

1. PURPOSE

To provide a clear process for managing complaints about Council staff, Council contractors and decisions made at Council meetings, and to ensure that all complaints to Council are managed in an open, transparent, fair and timely way.

2. INTRODUCTION

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions and policies.

We are committed to:

- Enabling members of the public to make complaints about Council
- Responding to complaints by taking action to resolve them as quickly as possible
- Learning from complaints to improve our services.

What is a complaint?

A complaint includes communication (verbal and written) to Council which expresses dissatisfaction about:

- The quality of an action, decision or service provided by Council staff or a Council contractor
- A delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- A policy or decision made by Council, Council staff or a Council contractor.

What is a service request?

If a member of the public requests something additional or new it is a service request, not a complaint.

This procedure should be read in conjunction with the Complaint Resolution Policy.

3. SCOPE

This procedure applies to all complaints from members of the public about Council staff, Council contractors, Council volunteers and decisions made at Council meetings. It does not apply to complaints about individual Councillors.

4. ACTIONS

4.1 How we handle complaints

Council uses a four-tiered approach to handling complaints. Details are provided in the table on the following page.

Appendix 1 is a flowchart that shows how the four-tiered approach to complaint handling can work in practice.

<p>STEP 1 Frontline Resolution Frontline staff receive the complaint, assess it and resolve it immediately if possible</p>	<ul style="list-style-type: none"> • Frontline staff will acknowledge all complaints within five business days of receipt. • Frontline staff will receive the complaint and enter the details on Council’s customer request system. • Frontline staff will clarify the complaint and the outcome the person making the complaint is seeking. • Frontline staff will assess the complaint to determine how we will handle it, who will handle it and if we can address it immediately. • The following assessment criteria may be used to assist in determining the type of complaint and the best process to resolve the matter: <ul style="list-style-type: none"> - Is the matter a complaint? (see 2.1 for definition) - What is the urgency of the matter? - Is the complainant personally affected by the complaint? - What type of complaint is being made? • Requests for service, information, suggestions and enquiries are not complaints and will not be handled through the complaints resolution process. • The responsible officer to investigate the complaint as outlined in Step 2 should be the relevant Departmental Manager. • Frontline staff will advise the complainant who the contact person is.
<p>STEP 2 Investigation, if required If frontline staff cannot resolve the complaint immediately, they will refer it to the relevant Departmental Manager for investigation</p>	<ul style="list-style-type: none"> • The Departmental Manager handling the complaint will aim to complete the investigation within 30 calendar days. • If it takes longer than 30 calendar days to complete the investigation, the Departmental Manager will contact the person making the complaint prior to or at this time and explain the reasons why. • Complaints that are not resolved within 30 calendar days will be escalated to ensure that a resolution is expedited. • The Departmental Manager will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer. The Departmental Manager may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter. • The Departmental Manager is required to provide progress updates in Council’s customer request system.
<p>STEP 3 Internal Review If the complainant is unhappy with the process or outcome of the frontline resolution/ investigation, they can request an internal review by the relevant Director</p>	<ul style="list-style-type: none"> • If the complainant is not satisfied with our decision and how we responded to their complaint, they can request an internal review. • The relevant Director will be responsible for an internal review. If the Director has had any prior involvement with the complaint including the original decision/action/investigation, the Chief Executive Officer or another Director will be responsible for the internal review. • The internal review may include mediation. • The internal review process will be completed within 30 calendar days. • An outcome letter signed by the Director (or Chief Executive Officer) responsible for the internal review will be provided to the complainant at the conclusion of the review. • The outcome letter will advise the complainant of any avenues of external review available in relation to the matter as outlined in the Council Resolution Policy. • The outcome letter and any other associated paperwork must be recorded in Council’s customer request system.
<p>STEP 4 Access to External Review</p>	<p>Council’s aim is to resolve 100% of issues raised. If the complainant is unhappy with the process or outcome of the internal review, Council will inform them of any available external review options. These options are outlined in the Council Resolution Policy. In the majority of cases, the complainant will be advised to refer their complaint to the Victorian Ombudsman for an independent review of their concerns to be undertaken.</p> <p>w: www.ombudsman.vic.gov.au; p: (03) 9613 6222 e: ombudvic@ombudsman.vic.gov.au</p>

4.2 Recording complaints

All complaints will be recorded on Council's service request system, except where the complaint is in relation to an individual. These complaints will be handled confidentially in accordance with Council's Human Resource policies.

