

# Complaint Handling Policy



<b>Policy Type:</b>	Organisational
<b>Version:</b>	2.0
<b>Date Adopted:</b>	21 December 2021
<b>Service Unit</b>	Customer Experience and Innovation
<b>Directorate:</b>	Customer Care and Advocacy
<b>Review Date:</b>	December 2023

## 1. Purpose

Moorabool Shire Council is committed to designing and delivering services that are consistent, inclusive, easy to use and meet the need of our community and customers.

We know we don't always get it right and that 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.

This policy provides a framework to make it easy for customers to raise their concerns with Council, and have confidence that Council will listen to their concerns, be responsive, and handle their complaints fairly, objectively, and in a timely manner.

This policy aims to:

- Ensure a consistent and transparent process for the management of complaints;
- Clarify the types of complaints covered by this policy;
- Provide a process for reviewing actions and decisions made in regards to complaints;
- Establish a framework and escalation process for resolving complaints;
- Ensure staff handle complaints fairly and objectively; and
- Increase the level of community satisfaction with the design and delivery Council's services.

## 2. Definitions

Customer	Includes residents, ratepayers, members of the public or groups, visitors, and businesses within the Shire.
Complaint	A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about: <ul style="list-style-type: none"><li>• The quality of an action, decision or service provided by Council staff or a Council contractor.</li><li>• A delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service.</li><li>• A policy or decision made by the Council, Council staff or a Council contractor.</li></ul>
Complainant	The person(s) or group, or organisational making the complaint.

# Complaint Handling Policy



Issue Resolution Officer

The Issue Resolution Officer is responsible for managing the complaint process on behalf of the complainant, when a complaint has been referred for an Internal Review because it cannot be resolved by the relevant department at the operational level.

NOTE: The role of Issue Resolution Officer is held by the Council's Executive Manager of Governance and Corporate Compliance.

Customer Request Management System (CRMS)  
Electronic Document Management System

System used to record and track verbal customer requests, comments, and complaints.  
Electronic document management system to record all written correspondence, including complaints.

### 3. Scope

This policy applies to all Council employees, volunteers, and third-party contractors that provide or manage services on behalf of Council.

Some complaints are governed by specific statutory and/or regulatory processes which fall outside the scope of this Framework. Where this is the case, the complainant will be referred to the appropriate process or authority. This includes decisions and processes relating to:

Type of Complaint	Responsibility
Breach 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	Council's Privacy Officer, then Office of the Victorian Information Commissioner (OVIC) <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Building related complaints subject to statutory review	Victorian Building Authority <a href="http://www.vba.vic.gov.au">www.vba.vic.gov.au</a>
Freedom of Information	Office of the Victorian Information Commission (OVIC) <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Allegations of corruption or Public Interest Disclosures	Council's Public Interest Disclosure Coordinator or the Independent Broad based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination complaints	Victorian Human Rights and Equal Opportunity Commission (VHREOC) <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Complaints about Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>
Infringements (following the Statutory Internal Review process under the Infringements Act 2006)	Magistrates' Court of Victoria <a href="http://www.mcv.vic.gov.au">www.mcv.vic.gov.au</a>

# Complaint Handling Policy

Planning Application decisions	Victorian Civil & Administrative Tribunal (VCAT) <a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a>
Complaints about Council that are received from external agencies such as the Victorian Inspectorate, Independent Broad-based Anti-Corruption Commission (IBAC), Victorian Ombudsman and Office of the Victorian Information Commissioner	These complaints will be managed by the CEOs Office or their delegate.
Councillor conduct	Complaints about Councillors will be handled in accordance with the Councillor Code of Conduct.
Employee conduct	Where a complaint involves an employee disciplinary or behavioural issue, it will be handled in accordance with the Employee Code of Conduct and any relevant legislative requirements.
Child Safety	Concerns relating to child safety in Council programs or staff/volunteer/councillor conduct will be handled in accordance with Councils Child Safety Policy, Reportable Conduct Policy and relevant legislation.

## 4. Complaint Handling Procedure

### 4.1. How to Make a Complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: Customer Service: 5366 7100  
National Relay Service: TTY 13 36 77  
Speak and Listen: 1300 555 727

Online: [www.moorabool.vic.gov.au/Forms/Submit-a-request-or-complaint](http://www.moorabool.vic.gov.au/Forms/Submit-a-request-or-complaint)

Email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

Post: PO Box 18, Ballan VIC 3342

In person: Council Office: 15 Stead Street Ballan  
Civic and Community Hub: 182 Halletts Way Darley  
Lerderderg Library: 215 Main Street Bachus March

Council is committed to ensuring the complaints process is accessible to everyone and will assist those with specific communication needs or barriers by:

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

## 4.2. Complainant Responsibilities

To assist Council in resolving complaints in a timely and satisfactory manner, complainants are encouraged to:

- Raise their initial concerns directly with the Council staff member or contractor involved in the first instance;
- Provide the necessary information required to review the complaint which may include:
  - Name and contact details. You can complain anonymously, but this may limit how the Council responds to you;
  - Identify the action, decision, service or policy you are complaining about, and why you are dissatisfied;
  - Give us relevant details, such as dates, times, location or reference numbers, and documents that support your complaint;
  - The outcome you are seeking from making your complaint; and
  - Whether you have any communication needs.

