

# Strathbogie Shire Council Complaints Policy

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November 2022



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## Complaints Policy

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Responsible Officer:	Director People and Governance

## **PART 1 POLICY**

### **1. PURPOSE**

Strathbogie Shire Council (Council) accepts complaints as an important part of community feedback and uses this information to improve our services to the community.

This policy has been developed in accordance with section 107 of the *Local Government Act 2020* (the Act) and is based on the Victorian Ombudsman's Councils and Complaints – a Good Practice Guide Second Edition July 2021.

### **2. POLICY STATEMENT**

This policy aims to:

- encourage the receipt of complaints where our services, decision making processes or behaviour do not meet community and customer expectations as a means of continuous improvement and public transparency
- provide a standardised approach to managing customer complaints
- provide a framework for the management of complaints and feedback with a view to continually improving services, systems and capabilities
- increase the level of customer satisfaction by resolving issues in an effective, fair, respectful and professional manner
- ensure all statutory requirements are satisfied, and escalation options for customers are communicated clearly
- ensure an independent review mechanism is available for all complainants
- analyse complaints and provide quarterly reports to the Executive Leadership Team and Council's Audit and Risk Committee as a means of identifying trends, responses and areas for improvement.

### **3. APPLICATION OF THIS POLICY**

Dealing with complaints is a core part of Council business.

We value complaints as a means to constantly improve our service delivery. We encourage people to contact us when they have a problem with our services, actions, decisions and policies.

Council is committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services
- ensuring there is an independent process for reviewing complaints that is independent of the person who took the action, made the decision or provided the service that is the subject of the complaint.

We treat every complaint on its individual merits, through clear and consistent processes.

This policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made by Council and its delegates.

This policy does not apply to complaints about individual Councillors. Complaints about individual Councillors will be managed according to our Councillor Code of Conduct.

#### 4. ACCOUNTABILITY AND RESPONSIBILITIES

There should be a broad statement around all staff, councillors, contractors and volunteers being responsible for the implementation of the policy – i.e. make a statement as to who needs to understand and apply the policy.

Then complete the following table, adding as many rows as required using dot points:

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> <li>Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</li> <li>Supporting service improvements that arise from complaints.</li> </ul> <p>Reviewing and publishing complaint data.</p>
Executive Leadership Team and Management Group	<ul style="list-style-type: none"> <li>Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Council's policies and procedures.</li> <li>Managing conflicts of interest in the complaint process.</li> <li>Reporting on and identifying improvements from complaint data.</li> </ul> <p>Supporting staff who deal with complaints.</p>
Team Leader Community Relations	<ul style="list-style-type: none"> <li>Creation of a complaints register</li> <li>Ongoing management of a complaints register</li> </ul> <p>Provision of quarterly complaints monitoring reports to the Executive Leadership Team and Council's Audit and Risk Committee.</p>
All Council staff	<ul style="list-style-type: none"> <li>Familiarising themselves with the policy and the Council's complaint process.</li> <li>Assisting members of the public to make a complaint.</li> </ul> <p>Treating members of the public respectfully and professionally.</p>
Councillors	<ul style="list-style-type: none"> <li>Familiarising themselves with this policy and the Council's complaint process.</li> </ul> <p>Referring complaints to Council staff to be dealt with in accordance with our processes.</p>
Contractors and Volunteers	<ul style="list-style-type: none"> <li>Familiarising themselves with this policy and the Council's complaint process.</li> </ul> <p>Cooperating with the Council's complaint handling processes.</p>

#### 5. WHAT IS A COMPLAINT?

A complaint includes a communication (verbal or 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 the Council, Council staff or a Council contractor.

## 6. HOW TO MAKE A COMPLAINT

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

<b>Telephone</b>	1800 065 993 or 03 5795 0000
<b>Online</b>	Via the 'Report an Issue' button on our website <a href="http://www.strathbogie.vic.gov.au">www.strathbogie.vic.gov.au</a>
<b>Email</b>	<a href="mailto:info@strathbogie.vic.gov.au">info@strathbogie.vic.gov.au</a>
<b>Post</b>	PO Box 177, Euroa VIC 3666
<b>In person</b>	Main Office - 109A Binney Street Euroa Nagambie Office - 293 High Street, Nagambie

We are committed to making sure our complaint process is accessible to everyone.