The following information should be recorded 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.

4.3 Reporting on performance

We will be open and transparent about the complaints we have received and what we have done to resolve them. We will produce reports through Council's service request system and analyse statistics to identify issues, trends and potential strategies to improve Council processes. We will report on this data monthly to the Executive Management Team, quarterly to Council and annually to the Audit and Risk Committee. We will also publish our complaint data in our Annual Report.

4.4 Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with Council's Public Interest Disclosures procedure and the Independent Broad-based Anti-corruption Commission (IBAC) complaints process. The Chief Executive Officer has legislated obligations in relation to mandatory reporting of suspected corruption that operate outside of this policy.

4.5 Risk management issues

Complaints received on matters that have resulted in injury or damage, or pose such a threat, will be recorded in Council's customer request system and referred to Council's risk management process. These complaints will not be handled through the complaints resolution process.

4.6 Unreasonable complainant conduct

Staff are required to abide by the Staff Code of Conduct, Customer Commitment Charter, Mutual Respect Charter and Customer Service Standards Procedure when dealing with complaints. Staff are required to be respectful and responsive in all of their communications with members of the public. We expect the same of members of the public when they communicate with our staff.

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council, staff, other service users and complainants or the complainant themselves.

Early intervention is the most effective way to prevent and/or minimise the impacts of unreasonable complainant conduct. The complainant's history, writing style, interaction with Council, outcomes sought and reaction to news of their complaint outcome are some of the early warning signs.

The decision to change or restrict a complainant's rights or access to services as a result of their behaviour will only be made by the Chief Executive Officer and applied in accordance with clearly defined arrangements. Unreasonable complainant conduct is not accepted by Council, however, it does not preclude there being a valid issue.

There are five unreasonable complainant conduct categories: unreasonable persistence, unreasonable demands, unreasonable lack of co-operation, unreasonable arguments and unreasonable behaviours. Conduct can be across one or more of these categories.

Appendix 3 provides descriptions and strategies to manage each of the five unreasonable complainant conduct categories.

4.7 Human rights considerations

Council has an obligation to act compatibly 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.

Appendix 2 provides further information on human rights considerations and the actions that should be taken.

4.8 Complaints about statutory matters

Some Council activities such as local laws including parking fines, planning and building, and land valuations are guided by State or Federation legislation and we cannot change the decision-making processes for these matters.

Local laws: Council has adopted local laws which provide for law, order and safety in the community. Local laws have specific provisions relating to an appeal process and should be managed according to those provisions. When these laws are breached, staff will commence procedures which may include infringement notices, fines and possibly legal action. All requests for review must be received in writing and will not be handled through the complaints resolution process.

Planning and Building: These services are guided by State legislation including the *Planning and Environment Act 1987* and *Building Act 1993* and must comply with requirements of this this legislation. Staff have specific delegations and responsibilities, and decisions regarding technical matters and legislated timeframes must be managed in accordance with these Acts.

Land valuations: Objections to land valuations should not be handled through the complaints resolution process. They must follow the process as set by the relevant government authorities.

4.8 Complaints received by Councillors

If the Mayor or a Councillor receive a complaint about a service, staff member or contractor, they should refer the complaint to the Chief Executive Officer. Council will then respond to the complaint in accordance with this policy.

4.9 Complaints about individuals

Councillors: Complaints about Councillors should be reported to the Chief Executive Officer. They will be managed with reference to the Councillor Code of Conduct.

Council Officers: Complaints about the professional behaviour of staff will be dealt with through Council's human resource policies. Council recognises the need for these complaints to be handled sensitively and confidentially. The relevant Director will be involved if the complaint cannot be resolved.

Chief Executive Officer: Complaints about the Chief Executive Officer will be handled in accordance with the *Local Government Act 2020*, *Public Interest Disclosures Act 2012* and Council's Public Interest Disclosures Procedure.

