

1.0 AUTHORITY

Local Government Act 2020 section 107.

2.0 INTENT

The purpose of this policy is to set out the Mornington Peninsula Shire's (the Shire) approach to complaint handling, outlining a centralised, consistent and transparent complaint management process that follows the principles of procedural fairness and impartiality.

The policy aims to build a positive culture around good complaint handling procedures that support the Shire's commitment to continuous improvement as well as providing the opportunity for the integration of complaint data analysis and a measurement and reporting framework.

3.0 SCOPE

This policy applies to all Shire officers and any committee or other body making decisions under the delegated authority of the Council.

This policy does not address complaints related to alleged corrupt conduct, conflict of interests, improper use of position, criminal action or maladministration. Complaints of this nature will be referred to the Internal Investigator or the Chief Executive Officer and dealt with in accordance with separate policies and procedures, including referral to external oversight bodies where appropriate.

4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020* (the Act), Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- innovation and continuous improvement is to be pursued;
- the transparency of Council decisions, actions and information is to be ensured.

5.0 POLICY STATEMENT

The Shire encourages positive and negative feedback from its customers and encourages people to contact the Shire when they have a problem with its services, actions, decisions and policies.

The Shire is committed to improving its services to the community and values the feedback from customers that supports this opportunity. The integration of a positive complaints culture across the organisation, a clear and consistent process for customers to make a complaint and a measurement and reporting framework ensures complaints are managed fairly and complaint trends are addressed.

The Shire's approach to complaint handling aligns with the principles of commitment, accessibility, transparency, objectivity and fairness, confidentiality, accountability and continuous improvement. These principles are reflected across three stages of complaint handling.

Enabling complaints – The Shire enables the making of complaints by;

Approved by: Executive

Approval date: 06/09/2023

Schedule Review Date: 06/09/2027

- fostering a commitment to complaint handling
- applying a consistent Shire-wide approach to complaint handling
- publishing information and guidance about its complaints processes
- making its complaints processes accessible and easy to understand

Responding to complaints – The Shire responds to complaints effectively, fairly and efficiently by;

- timely communication, acknowledging complaints within 5 business days
- early assessment to determine whether to keep and resolve the complaint, transfer to a relevant officer, or decline the complaint if there is a more appropriate pathway
- a four-tiered approach with each tier representing an escalation point
- evidence-based and objective decision making
- communicating decisions effectively
- admitting mistakes and acting to correct them
- advising complainants about their internal and external review options
- protecting confidentiality and privacy rights of the complainant and parties involved

Learning and improving – The Shire will seek to learn from complaints to improve its services by;

- recording complaints systematically
- analysing complaint data
- continuously improving complaints systems
- reporting on complaint data and outcomes

PROCESS

5.1 Lodgement

5.1.1 Any person can make a complaint. Complaints can be submitted:

- in writing to Private Bag 1000, Rosebud, Victoria 3939
- via email to customerservice@mornpen.vic.gov.au
- by calling Customer Service on 1300 850 600
- in person at service centres
- online via the feedback page of the Shire's website

5.1.2 The Shire is committed to ensuring its complaints process is accessible to everyone. Assistance is available to individuals with communication needs or barriers, including:

- access to an assistance service, such as an interpreter or TTY/voice calls
- talking with customers who may have trouble reading or writing
- communication with another person acting on a customer's behalf if they cannot make the complaint themselves

5.1.3 All complaints are recorded in a central system accessible to all officers.

5.1.4 The Shire will accept and respond to anonymous complaints, provided enough information is received to do so.

5.2 The Shire's complaints process

5.2.1 The Shire takes a four-tiered approach to complaint handling. Complaints about the Chief Executive Officer and Councillors are subject to separate processes referred to at 5.2.2 and 5.2.3):

