

<h2>COMPLAINTS POLICY</h2>	Date Adopted:	8 December 2021
	Adopted By:	Council
	Review Due:	December 2025
	Responsible Officer:	Manager Organisational Development
	Directorate:	Community and Corporate Services
	RM8 No:	D/21/46569

## PURPOSE

This policy has been developed to provide consistency when Council assesses and responds to complaints lodged by members of the public in relation to Southern Grampians Shire Council's decisions and undertakings.

Council recognises the importance of complaints management as part of quality customer service and core business of serving the community and improving service delivery.

Members of the public have various avenues to raise issues with Council and will be actively supported during the complaint process.

Whilst most problems can be resolved through initial communication with Council officers, there may be instances where members of the public wish to make a formal complaint. Formal complaints lodged with Council will be assessed in accordance with this policy.

## WHAT IS A COMPLAINT?

For the purpose of this policy, according to section 107 of the *Local Government Act 2020*, a complaint includes the communication, whether orally or in writing, to Council by a person of their dissatisfaction with:

- (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 in taking an action, making a decision or providing a service; or
- (c) A policy or decision made by a Council or a member of Council staff or a contractor.

In simple terms, a complaint to Council is any communication which involves the following:

- an expression of dissatisfaction about an action, decision, policy or service that relates to Council staff, including the CEO, a Council contractor, or the Council as a decision-making body (not individual Councillors, who are subject to different processes).

A response to a complaint may:

- Lead to a resolution of the complaint
- Result in an alternative solution that partly resolves the complaint; and / or

- Provide an explanation about why the complaint cannot be resolved.

Complaints should not be trivial in nature and should contain enough information to ensure the complaint can be investigated in full and in timely fashion. The complaint must relate to matters that Council has a jurisdiction to resolve.

If initial communication with Council does not resolve the problem, a formal approach may be considered.

## DEFINITIONS

<b>Council</b>	means Southern Grampians Shire Council
<b>Staff</b>	means employees, contractors, volunteers and students
<b>Complaint</b>	includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with – <ul style="list-style-type: none"> <li>(a) The quality of an action taken, decision made, or service provided by a member of Councillor staff or a contractor engaged by the Council; or</li> <li>(b) The delay by a member of Council staff or contractor engaged by the Council in taking action, making a decision or providing a service; or</li> <li>(c) A policy or decision made by a Council or a member of Council staff or a contractor.</li> </ul>
<b>Complainant</b>	A person, organisation or their representative making a complaint
<b>Request for Service</b>	is when a customer asks the Council to provide a service, or asks for an action to be taken to address a problem

## APPLICATION AND SCOPE

This policy applies to complaints received from members of the public and applies to all Council staff, Council contractors and volunteers. This policy does not apply to complaints about individual Councillors.

## WHAT IS NOT CONSIDERED A COMPLAINT?

Some matters are not deemed as a complaint and therefore are not covered by this policy, they include:

- Contact with Council to seek assistance, access to a new service, or advice about a matter for which Council has responsibility;
- Reports of a hazard e.g. fallen tree;
- Reports concerning neighbours that are dealt with under legislation, local laws or other regulations administered or enforced by Council to be enacted e.g. dog barking, noise issues;
- A request for information or an explanation of a policy or procedure;
- Decision made under legislation which provides for separate avenues of appeal e.g. *Building Act 1993* decisions and Local Law prosecutions;
- An alleged breach under the Councillor Code of Conduct;
- Decisions relating to Council insurances and compensation have their own appeal process;

- Comments on social media which have not been directed to Council in accordance with this policy.

## GENERAL PROVISIONS

### COMPLAINT HANDLING PRINCIPLES

This policy is based on seven principles for effective complaints handling, as outlined in the Victorian Ombudsman's – Good Practice Guide to Handling Complaints.

#### Commitment

Council is committed to resolving complaints that are received in a timely manner. Council recognises people's right to complain and considers complaint handling to be part of the core business of serving the community and improving service delivery.

