



Complaints Policy

COUNCIL POLICY

PURPOSE

Colac Otway Shire's Complaints Policy sets out for members of the community the way in which this organisation handles complaints.

- Colac Otway Shire acknowledges that members of the public have the right to complain
- Colac Otway Shire is committed to exercising complaint handling as recommended by the Office of the Victorian Ombudsman and to creating a culture that encourages feedback and complaints
- Colac Otway Shire undertakes to learn from complaints to improve its services.

This policy includes:

- The principles by which Colac Otway Shire officers will be guided when complaint handling
- Colac Otway Shire Council's definition of a complaint
- The roles and responsibilities of officers and contractors
- How to make a complaint.

OBJECTIVES

This policy aims to:

- put in place an open and transparent complaint handling system
- specify the key performance indicators to which we will hold ourselves accountable
- establish our timeframes for resolving complaints
- clarify the roles and responsibilities of agency staff
- ensure staff handle complaints fairly and objectively
- set out how staff record and analyse complaint data to identify where we can improve our services.

SCOPE

This policy applies to all officers of Colac Otway Shire. It also applies to third party contractors carrying out services on the agency's behalf.



GUIDING PRINCIPLES

This policy is based on seven principles.

1. Commitment

We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

2. Accessibility

People with a range of needs can easily complain and officers actively assist them to navigate the complaints process.

3. Transparency

We make it clear 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

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

5. Privacy

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

6. Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

7. Continuous improvement

Acting on, learning from and using complaint data helps us identify problems and improve services.

DEFINITIONS

Complaint: an expression of dissatisfaction with the quality of an action taken, decision made, or service provided by Colac Otway Shire or its contractor, or a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.

Request for Service: the initial contact made with Colac Otway Shire requesting access to a service offered by council.

Comments or feedback: the expression of one's experience with Colac Otway Shire with no expectation of any follow-up.



ROLES AND RESPONSIBILITIES OF AGENCY STAFF AND CONTRACTORS

- Frontline staff – Customer Assist and administrative staff who are often the first point of contact when a complaint is made
- Managers and General Managers – Responsible for investigating complaints and responding to complainants and participate in internal reviews when required
- Chief Executive Officer – Responsible for the organisation’s delivery of complaint handling according to policy and procedure; may be required to respond to complainants
- Third party contractors – Responsible for responding to complaints made about contracted goods and services
- Councillors – Refer complainants to the Chief Executive or relevant General Manager
- Volunteers – Refer complainants to a Frontline staff member

HOW TO MAKE A COMPLAINT

A person can make a complaint in a number of ways.

Mail: Colac Otway Shire Council
PO Box 283
Colac VIC 3250

Telephone: 03 5232 9400

Email: inq@colacotway.vic.gov.au

In person: Colac Customer Assist Centre
2 – 6 Rae Street, Colac

Apollo Bay Customer Assist Centre
69 Nelson Street, Apollo Bay

Internet: www.colacotway.vic.gov.au



ACCESSIBILITY

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint. Council has the following services in place to assist people with specific needs:

- Council can be contacted through the Translating and Interpreting Service (TIS National). TIS can be contacted on 131450 24 hours a day, each day of the year to access an immediate phone interpreter.
- Council can be contacted through the National Relay Service (NRS). TTS (Teletypewriter/National Relay Service) users can phone the NRS on 133677 then ask for 03 5232 9400.
- Internet Relay users can contact the NRS via www.relayservice.com.au and ask for 03 5232 9400.

Colac Otway Shire Council accepts and responds to anonymous complaints, provided we have received enough information to do so.

COMPLAINT HANDLING PROCEDURE

Overview

We take a four-tiered approach to complaint handling, as follows:

1. **frontline resolution:** frontline staff receive the complaint, assess it, and resolve it immediately, if possible
2. **investigation, if required:** if frontline staff cannot resolve the complaint, they will refer it to an officer for investigation
3. **internal review:** if the complainant is aggrieved with the process or outcome of the frontline resolution/investigation, they can request an internal review
4. **access to external review:** if the complainant is aggrieved with the process or outcome of the internal review, we inform them of any available external review options.

PROCEDURES

Frontline resolution

- Frontline staff determine whether the contact with the customer is a complaint or a request for service
- Frontline staff will clarify the complaint and the outcome the complainant is seeking
- Frontline staff will assess the complaint to determine how it should be dealt with
- Frontline staff will receive the complaint and register it as such in Council's Customer Request Management system
- We will acknowledge all complaints within 10 days of receipt
- If the agency is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to help



Investigation

- If frontline staff cannot resolve the complaint, it will be assigned to a Manager for investigation.
- The Manager may assign the complaint to an officer.
- The officer responsible for handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- The complaint handling officer will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the officer responsible will contact the complainant prior to or at this time and explain why.
- Complaints not resolved within 28 days may be escalated if necessary to ensure that a resolution is expedited.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter/report will contain reasons for the decision made and the contact information for the responsible officer.
- The officer handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.
- In instances where the complaint is referred to Council by a Councillor for action, the officer handling the complaint will keep the Councillor up-to-date on the resolution of the complaint.