- **Tier 1 - Frontline resolution:** frontline officers or the officer dealing with the complaint will attempt to resolve the complaint at the time first contact is made.
- **Tier 2 - Investigation:** where a complaint is not able to be resolved by frontline officers, or the complainant is not satisfied with the resolution, the complaint will be referred to the relevant Manager (and copied to the Director) who will:
 - acknowledge the complaint within 5 business days
 - investigate the matters being complained about
 - provide a written outcome within 30 calendar days.
- **Tier 3 - Internal review:** if the complainant is not satisfied with the outcome provided by the Manager, the complainant may request an internal review. Internal reviews are undertaken by the Manager - Legal and Governance or the Team Leader – Governance Services who hold the positions of Internal Investigators. Internal reviews serve to provide an objective and impartial investigation of the matter being complained about and how it was handled by the Manager. The Internal Investigator will:
 - acknowledge the complaint within 5 business days
 - review previous decisions and outcomes provided and if necessary, further investigate the matters being complained about
 - provide a written outcome within 30 calendar days
 - provide advice of external review options.
- **Tier 4 - Access to external review:** if the complainant is dissatisfied with the outcome of the internal review, the complainant may escalate the matter further by referring it externally. The Shire will provide advice as to the appropriate external oversight body.

5.2.2 Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer will be addressed by the Internal Investigator and the Mayor and will be referred to external oversight bodies where appropriate.

5.2.3 Complaints about Councillors

Complaints about Councillors will be referred to the Internal Investigator and addressed in accordance with the Councillor Code of Conduct and will be referred to external oversight bodies where appropriate.

5.2.4 Complaints under the Reportable Conduct Scheme

The Victorian Reportable Conduct Scheme seeks to improve an organisation's response to allegations of child abuse and neglect by their workers and volunteers. To make a complaint or report under the scheme visit [Child Safety Commitment - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au/child-safety-commitment)

5.3 Review and Investigation of Complaints

The review and investigation of complaints will be independent of the person who took the action, made the decision or provided the service.

The Manager or Internal Investigator will assess the action, decision or service for fairness and compliance with relevant legislation, procedures, service standards and this policy.

Management Policy

Complaints Handling Policy

Objective Reference: A12572968

Where an error is found, steps will be taken to address the situation. This may include the provision of one or more of the following:

- 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 an officer
- providing the means of redress requested by the complainant.

Where the Shire finds the complaint is not substantiated, the complainant will be provided with advice about external review options.

5.4 Declining a complaint

The Shire may determine not to investigate a complaint that:

- is considered frivolous, vexatious or not made in good faith
- involves a matter where a separate statutory review or appeal process exists e.g. parking infringements and planning appeals
- relates to conduct before a court, coroner or tribunal
- relates to matters under investigation by external oversight bodies such as the Local Government Inspectorate, the Victorian Ombudsman, or Victoria Police
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue or internal employee grievances
- relates to a matter awaiting determination by the Council
- relates to the actions or conduct of a private individual; unless it has an impact on the Shire
- there is insufficient information available
- the complainant declines or refuses to provide further information
- contains threats made against Councillors or Council officers.

Where it is determined a complaint will not be investigated, the complainant will be advised accordingly in writing.

5.5 Reporting Complaint Data

Complaint data provides valuable feedback about how the Shire is performing.

Regular analysis of complaint data is undertaken to identify trends and potential issues that deserve further attention. This information is used to identify systemic issues and to come up with solutions about how the Shire can improve services. Complaint data and analysis is reported to the Executive Team on a regular basis.

The Shire is open and transparent about complaints it receives, and what has been done to resolve them. As such, complaint data is included in the Annual Report.

5.6 Unreasonable Complainant Conduct

The Shire has obligations to protect the health and safety of its employees and to ensure its resources are distributed fairly and equitably. Where a complainant's conduct unreasonably impacts on the ability to meet those obligations, the Shire may take steps to prevent exposure to the conduct, including by limiting;

- who they can contact:
 - Where a complainant demonstrates unreasonable persistence or demands, it may be

appropriate to restrict their access to a single officer (a sole contact point).