#### Accessibility

People can easily find out how to make a complaint and be supported through the complaint process.

#### Transparency

The complaint handling system clearly sets out 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

Under the complaint handling system, complainants and staff are treated with respect and courtesy. Complaints are judged on merit and fact.

#### Confidentiality

The complaint handling system protects the personal information of people making a complaint, and Council staff will be informed on a 'need to know' basis.

#### Accountability

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

#### Continuous Improvement

Council regularly analyses complaint data to find ways to improve how it operate and how it delivers services.

### HOW TO MAKE A COMPLAINT

To make a complaint to Council, members of the public can:

<b>Mail or In Person</b>	111 Brown Street Locked Bag 685 Hamilton VIC 3300
<b>Email</b>	<a href="mailto:council@sthgrampians.vic.gov.au">council@sthgrampians.vic.gov.au</a>
<b>Website</b>	<a href="http://www.sthgrampians.vic.gov.au">www.sthgrampians.vic.gov.au</a>
<b>Telephone</b>	(03) 5573 0444

The complaint should include the following information if relevant:

- The date, time, location or event;
- The nature and description of the complaint; and
- A statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution.

Council encourages you to try and raise your concerns directly with the Council staff members or contractor involved in the first instance. If the complaint is not resolved, the complaint can be escalated.

Council is committed to ensuring the complaints process is accessible to everyone. If you have specific communication needs or barrier, we can assist you by:

- Using an assistance service, such as an interpreter or TTY (for free)
- Talking with you if you have trouble reading or writing
- Communicating with another person acting on your behalf if you cannot make the complaint yourself.

## COMPLAINTS PROCESS

Council takes a four-tiered approach to handling complaints:

1. Frontline resolution: frontline staff receive the complaint and resolve it immediately, if possible.
2. Investigation: if frontline staff cannot resolve the complaint, they will refer it to the most appropriate Council Officer for investigation.
3. Internal review: if the customer is not satisfied with the outcome of the investigation, they can request an internal review.
4. Access to external review: if the customer is not satisfied with the process or outcome of the internal review, they are informed of any external avenues where they can pursue their complaint.

All complaints commence at Frontline resolution, where an initial complaint is directed to the CEO, it may be allocated to the relevant department to enable the process to be conducted.

### 1. Front line resolution

- Frontline staff will receive the complaint and record it. Council will acknowledge a complainant by mail or email within five working days or by phone in one working day.
- Council will try to resolve the matter immediately where possible. If necessary, Council will clarify the complaint and the outcome the customer is seeking.
- Where possible, Council will inform the customer of the name and department of the staff member who is handling their complaint and advise them of a timeframe for progressing and/or completing the enquiry where relevant.
- If the Council is not the right organisation to respond to the complaint, frontline staff will advise the customer of an organisation that may be able to help.

### 2. Investigation

- When a complaint cannot be resolved by front line staff, the complaint will be recorded in the Customer Request Management System.
- If the complaint is in relation to staff or contractor conduct it will go directly to the appropriate manager.

- If the complaint is in relation to a policy or the quality or timeliness of service delivery, it will go to the relevant Manager or their delegate who will be responsible for ensuring it is directed to the most appropriate Council Officer.
- The Officer handling the complaint will contact the customer to acknowledge the complaint and provide a timeframe for progressing and/or completing the enquiry where relevant.
- Council will aim to resolve all complaints within 28 days (this is a maximum, complaints can be resolved earlier where applicable). If it takes longer than 28 days to resolve a complaint, the Officer handling the complaint will contact the customer prior to this time and provide an explanation and revised timeframe.
- Complaints that are 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 customer to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and the contact information for the responsible Council Officer.
- The Officer handling the complaint may contact the customer to discuss the outcome of their complaint prior to sending the outcome letter.
- If the customer is not satisfied with the response or the way in which their feedback or complaint has been handled, they can ask for their complaint to be referred for an internal review.