Internal review

The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or handled correctly.

All matters for internal review will be escalated to a General Manager or Executive Manager for their review; this General Manager or Executive Manager will not have been involved in the original decision/action/investigation.

- The reviewing officer must not be involved in the original decision, action or investigation or be from the same workgroup. The allocation of the review to a General Manager or Executive Manager will be guided by the nature and complexity of the matter.
- The reviewing officer must review the history of the complaint, any previous findings, investigations or responses and information provided to the complainant.
- A written acknowledgement of the request for review will be provided to the complainant within ten business days of its receipt. This will include the contact details of the officer, how the complaint will be handled and expected resolution time frame.
- An outcome letter signed by the General Manager or Executive Manager responsible for the internal review will be provided to the complainant at the conclusion of every internal review.
- The outcome letter will advise the complainant of any avenues of external review available in relation to the matter, such as the Victorian Ombudsman.

Complaints about contractors

We recognise that we retain a level of responsibility for services carried out by contractors on our behalf.

In the first instance when a complaint is made about a contractor, the contractor will be requested to respond to the complaint directly within the timeframes specified within this policy. All outcome letters written by the contractor in relation to complaints will include the name and contact details of the Colac Otway Shire staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided. If a complainant is not satisfied with the outcome of the complaint, he or she can ask us to review the decision.



Complaints about specific matters – alternative procedures

Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with Colac Otway Shire's *Protected Disclosure Act 2012* Procedures.

REMEDIES

Where we have found that we have made an error, we will take steps to redress the situation. Possible remedies include, but are not limited to:

- An explanation of why the error occurred and the steps taken to prevent it happening again
- A reversal of a decision
- An ex gratia payment or compensation
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant.

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

PRIVACY

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with staff on a need to know basis.

RECORDING COMPLAINTS

All complaints are recorded in our Customer Relationship Management system and document management system, where appropriate.

We analyse our complaint data and provide quarterly reports to the Executive Management Team on how we can reduce complaints and improve services. Senior management is responsible for acting on the recommendations in these reports.

We record the following information for each complaint:

- the complainant's details
- how the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)



- the officer responsible for handling the complaint
- any action taken, including contact with the complainant, response times and the outcome
- when the complaint was finalised
- relevant demographic information that could help improve services
- any recommendations for improvement, and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to the Manager, Governance & Communications.

REPORTING ON PERFORMANCE

To measure our performance, we use the following indicators:

- complaints upheld, partially upheld, not upheld
- performance against timelines set by the agency i.e. average time to respond
- number of changes made to services as a result of complaints
- number of complaint outcomes overturned on internal review
- customer satisfaction with the complaint handling system
- complaints escalated to the Victorian Ombudsman's office where the agency's original decision has been overturned and/or proposals for action have been made by the Ombudsman.

We will report against our complaint handling indicators in our annual report, where we will also detail any service improvements made as a result of complaints received.

UNREASONABLE COMPLAINT CONDUCT

The Colac Otway Shire adheres to the Victorian Ombudsman's Managing Unreasonable Complainant Conduct practice manual, August 2012, which can be found at:

<https://www.ombudsman.vic.gov.au/getattachment/182414fb-472c-4efd-9835-e1521ce62d66>

REFERENCES

- Councils and complaints – A good practice guide
Victorian Ombudsman, February 2015
- Complaints: Good Practice Guide for Public Sector Agencies
Victorian Ombudsman, September 2016
- Managing Unreasonable Complainant Conduct practice manual
Victorian Ombudsman, August 2012



EXCERPTS

Excerpt from *Councils and complaints – A good practice guide*, Victorian Ombudsman, February 2015

“When a councillor receives a complaint

To ensure transparency and fairness, complaints received by councillors should be treated the same way as ones made to council officers.

An integral role of councillors is to be accessible to residents and improve communication between the community and the council. As the public face of the council, councillors often receive complaints from members of the public while undertaking their municipal role. In these cases, it may be unclear what a councillor’s role is in handling complaints.

Councils should have transparent and consistent procedures to manage complaints received by councillors. If a councillor receives a complaint about an issue that falls within the council’s normal functions, the councillor should refer the complaint to a designated senior council officer. This is generally the Chief Executive Officer or a Director. The complaint should then be handled in accordance with the council’s complaint handling policy.

The councillor who initially received the complaint may wish to write to the complainant advising that they have referred the complaint to council staff for response. They may also wish to seek information from the senior officer about the progress of the complaint, however they must not seek to direct or influence the complaint handling process. Council staff may keep councillors up-to-date on the resolution of these complaints.