Please tell us if you have specific communication needs or barriers and 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.

### Help us to help you

When submitting a complaint, we can respond to your concerns more quickly if you are able to provide us with information such as:

Your name and contact information -you can complain anonymously, but this limits how we can respond to your complaint:

- Clearly 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
- Whether you have any special communication needs.

## 7. OUR COMPLAINT PROCESS

As a means of adopting best practice, as outlined by the Victorian Ombudsman guidelines, we will follow a four-tier approach to handling complaints, as shown in Figure 1.

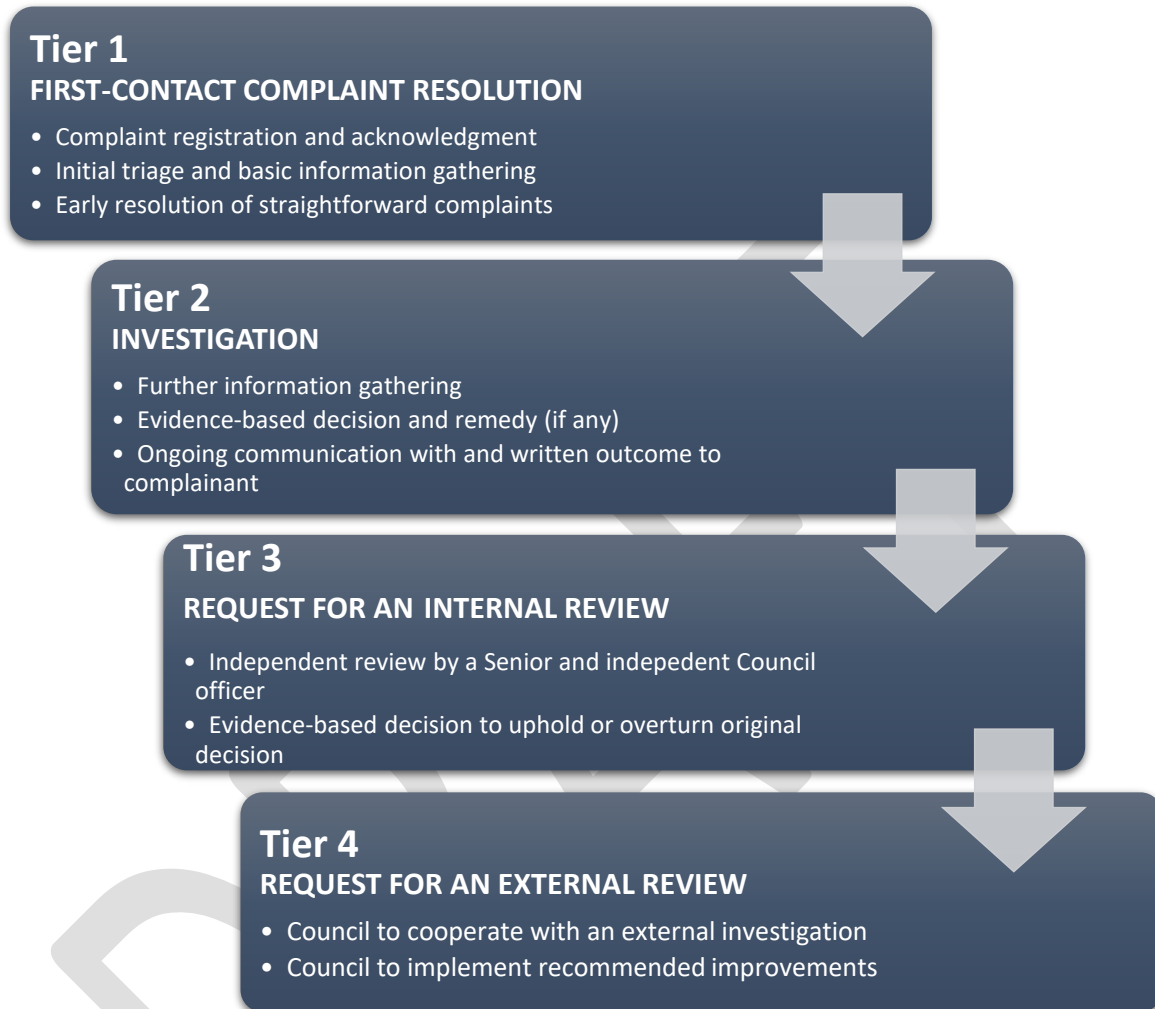


Figure 1 Four tier complaints process

### TIER 1 – FIRST CONTACT COMPLAINT RESOLUTION

#### Step 1 – Receipt of complaint

When you complain to us, we will record and acknowledge your complaint and provide you with a reference number. We also need to know what your preferred method of communication is – whether it is by telephone, email or by letter – so we can get in touch with you.

#### Step 2 – Assessing the complaint

We will initially assess your complaint to decide how we will handle it. We may need to contact you to seek further clarification or information and this may happen while we are talking with you should you be lodging your complaint over the phone or in person.

After our initial assessment of the information you have provided us, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as right of appeal to the Victorian Administrative and Civil Appeals Tribunal (VCAT)).

### **Step 3 – Resolving your complaint at first contact if possible**

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide no further action is to be taken in response to your complaint, we will explain why, and, where possible, inform you about other options should you wish to take the matter further with an external body.

If we cannot resolve your complaint quickly, we will refer it to the relevant team member or manager to investigate. We will tell you who you can contact about the investigation. It will be someone who has not been involved in the action, decision or service that is the source of your complaint to ensure there is independence throughout the investigation.

### **Matters that are subject to separate review processes under legislation**

As part of the initial review of your complaint, if we identify that you have raised an issue where a statutory review process is in place; for example a decision on a planning permit application, amendment to the planning scheme or the issue of an infringement, the complaint will not be processed and information will be provided to you as to how you can pursue the matter through these other review processes set out by the relevant legislation.