### 3. Internal Review

If the customer is dissatisfied with the process or outcome of the frontline resolution or investigation, they can request an internal review via the Director of the responsible area and the Director will carry out the internal review. The internal review will be independent of:

- the person who took the action; and
- the person who made the decision; and
- the person who provided the service

The Director will undertake a review of the complaint and gather information and expert advice where necessary.

An outcome letter signed by the Director 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.

### 4. External Review

If a customer is not satisfied with Council's final response, they can contact an external body that can deal with different types of complaints about Councils. You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council staff and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>

Charter of Human Rights and Responsibilities Act 2006 (Vic)	
Breaches of the Local Government Act	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy. Complaint about a freedom of information application	Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

## ANONYMOUS COMPLAINTS

Council will accept anonymous complaints if there is enough information provided to deal with it. Officers are encouraged to advise the complainant that providing information will assist in administering the Complaints Policy and where possible, rather than lodging a complaint anonymously, Council can instead protect the identity of the complainant.

If the complainant would still prefer to lodge the complaint anonymously, investigative process will be disadvantaged because:

- anonymity generally reduces Council's ability to properly investigate a matter, and,
- it can be difficult to clarify the nature of the complaint and obtain additional information from the complainant
- Council is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

Notwithstanding the above constraints, Council will endeavour to address anonymous complaints in a manner consistent with the principles and processes applied to other complaints.

A Complainant may use an advocate or authorised personal representative to progress their complaint.

If required an interpreting service will be provided to facilitate the complaint.

## OTHER TYPES OF COMPLAINTS

The Complaint Handling Procedures provide further details regarding Complaints made about the following, including complaints subject to statutory review:

- Complaints subject to statutory review
- Formal Council decisions
- Complaints regarding breach of privacy

- Public Interest Disclosure Complaints
- Neighbourhood Complaints
- Complaints regarding a Councillor
- Non-specific complaints
- Unreasonable complaint conduct

## COMPLAINTS LODGED VIA COUNCILLORS

When a complaint is addressed to a Councillor from a member of the public, the information must be forwarded to the Chief Executive Officer to ensure the complaint is officially recorded. Councillors are not responsible for the response to any operational complaint.

Councillors must ensure complaints and issues directed to staff for response are clear and contain sufficient information for the complaint / issues to be addressed.

## PRIVACY

The Southern Grampians Shire Council respects individual's privacy and is committed to protecting the personal and health information that is provided by individuals under the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and any other applicable legislation.

Any personal or health information collected will only be used for the primary purpose for which it was collected or for permitted secondary use as stated under the *Privacy and Data Protection Act 2014*.

If Council is required to collect personal or health information, it will only be collected by lawful and fair means and not in an unreasonable intrusive way.

## RECORD MANAGEMENT

Council will document all complaints and identify what steps have been taken to redress the complaint.

Complaints will be recorded in Council's customer request management and electronic document records management systems. It will allocate appropriate security to serious complaints and protected disclosures to reduce the risk of unauthorised access to complaint information.

Council will 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 Council officer responsible for handling the complaint
- Any action taken, including contact with the complainant, response times and the outcome

De-identified data will be used for records purposes, or when required to report on complaints to external providers.

Quarterly reporting will be provided to Councillors which will include the number of complaints received throughout the quarter and the type of complaint. No personal or detailed information of complaints will be provided to Councillors, this is to ensure confidentiality and compliance with the *Privacy and Data Protection Act 2014*.

## SUPPORTING DOCUMENTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *Competition and Consumer Act 2010*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- Public Interest Disclosure Procedure
- Privacy Policy
- Breach Management Procedure
- Staff Code of Conduct
- Councillor Code of Conduct
- Victorian Ombudsman Complaint Handling Good Practice Guide
- Workplace Resolution Policy
- Dealing with Difficult Situations

## IMPLEMENTATION

This policy will be published on Council's website.

## CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

## GENDER EQUALITY COMPLIANCE

It is considered that this policy is compatible with the relevant gender equality principles identified in the *Gender Equality Act 2020*.

Is a Gender Impact Assessment required?

- Yes (A Gender Impact Assessment was undertaken to assess the policy against the principles outlined in the Act and it was determined that gender does not impact the way in which members of the public access this policy, nor does gender play a role in the outcome of the decision making. A consistent, accessible and equitable process is in place for all members of the community to lodge complaints and have complaints resolved).
- No

## REVIEW



This Policy must be reviewed a minimum of every four years or in line with legislative change.

**AUTHORISED**

This Policy was adopted by Council resolution at Council meeting of 8 December 2021.

## COMPLAINT HANDLING PROCEDURES

It is a requirement under section 107 of the *Local Government Act 2020* that Councils develop and maintain a complaints policy, and this includes having the policy outline the process of dealing with complaints.

This procedure is to be used to internal staff in addition to the complaint resolution process outlined in the Policy and provides further information regarding how to handle complaints that are subject to statutory review and sit outside the scope of the Complaints Policy, as well as providing guidance regarding requests for service and accessing training.

## COMPLAINTS SUBJECT TO STATUTORY REVIEW

Section 107 of the Act states that Council has the discretion to refuse to deal with a complaint which is otherwise subject to statutory review, the following types of complaints are not addressed via the Complaints Policy and have their own review process, outlined below.

Council may determine that a complaint is more appropriately dealt with via a Statutory Review process if one exists. This may arise in circumstances where a matter is complex in nature or when a decision has already been made by Council or via delegation.

This discretion sits with the relevant Director and the complainant(s) will be informed in writing of the decision and the Statutory Review process.

In some instances, certain legislation will not allow Council to deal with a complaint if it is being dealt with via another external review process. Some examples of Complaints not covered by the Policy due to alternate review options are outlined below.

## FORMAL COUNCIL DECISIONS

Decisions made during Council meetings are published in the Council minutes of and include the precise wording of the Council decision. The Public Council Agenda also includes the Council officer report relating to the subject. Some reports are confidential in nature and heard in closed Council meetings in accordance with the *Local Government Act 2020* and are not publicly available. In these instances, only the decision will be published. Minutes and Agendas for the previous 12 months are available online at [www.sthgrampians.vic.gov.au](http://www.sthgrampians.vic.gov.au)

In some circumstances, the process of making formal Council decision involves public consultation. Council will advise if there is a public consultation process where members of the public can participate.

Possible ways for members of the public to raise a concern with a formal Council decision includes:

1. Speaking with or writing to Councillors (Councillors contact details are available on the Council website);
2. Requesting to speak on a matter at a meeting of the Council (contact Council's Governance Unit by calling 55730444); or
3. Raising the matter during public question time at a Council Meeting.

## COMPLAINTS REGARDING BREACH OF PRIVACY

When a complainant considers there has been a breach of privacy by the Council, a complaint is made via Council's Privacy Officer.

Refer to Council's Privacy policy for the handling process for complaints regarding breach of privacy.

## PUBLIC INTEREST DISCLOSURE COMPLAINTS

Complainants of corrupt or improper conduct by a public officer or body may make a Public Interest Disclosure Complaint. More information can be found on Council's website: [www.sthgrampians.vic.gov.au](http://www.sthgrampians.vic.gov.au)

## NEIGHBOURHOOD DISPUTES

Occasionally Council will receive a complaint involving neighbours which in many instances cannot be resolved by Council. On these occasions Council may direct complainants to other resources including:

Dispute Settlement Centre on 1300 372 888

The Law Handbook [www.lawhandbook.org.au](http://www.lawhandbook.org.au)

Reaching Agreement [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au)

## COMPLAINTS REGARDING A COUNCILLOR

Complaints regarding Councillor(s) will be referred to the Mayor. If the complaint is about the Mayor, the complaint will be referred to the Chief Executive Officer. In each instance, the Councillor(s) who are the subject of the complaint will be notified by the Mayor or the Chief Executive Officer once the complaint details have been established.

