

1. PURPOSE

To provide an open and transparent complaint handling system for Horsham Rural City Council by:

- Establishing timeframes for resolving complaints
- Clarifying roles and responsibilities of Council staff
- Ensuring that staff handle complaints fairly and objectively
- Setting out how staff record and analyse complaint data to identify where we can improve our services.

2. INTRODUCTION

Members of the public have the right to complain about Council services. A complaint may arise when:

- A programmed or requested service that should be provided has not been provided to the predetermined standard
- There has been a delay in responding to a service request
- A Council Officer has behaved in an inappropriate way.

Horsham Rural City Council is committed to managing complaints in a transparent, fair and consistent way and feedback is encouraged. It helps improve Council services and the way business is conducted.

This policy aims to ensure that customers can raise their complaints easily and with confidence that Council will listen and respond to their concerns, and handle their complaint in a fair and equitable way. If Council is not the right organisation to respond to the complaint, the complainant will be referred to an organisation that can help.

Requests for service, information, suggestions and enquiries are not complaints and will not be handled through the complaints resolution process.

3. SCOPE

This policy applies to all Council staff and contractors carrying out services on Council's behalf. This policy also forms the basis of expectations for student placements and volunteers in respect of the conduct expected by Council.

4. PRINCIPLES

4.1 Guiding principles

Horsham Rural City Council has adopted the following Guiding Principles for effective complaint handling as outlined in the Victorian Ombudsman's Complaints – Good Practice Guide for Public Sector Agencies (2016).

Commitment: Council is committed to resolving complaints and has a culture that recognises an individual's right to complain. Council values complaints and recognises them as being part of its business of serving the community and improving service delivery.

Accessibility: People with a range of needs can easily complain and staff are available to assist them to navigate the complaints process.

Transparency: Council makes 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.

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

Privacy: Complaint information is handled according to privacy laws and other relevant legislation. Council provides clear information about how personal information is handled. Complaint data is de-identified if reported on more widely.

Accountability: Council is accountable internally and externally for its decision making and complaint handling performance. Council provides explanations and reasons for decisions and ensures that its decisions are subject to appropriate review processes.

Continuous improvement: Acting on, learning from and using complaint data helps Council identify problems and improve services.

4.2 How to make a complaint

Complaints to Council can be made by:

- Lodging a service request through Council's customer service request system on the website or through the Horsham Rural City Council App, stating that you wish to make a complaint
- Completing the Complaints Form available on the website or from Customer Service
- Contacting Council by telephone on (03) 5382 9777
- Writing to Council, email council@hrcc.vic.gov.au or post PO Box 511, Horsham Vic 3402.

Complaints should include:

- Date, time and location/event
- Nature and description of the complaint
- Statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution
- Any additional supporting information, for example, photos or earlier correspondence.

If compensation is requested, the complainant is required to complete and submit the Request for Compensation form available on Council's website.

People with specific needs can contact Council to make a complaint through the National Relay Service:

- TTY users can phone 133 677 then give the relay officer our number (03) 5382 9777
- Speak and Listen (speech-to-speech) users can phone 1300 555 727 and then give the relay officer our number (03) 5382 9777
- SMS Relay users can send a text message to 0423 677 767 containing our number (03) 5382 9777

An interpreting service can also be provided if required.

4.3 Responsibility of complainants

To ensure that Council provides a high standard of service to complainants, it is their responsibility to:

- Clearly identify the issues of the complaint, (Council Officers will assist with this task if/as required)
- Provide all the information available about the complaint in an organised format at the time of making the complaint
- Co-operate with any enquiries or investigations
- Treat Council staff with courtesy and respect.

4.4 Anonymous complaints

Council may not be able to progress anonymous complaints where insufficient information is provided. When a complainant is unwilling to disclose their details, it can reduce Council's ability to clarify the nature of the complaint in order to investigate the matter thoroughly. If it is determined, after reasonable investigation, that insufficient information has been provided, no further action will be taken. This decision will be made at the discretion of the relevant Director.

4.5 Unreasonable complainant conduct

While most complainants act reasonably, responsibly and respectfully in their interactions with Council, occasionally they may act in a way that is inappropriate and unacceptable, despite every effort by Council staff to assist with their complaint. Sometimes it may be necessary to change or restrict a complainant's rights or access to services as a result of their behaviour.

4.6 Privacy and confidentiality

When gathering information to respond to a complaint, Council 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
- Discuss it with staff on a need-to-know basis
- Disclose it if required to do so under law.