Volunteers: Complaints about volunteers will be managed through the relevant volunteer co-ordinator.

Contractors: Council recognises that it has a level of responsibility for services carried out by contractors on its behalf. When Council receives a complaint about a contractor, the relevant Department Manager will monitor the way the contractor deals with the complaint and have clear oversight of their complaint handling process. The contractor will liaise with the Department Manager about the response to be provided to the complainant. If the complainant is not satisfied with the outcome, they can ask Council to review the decision.

The outcome letter written by the contractor in relation to the complaint will include the name and contact details of the relevant Department Manager to whom the complainant may escalate their complaint, if they are not satisfied with the outcome the contractor has provided.

The contractor must provide the relevant Department Manager with all information in relation to the complaint so that it can be entered onto Council's customer request system and registered on the record management system.

4.10 Repeated complaints

When a repeated complaint is received regarding a matter that has not been actioned, or where the complainant is dissatisfied with the response, it will be immediately escalated to Step 3 outlined in Council's four-tiered approach to handling complaints (refer to 4.1).

4.11 Responsibilities

All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process as follows:

Chief Executive Officer

- Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints
- Supporting service improvements that arise from complaints
- Reviewing and publishing complaint data.

Directors and Managers

- Recruiting, training and empowering staff to resolve complaints promptly and in accordance with Council's policies and procedures
- Managing conflicts of interest in the complaint process
- Reporting on and identifying improvements from complaint data
- Supporting staff who deal with complaints.

All Council staff

- Familiarising themselves with Council's Complaint Resolution Policy and Procedure
- Referring complaints to Council staff to be dealt with in accordance with our processes.

Councillors

- Familiarising themselves with Council's Complaint Resolution Policy and Procedure
- Referring complaints to the Chief Executive Officer to be dealt with in accordance with our processes.

Contractors

- Familiarising themselves with this Council's Complaint Resolution Policy and Procedure
- Co-operating with Council's complaint handling processes.

5. COMMUNICATION

This procedure will be available on Council's website and intranet and will be promoted at staff meetings. An overview of Council's complaint resolution process will also be provided as part of the induction process for all new staff.

6. RESPONSIBILITY

Responsible Owner: Co-ordinator Governance

7. DEFINITIONS

Term	Meaning
Complainant	A person or entity that makes a complaint and is affected by the action or inaction of Council
Complaint	A complaint includes communication (verbal and written) to Council which expresses dissatisfaction about: <ul style="list-style-type: none"> The quality of an action, decision or service provided by Council staff or a Council contractor A delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service A policy or decision made by Council, Council staff or a Council contractor.
Corruption	Misuse of public power or position
Frontline staff	All staff and their teams who have the authority in their role to manage simple complaints – this is typically staff who have direct contact with customers but it could be any staff who initially receive a complaint, regardless of their position or role within Council
Service Request	A service request is something additional or new requested by a member of the public
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 Council, that impacts on employees, other service users and/or the complainant themselves