The complaint will be recorded in writing and all interactions with the complainant will be documented.

## NON-SPECIFIC COMPLAINTS

Complaints or correspondence which is non-specific in nature or not relevant to the operations of Council and or generally classes as haranguing in nature will be filed but not responded to. This determination will be made in writing by the Manager Organisational Development and the reasons for this determination will be filed along with the correspondence.

## UNREASONABLE COMPLAINT CONDUCT

What can be termed as 'unreasonable' will vary depending on several factors.

Unreasonable complaint conduct can, in most cases, be grouped into five categories:

1. Unreasonable persistence
2. Unreasonable demands
3. Unreasonable lack of cooperation
4. Unreasonable argument
5. Unreasonable behaviour

When instances of unreasonable conduct are apparent, the complainant will be informed in writing that the conduct is deemed unreasonable and that any further correspondence to Council regarding the matter, unless it includes new and relevant information, will be read and filed but not responded to.

Unreasonable complainant conduct by a member of the public may result in a limitation of access to both Council officers and building. These measures are only justified if there are safety concerns for Council officers or to ensure that the other members of the public are not deprived of the resources to which they are entitled.

## TRAINING

Staff will have access to training facilitated by the Ombudsman titled 'Good Complaint Handling'.

The training learning outcomes include:

- appreciate the value of complaints to your organisation
- use your process to strengthen relationships with people who raise concerns with you
- confidently respond to and learn from complaints
- develop techniques for managing expectations and avoiding escalations of conflict
- recognise a human rights-based complaint
- improve your service delivery and your approach to complaint handling using complaint data.

## RECORD KEEPING

As outlined in the Policy, complaints should be registered in the Customer Request Management (CRM) system, if a complaint is about a staff member or contractor, it should be referred to the staff member or contractors Manager so it can be confidentially stored.

If complaints are of a contentious nature, please seek guidance from the service area as to where to store the complaint for privacy and confidentiality reasons.

## COMPLAINTS VS REQUEST FOR SERVICE

One way to distinguish a service request from a complaint is to look at whether a person is:

- requesting something additional or new (a service request)
- reporting what they believe to be a failing or a shortfall (a complaint)
- complaining about a Council's response to a service request (a complaint).

**Table 1: Complaint / Service request examples**

Complaint	Service request
<ul style="list-style-type: none"> <li>• My bin was out but wasn't collected this morning. Can you pick it up? <i>(complaining that the Council didn't provide a service)</i></li> </ul>	<ul style="list-style-type: none"> <li>• I forgot to put my bin out, can someone collect it? <i>(requesting a service because of their own mistake)</i></li> </ul>
<ul style="list-style-type: none"> <li>• You haven't sent out my rates notice.</li> </ul>	<ul style="list-style-type: none"> <li>• Can you tell me when my next rates payment is due?</li> </ul>
<ul style="list-style-type: none"> <li>• The Council shouldn't have approved a development on Main Road.</li> </ul>	<ul style="list-style-type: none"> <li>• What is the process for objecting to the development on Main Road?</li> </ul>
<ul style="list-style-type: none"> <li>• The Council's website doesn't have enough information about when a planning permit is needed for a pool.</li> </ul>	<ul style="list-style-type: none"> <li>• Can you tell me whether a planning permit is required for a backyard pool?</li> </ul>
<ul style="list-style-type: none"> <li>• Council's investigation into noise from a business wasn't rigorous, and didn't look at peak times. More investigation is needed.</li> </ul>	<ul style="list-style-type: none"> <li>• My neighbour's business is very noisy. Can you make it stop?</li> </ul>
<ul style="list-style-type: none"> <li>• A pothole I reported to Council two months ago hasn't been fixed, and is getting worse.</li> </ul>	<ul style="list-style-type: none"> <li>• Could Council fill in a pothole in my street?</li> </ul>