Complainants have the right to expect that their complaint will be handled in a confidential way. The identity of the complainant will only be shared with Council staff on a need-to-know basis and their identity will not be revealed or made public by Council, except where required by law. The Information Privacy policy which sets out details of how Council meets the Information Privacy Principles in the *Privacy and Data Protection Act 2014*, is available on our website.

All complaints lodged with Council are subject to the *Freedom of Information Act 1982*. Complaints about individuals will be handled confidentially in accordance with Council's Human Resource policies.

4.7 Service requests

A service request is a request for the provision of a service that is not provided on a programmed basis or a request for the provision of a program service in excess of the predetermined standard. Service requests are not handled through the complaints resolution process. Service requests should be made by entering the details on Council's customer service request system. They can also be received by letter, telephone, email or in person by a Council Officer.

4.8 Complaints concerning statutory matters

Some Council activities are governed by State or Federal legislation, for example, parking fines, planning and building and land valuation. In such circumstances, Council is unable to alter its decision-making processes and is guided by the requirements of the legislation in making the final decision.

Land valuations: All objections to land valuations will follow the process as set by the relevant government authorities and will not be handled through the complaints resolution process.

Local laws: Council has adopted local laws which provide for law, order and safety within the community. Local laws have specific provisions relating to an appeal process and should be dealt with according to those guidelines or relevant legislation. When provisions within the local law or other legislation that Council is responsible for implementing is breached, Council Officers commence procedures which may include legal action and the issue of infringement notices.

Where a member of the community wishes to have a decision to commence legal action reviewed, or the issue of an infringement notice reconsidered, this must be received in writing and will not be handled through the complaints resolution process. The matter will be handled by the responsible officers, including any appeals for parking fines and reviewed by the relevant Director (or delegate), who will make the final decision on the matter and ensure all details are recorded on Council's record management system.

4.9 Human rights considerations

Council has an obligation to act in accordance with the *Charter of Human Rights Act 2006* and to consider relevant human rights when making decisions and resolving complaints.

We will:

- Acknowledge and deal with complaints in a timely way
- Provide transparent information about how complaints are handled
- Protect the privacy of information as far as possible
- Treat everyone involved in a way that is objective, respectful and fair
- Consider and respect human rights
- Promote accountability for decisions.

4.10 Remedies

In response to complaints, Council will take steps to redress the situation. Possible remedies may 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
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant.

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

Should a complaint not be resolved to the complainant's satisfaction, then it will be internally reviewed by the Chief Executive Officer. If the complaint is still unresolved, then the complainant has the right to take the matter to the Victorian Ombudsman.

5. COMMUNICATION

This policy will be publicly available on Council's website.

6. RESPONSIBILITY

Policy Owner: Director Corporate Service

7. DEFINITIONS

Definition	Meaning
Complaint	<ul style="list-style-type: none"> • A programmed service that has not been provided to the predetermined standard (timeline, quality and quantity); or • A requested service that should be provided but has not been provided to the predetermined standard (timeline, quality and quantity); or • A delay in responding to a service request; or • Conduct unbecoming of an Officer of Council.
Programmed service	<ul style="list-style-type: none"> • A service that is delivered by Council on a regular or scheduled basis
Service request	<ul style="list-style-type: none"> • A request for the provision of a service that is not provided on a programmed basis; or • A request for the provision of a programmed service in excess of predetermined standard (timeline, quality and quantity)

8. SUPPORTING DOCUMENTS

Document	Location
Complaint Resolution – Procedure No P04/240	intranet, customer service
HRCC Customer Commitment Charter	Website, intranet, customer service
HRCC Customer Service Standards – Procedure No P04/040	Website, intranet, customer service
Complaints – Good Practice Guide for Public Sector Agencies, September 2016 – Victorian Ombudsman	www.ombudsman.vic.gov.au
<i>Charter of Human Rights and Responsibilities Act 2006</i>	
<i>Freedom of Information Act 1982</i>	
<i>Independent Broad-Based Anti-Corruption Commission Act 2011</i>	
<i>Privacy and Data Protection Act 2014</i>	
<i>Protected Disclosure Act 2012</i>	

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	6 October 2014	Council	<ul style="list-style-type: none"> • New Framework 	October 2018
02	23 September 2019	Council	<ul style="list-style-type: none"> • Rewritten to align with Victorian Ombudsman’s Complaints – Good Practice Guide for Public Sector Agencies (2016) 	