8. SUPPORTING DOCUMENTS

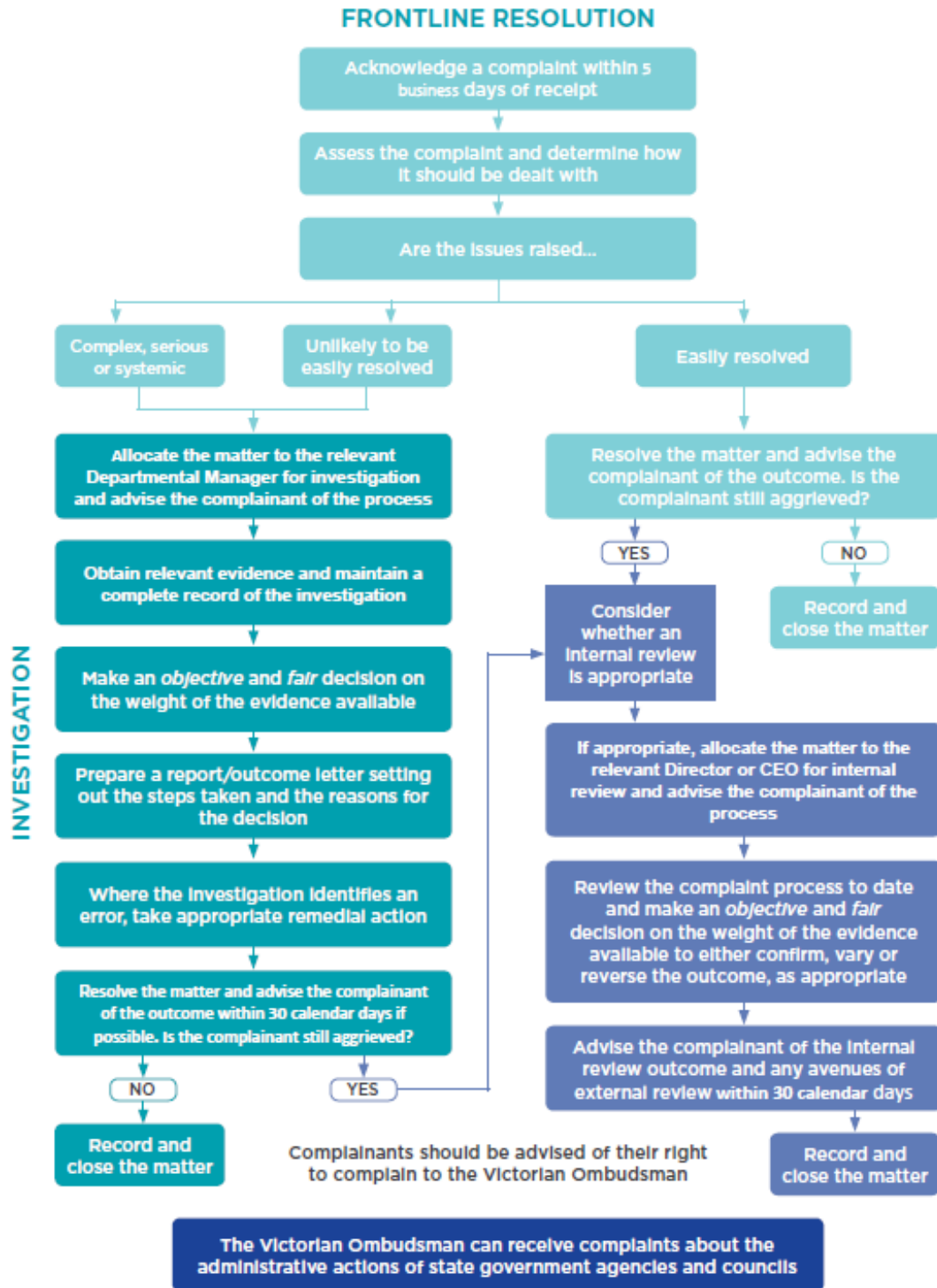
Document	Location
Complaint Resolution Policy – Policy No C04/035	HRCC website, intranet
Complaint Form – Form No F04/102	HRCC website, intranet, customer service
Councils and complaints – A good practice guide, 2 nd edition, July 2021– Victorian Ombudsman	www.ombudsman.vic.gov.au/complaints
Customer Commitment Charter	HRCC website, intranet, customer service
Customer Service Standards Procedure – Procedure No P04/040	Intranet
Disputes Resolution Policy – Policy No A04/077	HRCC website, intranet
Disputes Resolution Procedure – Procedure No P04/078	HRCC website, intranet
Good Practice Guide to Dealing with Challenging Behaviour, May 2018 – Victorian Ombudsman	www.ombudsman.vic.gov.au/complaints
Information Privacy – Policy No A04/039	HRCC website, intranet
Inwards Correspondence Procedure – Procedure No P04/022	Intranet
Public Interest Disclosures – Procedure No P04/010	HRCC website, intranet
Managing Unreasonable Complainant Conduct Practice Manual, August 2012 – Victorian Ombudsman	www.ombudsman.vic.gov.au/complaints
Mutual Respect Charter	HRCC website, intranet
Request for Compensation Form - Form No F04/069	HRCC website, intranet
Staff Code of Conduct	Intranet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	1 October 2019	EMT	<ul style="list-style-type: none"> New procedure 	1 October 2022
02	25 November 2021	EMT	<ul style="list-style-type: none"> Updated to align with revised Complaints Resolution Policy 	25 November 2024

Complaint Resolution Flowchart

This flowchart shows how the four-tiered approach to complaint handling can work in practice.