## 4.3. Complaints Process

Council will employ a four level approach to handling and resolving complaints.

### Level 1: Frontline resolution

- When Council receives a complaint, frontline staff will record it and assess how to handle it.
- Where possible frontline staff will attempt to resolve your complaint the first time you contact us.
- Complaints received by mail or email will be acknowledged within five (5) working days or by phone within one (1) working day.
- The complainant will be advised of the complaint reference number, and where possible the:
  - Name of the actioning officer and how they can be contacted; and
  - Expected timeline for completion.
- If necessary, frontline staff will clarify the complaint and the outcome the customer is seeking.
- The complainant will be notified of the outcome and the reasons for the decision.
- If Council is not the right organisation to respond to the complaint, or the nature of the complaint is not covered by this policy, the complainant will be advised as to why, and where possible, informed about other options.
- Complaints addressed to the CEO and/or Councillors, will be forwarded to the relevant department for action and response in accordance with this policy.

### Level 2: Investigation

If frontline staff are unable to resolve the complaint, or if the complainant is not satisfied with the outcome, it may be referred to the relevant manager or their delegate for investigation.

The investigation will be conducted in a fair, objective and timely manner.

# Complaint Handling Policy

Investigations will be completed as soon as possible and typically within 30 calendar days. Where the nature of the investigation is such that it will take longer than 30 days the complainant will be advised and provided with an update every 30 days until the investigation is completed.

Once the investigation is completed the complainant will be notified of the outcome and the reasons for the decision.

## Level 3: Internal Review

If the complainant is not satisfied with the outcome of the investigation, they may request a review by Issue Resolution Officer.

To request an internal review, the complainant must clearly state the grounds on which they believe a review is justified.

The internal review will be conducted by the Issue Resolution Officer or their delegate who has not had any prior involvement with the complaint.

The Council officer conducting the review will undertake the investigation in a fair, objective and timely manner.

The complainant will be notified of the outcome of the internal review and the reasons for the decision within 30 calendar days.

If Council decides not to take any further action on the complaint, it will be explained to the complainant as to why, and where possible the complainant will be informed about other options such as the Victorian Ombudsman.

## Level 4 - External Review

If the complainant's concerns cannot be resolved to their satisfaction through Council's Complaint Handling Process they may refer the matter to the Victorian Ombudsman, who can be contacted on 03 9613 6222 or via <https://www.ombudsman.vic.gov.au/>.

## **4.4. Anonymous Complaints**

Council will accept and respond to anonymous complaints, provided we have received enough information to do so.

Council's ability to fully investigate a problem is dependent on the amount of detail provided. If insufficient information is deemed to have been supplied, Council reserves the right to take no further action on that matter.

If the complaint appears to relate to public safety, then an investigation will commence, and rectification undertaken if necessary.

Due to the complainant's anonymity, Council will be unable to provide reasons for any decisions or actions taken.

#### **4.5. Complaints about Decisions of the Elected Council**

You may make a complaint about decisions made by the democratically elected Council, such as a resolution in a Council or Committee meeting. Such complaints will be referred to the Mayor, with administrative support from Council's Governance team.

## **5. Privacy and Confidentiality**

Moorabool Shire Council respects the privacy of individuals and is committed to protecting the personal and health information that is provided in accordance with the Privacy and Data Protection Act 2014, the Health Records Act 2001 and other applicable legislation.

All complaints lodged with Council are subject to the Freedom of information Act, 1982 and confidentiality cannot be guaranteed under the provisions of that legislation.

## **6. Human Rights Review and Statement**

The Complaint Handling Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights. The Policy provides the framework for how people can raise complaints with Council and have them responded to. It is considered the Policy supports the principles contained within the Charter.

## **7. Related Documents**

### **7.1. Relevant Legislation includes but is not limited to:**

- Building Act 1993
- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Freedom of information Act 1982
- Health Records Act 2001
- Independent Broad-Based Anti-Corruption Act 2011
- Infringement Act 2006
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Health and Wellbeing Act 2008
- Childrens Services Regulations and National Quality Standards

### **7.2. Related Council policies and procedures include but are not limited to:**

- Customer Charter
- Complaint Handling Procedures
- Unreasonable Customer Conduct Procedures

# Complaint Handling Policy

- Bullying Policy
- Records Management Policy
- Councillor Code of Conduct
- Staff Code of Conduct
- Child Safety Policy

## 7.3. Related supporting documents include but are not limited to:

- Victorian Ombudsman Councils and Complaints – A Good Practice guide February 2nd edition, July 2021.
- Victorian Ombudsman Good Practice Guide to Dealing with Challenging Behaviour May 2018.

## 8. Council Plan Reference

Objectives: A Council that listens and adapts to the needs of our evolving communities.  
Context: Listen, analyse and understand community needs.  
Align services to meet the needs of the community.  
Measure performance, communicate our results and continue to improve our services every day.  
Be recognised for demonstrating a culture of excellence, creativity and inclusiveness.

## 9. Review

As a minimum, this policy will be reviewed every two (2) year.

## 10. Approval

This policy will come in effect once signed by the CEO.



**Derek Madden**  
Chief Executive Officer

**21 December 2021**