## **TEIR 2 - INVESTIGATION**

Where we cannot resolve your complaint at the first point of contact, we aim to complete investigations within 30 calendar days. We will tell you if the investigation will take longer.

We will update you every 30 calendar days about progress until the investigation is completed by your preferred contact method – either by telephone, email or letter.

We will inform you of the outcome of your complaint and explain the reasons for our decision.

As part of the investigation, we will:

- assess the information against relevant legislation, policies and procedures
- refer to Council documents and records
- meet affected parties to consider possible solutions
- advise you in writing of the outcome and our reasons.

We require our staff to be respectful and responsive in all of their communications with members of the public in accordance with Council's Mutual Respect Charter. We expect the same of you when you communicate with our staff. A copy of this policy can be accessed through the following link: [20210921\\_Mutual\\_Respect\\_Charter.pdf \(strathbogie.vic.gov.au\)](https://www.strathbogie.vic.gov.au/20210921_Mutual_Respect_Charter.pdf)

We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

### TEIR 3 – REQUEST FOR AN INTERNAL REVIEW

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a Senior Council officer who has not had prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days of the date of your letter.

### TEIR 4 – REQUEST FOR AN EXTERNAL REVIEW

If you are dissatisfied with how we have responded to your complaint you have the right to request an external review.

There are external bodies that can deal with different types of complaints about us.

You can request an external review from the following organisations:

<b>Nature of Complaint</b>	<b>Organisation To Contact For An External Review</b>
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 <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic).	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
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 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 (“whistle blower”) 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>



## 8. UNREASONABLE CONDUCT BY CUSTOMERS/COMPLAINANTS

Unreasonable conduct by customers is any behaviour which, because of its nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for our organisation, our people, other service users and customers or the customer themselves. It is behaviour that is inconsistent with Council's Mutual Respect Charter.