- This officer will exclusively case manage their complaint(s) and interactions with the Shire to ensure consistency and will minimise the chances for misunderstandings, contradictions and conflict.
- what they can raise with the Shire:
 - Where a complainant continues to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed, restrictions may be applied to the issues/subject matter the Shire will provide response to.
- when where and how they can contact the Shire:
 - A complainant's telephone, written or face-to-face contact with the Shire may place an unreasonable demand on time or resources which can affect the health, safety and security of staff. It may also be behaviour that is persistently rude, threatening, abusive or aggressive. In this case, limits will be placed on when, where and/or how the complainant can interact with the Shire.

Limitations will only be implemented with the approval of the Internal Investigation Officer.

The Shire will provide written notification to complainants whose access is limited.

The Shire will record in a confidential register the name and address of complainants whose access is limited.

Limitations will be proportionate to the risk proposed by the conduct and will be reviewed annually.

Limitations will not prevent complainant's access to the Shire's services.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- *Local Government Act 2020*
- *Public Interest Disclosure Act 2012*
- Procedures for Making and Handling Public Interest Disclosures
- *Privacy and Data Protection Act 2014*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- Conflict of Interest Policy
- Councillor Code of Conduct
- Employee Code of Conduct
- Customer Service Charter
- Councils and Complaints – A good practice guide 2nd edition July 2021 – Victorian Ombudsman
- Child Safety and Wellbeing Policy
- *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

8.0 DEFINITIONS

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| Complaint | <p>Under the Act, for the purposes of the Complaints Handling Policy, complaint includes the communication, whether orally or in writing, to the Shire by a person of their dissatisfaction with –</p> <ul style="list-style-type: none">(a) The quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or(b) The delay by a member of Council staff or a contractor engaged by the Council; or(c) A policy or decision made by a Council or a member of Council staff or a contractor |
| External oversight body: | <p>External oversight bodies accept complaints about the Shire:</p> <p>The Victorian Ombudsman – for complaints about administration actions of councils.</p> <p>Independent broad-based anti-corruption commission (IBAC) – for complaints about corruption in the Victorian public sector.</p> <p>Local Government Inspectorate – for complaints about council operations and breaches of the <i>Local Government Act 2020</i>.</p> |
| Frontline Officer | <p>Any Council officer or anyone representing or contracted by the Shire who has direct contact with customers. This is not limited to the function of Customer Services</p> |
| Reportable Conduct Scheme | <p>The Reportable Conduct Scheme is designed to ensure that the Commission for Child and Young People will be aware of allegations of misconduct involving children in organisations. A reportable conduct allegation is made where a child, young person or adult makes an allegation, based on a reasonable belief, that a staff member has been involved in the abuse of a child or young person (up to 18 years).</p> |
| Unreasonable complainant conduct: | <p>Unreasonable complainant conduct is behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for complaint handlers. It can include:</p> <ul style="list-style-type: none">• persistent, unrelenting and incessant attempts to raise issues that have been comprehensively dealt with• making demands for unattainable or constantly changing outcomes |

Management Policy

Complaints Handling Policy

Objective Reference: A12572968

- a continual unwillingness to cooperate
- constant and repeated arguments that are not based on reason
- acts of aggression, threats, verbal abuse, derogatory, racist or defamatory remarks

9.0 POLICY SPONSOR

The Manager - Customer and Transformation is responsible for overseeing the application and review of the Complaints Handling Policy.

10.0 DOCUMENT CONTROLS

This policy will be reviewed within four years or earlier as required.

10.1 Document Version Table

| Document Version Control | | | | |
|--------------------------|---------|---|------------------|--------------------------------|
| Version | Section | Revision Description | Date Revised | Approved by |
| 2.1 | | The policy has been updated to: 1. Incorporate information regarding the Victorian Reportable Conduct Scheme. 2. The sponsorship has been transferred to the Customer and Transformation Manager, and 3. a new requirement has been introduced, necessitating approval from both the Manager and the Internal Investigation officer. | 6 September 2023 | The Executive Team |
| 2.2 | | The policy has been updated to: 1. Include the position of Team Leader - Governance Services to the role of Internal Investigator | 8 December 2023 | Manager – Legal and Governance |

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by endorsement of the Executive.