



Complaints Management Policy

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Authorisation	Council, 26 May 2015
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Responsible officer	Manager Customer Engagement
Policy owner	Governance Coordinator

1. Purpose

To govern the response and requirements of Council in managing complaints.

2. Scope

This policy applies to all Melton City Council Councillors, employees, contractors, volunteers and customers.

3. Definitions

Word/Term	Definition
Complaint	An expression of dissatisfaction with; <ul style="list-style-type: none"> a) the quality of an action taken, decision made, or service provided by Council or its contractor, b) a delay or failure in providing a service, taking an action, or making a decision by Council or its contractor.
Complainant	Person or entity affected by the action or inaction of Council who brings this to the notice of Council.
Customer	Includes any residents, ratepayers, members of the public or groups, visitors and businesses having dealings with the Melton City Council.
Internal Investigations Officer	The person holding the position of General Manager Corporate Services within Melton City Council.
Staff	All staff whether employed full time, part time or casual.
Unreasonable Complainant Conduct	Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the Council, employees, other service users and complainants or the complainant themselves.

4. Policy

As part of a broader commitment to effective customer service, Council is committed to managing complaints in a professional manner, according to legislation and procedural fairness, underpinned by the following principles;

1. Commitment

Council recognises people's right to complain and is committed to resolving them.

2. Accessibility

Making a complaint should be easy and Council staff motivated to assist complainants with the process.

3. Transparency

How to complain, where to complain and how a complaint will be dealt with should be clear and well communicated.

4. Objectivity and fairness

Complainants and staff are to be treated with courtesy and respect, and complaints are judged on merit and fact.

5. Confidentiality

Personal information is protected.

6. Accountability

Council is accountable, internally and externally, for decision making and complaint handling performance.

7. Continuous improvement

Complaints are recognised as opportunities to review and improve services, processes , systems and staff performance.

5. Procedures

This policy is supported by Councils *Complaints Management Procedure* to ensure a consistent approach to complaint handling across the organisation.

6. Responsiveness

Council is committed to resolving complaints in a timely and efficient manner. Complaints will be acknowledged within ten days of receipt, and endeavour to resolve complaints within 28 days.

The length of time taken to deal with a complaint will depend on the circumstances of each complaint, such as the complexity of issues in the complaint, the time required to obtain necessary information, the time taken to hold a hearing if required, and the availability of parties.

A complainant should be advised of the expected timeframe for resolution. If a complaint cannot subsequently be resolved within this anticipated timeframe, the complainant will be informed of the circumstances and updated as to the expected date of resolution.

7. Appeal

Should a complainant be dissatisfied with the initial resolution of a complaint, the resolution may be appealed and reviewed by a more senior member of staff who has had no previous involvement in the issue, considering the complaint anew.

Should the complainant remain dissatisfied with the resolution or process of Council, the complainant shall be referred to an external agency to pursue alternative resolution. In most instances, this will be the Victorian Ombudsman.

8. Anonymous Complaints

The Internal Investigations Officer or relevant Manager will determine whether an anonymous complaint will be investigated dependent upon:

- the seriousness of the complaint, provided there is sufficient information in the complaint to enable an investigation to be conducted, and
- whether there is a statutory requirement for identification of the complainant.

9. Serious Complaints

All complaints alleging corrupt conduct, pecuniary interest breaches, improper use of position, criminal action or maladministration are to be directed to the Internal Investigations Officer (IIO) or Chief Executive Officer (CEO). If the allegation relates to the CEO, the matter must be reported to the IIO or Mayor.

Complaints of this nature will be dealt with in accordance with the Staff Code of Conduct, Protected Disclosure Act 2012, Local Government Act 1989 and all other applicable legislation.

Complaints that relate to the Mayor or Councillors are to be dealt with in accordance with the Councillors Code of Conduct.

10. Responsibility of Complainants

To ensure a high standard of service to complainants is achieved, it is the responsibility of the complainant to:

- clearly identify the issues of the complaint, or ask for help to do so,
- give all the information available about the complaint in an organised format at the time of making the complaint,
- cooperate with any enquiries or investigations,
- treat Council staff with courtesy and respect.

Abuse, harassment or threats to the safety or welfare of staff at Council may result in the immediate cessation of engagement, and/or Council action under the *Managing Unreasonable Complainant Conduct Policy* and accompanying procedure.

11. Rejection of complaints

The relevant authorised officer may determine that a complaint will not be investigated where the matter:

- is considered frivolous, vexatious or not made in good faith,

- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses that remedy or right of appeal,
- the complainant seeks to revisit the same issue after an initial investigation when no new evidence or material is provided,
- relates to a decision of Council,
- relates to conduct before a court, coroner or tribunal,
- relates to a matter under investigation by the Minister for Local Government or any other government department including the Victorian Police Service,
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue,
- relates to a matter awaiting determination by the Council,
- relates to the actions or conduct of private individual,
- has insufficient information available,
- the complainant declines or refuses to provide further information ,
- where threats are made against Council or council staff.

Where the relevant authorised officer determines that a complaint will not be investigated, the complainant will be so advised. Should it be requested, the advice will be provided in writing.

12. Unreasonable complainant conduct

Most complainants act reasonably and responsibly in their interactions, even when 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, able to be defined as unreasonable complainant conduct.

A complainants behaviour will be deemed 'unreasonable' when they;

- are aggressive and verbally abusive towards staff,
- threaten harm and violence
- bombard the organisation with unnecessary and excessive phone calls and emails
- make inappropriate demands on our time and resources
- refuse to accept decisions and recommendations in relation to their complaint.

Where behaviour of a complainant is deemed unreasonable conduct, the matter is to be managed as directed by Councils *Managing Unreasonable Complainant Conduct Policy* and accompanying procedure.

13. Responsibility /Accountability

5.1	Governance Coordinator
	<ul style="list-style-type: none">The Governance Coordinator is policy owner and is responsible for updating and amending this policy and related procedures.
5.2	General Manager Corporate Services
	<ul style="list-style-type: none">The General Manager Corporate Services is the Internal Investigations Officer and is responsible for providing professional advice and guidance to employees regarding this policy
5.3	All employees
	<ul style="list-style-type: none">All employees of Council are responsible for operating in accordance with this policy, and for providing feedback to the policy owner.

14. References and links to legislation and other documents

Name	Location
<i>Local Government Act 1989</i>	http://www.legislation.vic.gov.au/
<i>Protected Disclosure Act 2012</i>	http://www.legislation.vic.gov.au/
Complaints Management Procedure	Policy and Procedures Intranet www.melton.vic.gov.au
Staff Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Managing Unreasonable Complainant Conduct Policy	Policy and Procedures Intranet www.melton.vic.gov.au
Councillor Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Victorian Ombudsman <i>Good Practice Guide - Victorian Ombudsman's Guide to complaint handling for Victorian Public Sector Agencies</i>	http://www.ombudsman.vic.gov.au/
Commonwealth Ombudsman <i>Better Practice Guide to Complaint Handling</i>	http://www.ombudsman.gov.au/