Unreasonable conduct by customers can be categorised as the following:

Unreasonable persistence	Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the Council, our people, services, time and/or resources and where a complaint about the same issue, action, decision or service has already been investigated and responded to.
Unreasonable demands	Unreasonable demands are demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on our people, services, time and/or resources.
Unreasonable lack of cooperation	Unreasonable lack of cooperation is an unwillingness and/or failure by a customer to provide relevant or organised information in order to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources
Unreasonable arguments	Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or incoherent and that disproportionately and unreasonably impact upon our organisation, staff, services, time and/or resources.
Unreasonable behaviour	Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety, wellbeing and security of our people, other service users or the customer themselves.

As set out in our Mutual Respect Charter, Council has a zero-tolerance policy towards harm, abuse or threats directed towards our staff, contractors, volunteers and Councillors. Any conduct of this kind will be dealt with under this policy and in accordance with our Occupational Health and Safety Management system policies and procedures.

## Responding to and managing unreasonable conduct by a customer

Unreasonable conduct by a customer will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to customers by restricting:

<b>Who</b> they have contact with	For example, limiting a customer to a sole contact person in our organisation.
<b>What</b> they can raise with us	For example, restricting the subject matter of communications that we will consider and respond to.
<b>When</b> they can have contact	Limiting a customer's contact with our organisation to, for example, a particular time, day or length of time, or curbing the frequency of their contact with us.
<b>Where</b> they can make contact	For example, limiting the locations where we will conduct face-to-face interviews to secured facilities of the office.
<b>How</b> they can make contact	Limiting or modifying the forms of contact that the customer can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

When using the restrictions provided in this section, we recognise that discretion will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

### 9. HOW TO LEARN FROM COMPLAINTS

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We will regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We will use this information to come up with solutions about how we can improve our services.

To assist with this process, quarterly reports will be submitted to our Executive Leadership Team and Council's Audit and Risk Committee analysing the nature of the complaints, how they were resolved and any trends that indicate service improvements are required. These reports will be available to the public through the Council Agenda and Minutes process.

We will be open and transparent about the complaints we have received, and what we have done to resolve them.

### 10. YOUR PRIVACY

We keep your personal information secure. We use your information to respond to your complaint and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

When you complain to us, we ask you to provide, and we will record:

- your name and contact details
- whether you have any communication or assistance needs that can be reasonably accommodated
- demographic information to help us understand the needs of our community (if you consent to giving us this information)
- what you are complaining about
- what outcome you are seeking.

## 11. DEFINITIONS

Term	Meaning
Council staff	means any person employed by the Council to carry out the functions of the Council and Council's CEO including contractors and volunteers.
The Council	means the body of Councillors elected under the <i>Local Government Act 2020</i>
Council	means the Strathbogie Shire Council
Complaint	means an expression of dissatisfaction with <ul style="list-style-type: none"> <li>• the quality of an action, decision or service provided by Council staff or a delegate of Council</li> <li>• a delay by Council staff in taking an action, making a decision or delivering a service</li> <li>• a policy or decision made by the Council or delegated officer, excluding those decisions where appeal rights to a third party (such as the Victorian Civil and Administrative Tribunal) is available as a review mechanism.</li> </ul>
Request for service	means contact with the Council to seek assistance, access to a new service, advice or to inform / make a report about something for which Council has responsibility.
Ombudsman	means the Victorian Ombudsman.

## 12. RELATED POLICIES AND LEGISLATION

### External References

*Local Government Act 2020*

*Privacy and Data Protection Act 2014*

Victorian Ombudsman's 'Councils and Complaints – A good practice guide 2021'

### Related Council Documents

Customer Service Charter

Protected Disclosure Policy

Privacy and Data Protection Policy

Staff Code of Conduct CEO Directive

[Mutual Respect Charter](#)

### **13. POLICY REVIEW**

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

### **14. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

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