NOTE: All details of the complaint and action taken to resolve it must be entered onto Council's customer request system

Complaint Resolution – Human Rights Considerations

Questions to consider when receiving a complaint	Assessment to make	Action
1. Has the person mentioned human rights directly?	Yes No	<ul style="list-style-type: none"> If yes, record and proceed to question 2 If no, proceed to question 3
2. If yes, which human rights do they mention?	For example, privacy rights	<ul style="list-style-type: none"> Record specific rights and action and proceed to question 4
3. If no human rights are mentioned by the person with the complaint, do you think the decision or action complained about might still engage a human right?	If yes, which human right(s) is engaged? eg, privacy and property rights	<ul style="list-style-type: none"> Record specific rights and proceed to question 4
4. Has the right(s) been limited?	Yes No	<ul style="list-style-type: none"> If yes, record the nature of the limitation and proceed to question 5 If no, record reasoning as to why the right(s) is not limited Proceed with handling the complaint in accordance with the Complaint Resolution procedure
5. Is the limitation on the right(s) reasonable and necessary?	Yes No	<ul style="list-style-type: none"> If yes, record reasoning as to why the limitation on the right(s) is reasonable and necessary Proceed with handling the complaint in accordance with the Complaint Resolution procedure If no, record reasoning as to why the limitation on the right(s) is not reasonable and necessary and proceed to question 6 Inform the person of their right to contact the Victorian Ombudsman
6. If human rights are engaged by the administrative action, the rights are limited and the limitation is not reasonable and necessary, then you must determine the seriousness of the human rights issue and any action to be taken. On the basis of the assessment, how serious is the human rights issue and what action should you take?	Obtain sufficient information to make assessment and discuss with Manager whether further investigation is required. Consider taking action such as resolving the complaint internally, eg, an apology or escalate to a Director; or advising the person to contact the Victorian Ombudsman, Victorian Equal Opportunity and Human Rights Commission	<ul style="list-style-type: none"> Record your assessment of the seriousness of human rights issue and action taken, for example, an apology or referral to other agency or body. If you have not already done so, inform the person of their right to contact the Victorian Ombudsman
7. Has the person been made aware of their right to complain to the Victorian Ombudsman?	Consider whether the person has (at any stage) been made aware of their right to complain to the Victorian Ombudsman	<ul style="list-style-type: none"> Inform the person of their right to make a complaint to the Victorian Ombudsman

Complaint Resolution – Unreasonable Complainant Conduct

There are five Unreasonable Complainant Conduct categories. This table provides details of each of these categories and how to manage them.

Unreasonable Complainant Conduct Category	What it means	How to manage it
<p>1. Unreasonable persistence</p>	<p>Continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources</p>	<p>Say “no”, you don’t necessarily need to use the word but follow the same principle</p>
<p>2. Unreasonable demands</p>	<p>Any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources</p>	<p>Set limits, eg, limit how often a complainant can telephone the organisation, who they can call, for how long, etc</p>
<p>3. Unreasonable lack of co-operation</p>	<p>An unwillingness and/or inability by a complainant to co-operate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources</p>	<p>Set conditions, eg, require the complainant to define their issues of complaint or organise information they have submitted with their complaint</p>
<p>4. Unreasonable arguments</p>	<p>Arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services time and/or resources</p>	<p>Decline and discontinue, eg, refuse to deal with complaints that are not supported by any evidence</p>
<p>5. Unreasonable behaviours</p>	<p>Conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated that a complainant is, because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves</p>	<p>Set limits and conditions about acceptable and unacceptable behaviour and if necessary apply risk management strategies and/or security policies and procedures</p>