Once an outcome is reached and council staff have written correspondence reflecting this, a council officer should sign the outcome letter.

This process needs to be conveyed and understood by councillors and council staff. This will ensure that all complainants are treated equally, regardless of who received the complaint.”



Excerpt from *Managing Unreasonable Complainant Conduct practice manual*, Victorian Ombudsman, August 2012

If you read nothing else, read this page

The approach and the strategies suggested in this manual are based on the clear understanding that:

- They are equally relevant and applicable to all staff within an organisation including frontline staff, supervisors and senior managers.
- All complainants are treated with fairness and respect.
- In the absence of very good reasons to the contrary, all complainants have a right to access public services.
- All complaints are considered on their merits.
- Unreasonable complainant conduct does not preclude there being a valid issue.
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour.
- Anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants as long as it is not expressed through aggression or violence.
- Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.
- The decision to change or restrict a complainant's access to services as a result of their behaviour, will only be made at a senior management level and in accordance with clearly defined policies and procedures.
- Senior managers will ensure relevant systems, policies and procedures are in place to manage complaints and UCC and that all staff who interact with complainants will receive training, guidance and direction about using the strategies suggested in this manual.

RELATED DOCUMENTS

- *Protected Disclosure Act 2012* Procedures – Colac Otway Shire

FILE MANAGEMENT

Policy owner	Governance & Communications	Division	Executive
Adopted by Council	26 June 2019	Policy Number	18.1
File Number	F18/6637	Review date	2023



APPENDIX 1 – COMPLAINT HANDLING ORGANISATIONS

KEY VICTORIAN COMPLAINT AND DISPUTE RESOLUTION BODIES

[Accident Compensation Conciliation Service](#)

Provides an independent service to resolve workers compensation disputes in Victoria.

[Commissioner for Privacy and Data Protection](#)

The key body regulating the way Victorian government agencies and local councils collect and handle personal information.

[Consumer Affairs Victoria](#)

Promotes consumer protection and ethical trading and ensures that consumer protection laws are properly enforced.

[Dispute Settlement Centre – Victorian Department of Justice and Regulation](#)

Provides an informal, impartial, accessible, low cost dispute resolution service to the Victorian community.

[Disability Services Commissioner](#)

Deals with complaints about disability services in Victoria.

[Health Services Commissioner](#)

Deals with complaints about health services providers.

[Local Government Investigations and Compliance Inspectorate](#)

Investigates complaints of alleged breaches of the *Local Government Act 1989* by councillors, senior council officers and certain other persons.

[Mental Health Complaints Commissioner](#)

Deals with complaints about public mental health services providers.

[Public Transport Ombudsman](#)

Deals with complaints about Victorian public transport that members of the community have been unable to resolve directly with the public transport operators.

[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.

[Victorian Inspectorate](#)

Key oversight body in Victoria's integrity system. It can take complaints about IBAC, Chief Examiner and Examiners, Victorian Ombudsman and Auditor General.

[Victorian Ombudsman](#)

Receives complaints about the administrative actions of Victorian government authorities and local councils.



INDUSTRY COMPLAINT AND DISPUTE RESOLUTION BODIES

[Energy and Water Ombudsman Victoria](#)

Dispute resolution service for Victorian electricity, gas and water consumers.

[Financial Ombudsman Service](#)

Dispute resolution scheme for disputes concerning financial services, including banking and finance, home, contents, travel and life insurance, insurance broking, financial planning, managed funds, mortgage and finance broking, pooled superannuation funds, estate planning and management and traditional trustee services.

[Private Health Insurance Ombudsman](#)

Assists private health fund members to resolve disputes about health insurance.

[Telecommunications Industry Ombudsman](#)

Dispute resolution service for residential and small business customers who have a complaint about their telephone or internet service in Australia.

[Tolling Customer Ombudsman](#)

Alternative dispute resolution service for customers of CityLink and EastLink.

PUBLIC SECTOR CORRUPTION AND POLICE MISCONDUCT

[Independent Broad-based Anti-corruption Commission](#)

Receives complaints and notifications about corruption and misconduct in Victorian government departments and agencies, councils, Victoria Police, the Parliament and the judiciary; assesses potential protected disclosures under the *Protected Disclosure Act 2012*.

[Professional Standards Command, Victoria Police](#)

Receives complaints about Victoria Police members.

COURTS AND TRIBUNALS

[Victorian Civil and Administrative Tribunal \(VCAT\)](#)

[Magistrates' Court of Victoria](#)

[County Court of Victoria](#)

[Supreme Court of Victoria](#)



COMMONWEALTH AND INTERSTATE OMBUDSMEN

- Commonwealth Ombudsman
- NSW Ombudsman
- Queensland Ombudsman
- Ombudsman South Australia
- Ombudsman Western Australia
- Ombudsman Tasmania
- Ombudsman NT
- ACT Ombudsman