fully respond to the complaint. This may involve reviewing documents, speaking to other officers or speaking to community members.
- 7.3 The relevant officer will respond to the complaint in writing preferably. If the complainant is unwilling to provide a postal address or email address, the relevant officer may respond to the complaint verbally, however a file note of the verbal conversation will be made and saved on Council's document management system.
- 7.4 When responding to a complaint, the relevant officer must ensure that their reasoning is explained clearly and thoroughly.
- 7.5 The response must also be clear on what decision is being made.
- 7.6 The response must also advise the complainant of their review options if they are not satisfied with the outcome.
- 7.7 Complaints must be responded to within 2 weeks of receipt.

## **8 Internal review**

Where the relevant council officer has responded and the complainant is not satisfied with the response, the complainant may seek an internal review.

To seek an internal review, the complainant must, where possible, provide a written response outlining why they are not satisfied with the response (**internal review request**).

An internal review of a complaint will involve the internal review request, original complaint, the response and all associated documents being considered and reviewed by the relevant director.

The officer conducting the internal review will follow steps 7.1 through 7.7.

## **9 Mediation**

Where a Complaint remains unresolved, a Director from another area shall be nominated to mediate. This officer will investigate the unresolved Complaint with a view to resolving the Complaint.

The mediation process will not be used to review formal Council decisions but rather to check that complaints were handled correctly and that the decision reflects Council policies.

The mediator will:

- Act independently
- Consult with the director to confirm that the complaint has been acknowledged within five business days of receipt, and the complainant has been advised of this Policy.
- Ask the responsible manager to provide all information associated with the complaint and any additional background.
- Review all the material then talk to the complainant and officers involved.
- Form a decision on the matter in writing and forward to the director and/ or CEO. The decision must be thorough and must explain the reasoning of the decision.
- Advise the complainant in writing of the decision.
- Place copies of all notes, correspondence, and other relevant material on a central file.

If the complaint is not resolved via mediation, the complainant can seek to discuss matters with the CEO.

## 10 Right of appeal

If the complainant is dissatisfied with the outcome of the complaint, they are able to contact the State Ombudsman's Office.

## 11 Statutory review

Where a complaint is about something that is the subject of statutory review, the CEO may use their discretion to postpone dealing with the complaint until the statutory review is complete.

## 12 Related Documents

*Hindmarsh Shire Council Verbal Complaint Form*

*Hindmarsh Shire Council's Code of Conduct*

*Local Government Act 2020, s107*

## 13 Document Control

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