



Appendix 4a

16.2 Review of Council Policies


CP035 Complaint Handling

Ordinary Meeting of Council

Wednesday 14 December 2022 at 7:00pm

Queenscliff Town Hall

COUNCIL POLICY

Complaint Handling	Adopted By Council:	14/12/16	
	Date/s Revised:	Dec 2022	
		24/11/21	
	Next Review Date:	Dec 2025	
	Document No:	CP035	
	Directorate:	Finance & Corporate	
	Responsible Officer:	Manager Finance & Corporate Services	

PURPOSE

The purpose of this policy is to ensure that the community can raise their complaints with Council easily and with confidence that Council will listen to their concerns and handle their complaints fairly and objectively. This policy provides Council officers and contractors carrying out services on Council's behalf with guidance in the facilitation and resolution of complaints in an efficient, objective and transparent manner that meets the requirements of the *Local Government Act 2020* (the Act) and the current standard prescribed by the Victorian Ombudsman's *'Councils and Complaints – A Good Practice Guide'* 2nd edition 2021.

WHAT IS A COMPLAINT

The 2020 Act defines 'complaint' (section 107(3))

For the purposes of the complaints policy, complaint includes the communication, whether orally or in writing, to the 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.

WHAT IS NOT A COMPLAINT

This policy **does not apply** to the following matters or complaints, which are managed through other processes including:

- First time requests for a service, e.g. "I forgot to put my bin out, can you please come and collect it?" or "can you please fill a pothole in my street?", or complaints about alleged nuisances, such as "my neighbour is making excessive noise, could you please make it stop?".
- Reports of a hazard, e.g. (fallen tree).
- Complaints about allegations of fraud or corrupt conduct which are dealt with in accordance with Council policy CP008, Fraud Prevention.
- Complaints that are claims against the Council for personal injury or property damage or other loss or damage and allegations of negligence.
- Complaints about individual councillors which are dealt with in accordance with the Councillor Code of Conduct available at the [Council website](#) and also Part 6, Division 5 of the Act.
- Comments or opinions received via our social media channels, such as Facebook and Twitter, which have not been registered as a complaint.

- Complaints about matters where there is a process of review, appeal or objection prescribed by legislation. Complaints of this type usually concern a particular subject matter, such as infringements or planning. The Council may exercise discretion to not deal with a complaint which is otherwise subject to statutory review process. In such circumstances we will advise you that your complaint will need to be addressed via the statutory mechanism.

Where a complaint does not fall within the scope of our responsibility, we will endeavour to direct the customer to the appropriate authority or service provider for resolution.

HOW TO MAKE A COMPLAINT

The Council is committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you. Any member of the public can make a complaint. Complaints can be made:

Online	Submit your complaint online at Council website
Email	Send an email to info@queenscliffe.vic.gov.au
In person	Visit us at: 50 Learmonth St, Queenscliff. We are open from 9.00am to 4.30pm, Monday to Friday (public holidays excluded).
Phone	03 5258 1377
Mail	Address letters to: Borough of Queenscliffe, PO Box 93, Queenscliff VIC 3225
Using an interpreter	Contact the Council to use Translating and Interpreting Service (TIS)

INFORMATION TO INCLUDE IN A COMPLAINT

Please provide the following information when making a complaint:

- Your 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 and reference numbers, and any documents that support your complaint;
- The outcome you are seeking from making your complaint; and
- Whether you have any communication needs.

OUR COMPLAINTS HANDLING PROCESS

Complaints will be handled using a four-level approach:

Level 1 – Frontline resolution

Level 2 – Investigation, if required

Level 3 – Internal review

Level 4 – Access to external review

When you complain to us, we will record and acknowledge your complaint within three (3) business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

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

Level 1 - Frontline Resolution

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to act on your complaint, we will explain why, and where possible, inform you about other options.

Where there is a specific Council policy or procedure dealing with complaints about an issue, such as Council's Information Privacy Policy in the case of a privacy complaint, we will deal with your complaint under that policy.

Where there is a right to review right under legislation, such as the Freedom of Information Act 1982 in the case of some Freedom of Information decisions, we will generally advise you that your complaint will need to be addressed via the relevant statutory mechanism under which the complaint is most relevant and provide reasons for this advice.

If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation. We aim to complete frontline resolution within ten (10) business days.

Level 2 - Investigations Process

If frontline Council officers cannot resolve the complaint, it will be assigned to the relevant Coordinator or Supervisor for investigation. The officer handling the complaint will advise the complainant that they are the contact person regarding their complaint and how long it will take to respond to the complaint

We aim to complete investigations within twenty eight (28) calendar days and will tell you if the investigation will take longer. We will update you every 28 calendar days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

Level 3 - Internal Review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review in writing. The internal review will be conducted by one of the Managers or Chief Executive Officer who has not had any prior involvement with your complaint. The 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 internal review may take up to fifteen (15) business days to complete, if for unforeseen circumstances the internal review may take longer, the complainant will be contacted and advised the reasons why the review is taking longer and who is responsible for the review.

A written outcome letter signed by the Council officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

Level 4 - External Review

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

Anyone can request an external review from the following organisations:

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council staff or contractors	Victorian Ombudsman www.ombudsman.vic.gov.au
Breach of the Local Government Act	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy	Office of the Victorian Information Commission
Complaint about Freedom of Information application	www.ovic.vic.gov.au
Corruption or public information disclosures ('Whistleblower') complaints	Independent Broad-based Anti-Corruption Commission www.ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au
Council Elections	Victorian Electoral Commission www.vec.vic.gov.au

Complaints Regarding Decisions of the Elected Council

You may complain to us about decisions made by the democratically elected Council, such as via resolution in a Council or Delegated Committee meeting.

Decisions made at Council meetings are published in the Council minutes and include the precise wording of the Council resolution. The Council meeting agenda 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 Act and are not publicly available. Minutes and agendas for the Council meetings are published online at [Council's website](#)

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

You may complain to us about decisions made by Council by:

- speaking with or writing to Councillors (Councillor email details are available on the [Council Website](#)).
- raising the matter during public question time at a Council meeting.

The complaint will be recorded and the Mayor, with administrative assistance from Council staff, will inform you of the outcome and provide reasons. If you remain dissatisfied with the response provided by the Mayor, you may escalate your complaint to the Victorian Ombudsman – www.ombudsman.vic.gov.au. We will also advise you of any other options for your right to appeal, such as the Victorian Civil and Administrative Tribunal (VCAT) in the case of some planning decisions.

Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer will be referred to Council's Governance Coordinator, the Mayor and the chairperson of Council's Audit and Risk Committee to determine the appropriate course of action. Alternatively, if the complaint in the view of Council's Public Interest Disclosure Coordinator meets the threshold of a Public Interest Disclosure in accordance with the *Public Interest Disclosures Act 2012*, the complaint will be handled by Council's Public Interest Disclosure Coordinator in accordance with the *Public Interest Disclosures Act 2012*, Council policy CP025 Public Interest Disclosures and associated procedures.

COMPLAINTS INVOLVING UNREASONABLE COMPLAINT CONDUCT

The Council requires its staff to be respectful and responsive in all communications with members of the public. We expect the same of you when you communicate with our staff.

Some complaints are difficult to process because of the unreasonable nature of the complainant, or frequency of contact.

Unreasonable behaviour can be grouped into the following categories:

- unreasonable persistence
Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, Council officers, services, time and/or resources.
- unreasonable demand
Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, Council officers, services, time and/or resources
- lack of cooperation
Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with Council or our complaints system 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 in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and/or that disproportionately and unreasonably impact upon our organisation, Council officers, services, time, and/or resources.
- unreasonable behaviour, including arguments and aggression
Unreasonable behaviour is 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 Council Officers, other service users or the complainant themselves.

We may change the way we communicate with you, limit or restrict access to Council staff and buildings if your behaviour or conduct is deemed unreasonable, and/or raises health, safety, resource or equity issues for Council staff involved in the complaints process. The internal Risk and Governance Committee will make a determination about complaints involving unreasonable complaint conduct.

HOW WE 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.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data in our annual report.

The Customer service team will report quarterly to the Management Team on the following:

- the number of complaints received
- the service area/type that complaints relate to
- how long it took us to respond
- any complaints that have escalated for internal review.

Council may report this data in its annual report which may also include detail of service improvements made as a result of complaints received.

PRIVACY

We keep your personal information secure in line with our information privacy policy ([CP010 Information Privacy](#)).

ROLES AND RESPONSIBILITIES OF COUNCIL OFFICERS AND CONTRACTORS

Frontline Council Officers

Most complaints can be resolved immediately by the Council officer who receives the complaint at the first point of contact, within the scope of their role. If the complaint cannot be resolved at the first point of contact, then the frontline Council officer shall seek assistance from the relevant Coordinator or Supervisor. Complaints that cannot be resolved at this stage must be referred to the relevant Manager for further investigation and management of the complaint.

Coordinators and Supervisors

Coordinators and Supervisors are responsible for supporting frontline Council officers so that they are empowered to manage complaints within the scope of their role. Coordinators and Supervisors will receive, investigate and manage complaints that have been referred to them. Where a complainant requests a review of the decision made, the Coordinator or Supervisor shall refer the complaint to the relevant Manager and shall assist in the internal review.

Managers

Managers are responsible for providing training and support to Council officers so that they understand the complaint handling process. Managers will receive, investigate and manage complaints that have been referred to them. Where a complainant requests a review of the decision made, the Manager shall refer the complaint to the Chief Executive Officer for review.

Chief Executive officer

The Chief Executive Officer receives and manages any escalated complaints that cannot be resolved by a Manager.

Third party contractors

Third party contractors are responsible for keeping Council's Contract Manager informed of any trends in complaints and/or major issues regarding complaints in accordance with the contract.

CONTINUOUS IMPROVEMENT

This policy will be reviewed on a continuous basis, but as a minimum every three years from the date of adoption.

OTHER REFERENCES

Councils and complaints – A good practice guide 2nd edition, Victorian Ombudsman, July 2021

Local Government Act 2020

Public Interest Disclosures Act 2012 (Vic)

Charter of Human Rights and Responsibilities Act 2006

CP005 Councillor Code of Conduct

CP010 Information Privacy

CP025 Public Interest Disclosures

SOP006 Staff Code of Conduct

SOP021 Public Interest Disclosures

END