

POLICY LOCATION	Community Development	POLICY TITLE	Complaints Handling Policy
POLICY NUMBER		DATE ADOPTED	13 April 2022
REVISION NUMBER	2	REVISION DATE	December 2024

1. INTRODUCTION

Council is committed to our customers and to providing efficient and responsive services, whilst always striving for improvement. Council takes an all of organisation approach to customer service and values feedback.

Members of the public have the right to complain about Council services. In simple terms, a complaint to a 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).

Council is committed to managing complaints in a transparent, fair and consistent way and feedback is encouraged. It helps improve Council services and the way business is conducted.

This policy aims to ensure that customers can raise their complaints easily and with confidence that Council will listen and respond to their concerns, and handle their complaint in a fair and equitable way. If Council is not the right organisation to respond to the complaint, the complainant will be referred to an organisation that can help.

Requests for service, information, suggestions and enquiries are not complaints and will not be handled through the complaints handling process.

2. PURPOSE

The policy provides an open and transparent complaint handling procedure by:

- Establishing timeframes for resolving complaints
- Clarifying roles and responsibilities of Council staff
- Ensuring that staff handle complaints fairly and objectively

3. SCOPE

This policy applies to all Buloke Shire Council staff and to third party contractors carrying out services on its behalf.

For the purposes of the complaints policy and as defined by section 107(3) of the *Local Government Act 2020*, a 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.

4. PRINCIPLES

4.1 Guiding principles

Buloke Shire Council recognises the value of complaints and endeavors to make complaining about Council service as easy and practicable as possible.

Council adopts the seven following principles that guide effective complaints handling as outlined in the Victorian Ombudsman's Complaints – Good Practice Guide for Public Sector Agencies (2016).

Commitment: Council is committed to resolving complaints and has a culture that recognises an individual's right to complain. Council values complaints and recognises them as being part of its business of serving the community and improving service delivery.

Accessibility: People with a range of needs can easily complain and staff are available to assist them to navigate the complaints process.

Transparency: Council makes it clear 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: Complaints are dealt with courteously, impartially, within established timeframes and assessed on merit.

Privacy: Complaint information is handled according to privacy laws and other relevant legislation. Council provides clear information about how personal information is handled. Complaint data is de-identified if reported on more widely.

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

Continuous improvement: Acting on, learning from and using complaint data helps Council identify problems and improve services.

4.2 Making a complaint

Complaints can be made to Council by:

- By calling Council on 1300 520 520
- In person at Council's Customer Service Office located at 367 Broadway Wycheproof
- In writing, email buloke@buloke.vic.gov.au or mail PO Box 1, Wycheproof , Victoria 3527
- By using the feedback section on Council's website stating that you wish to make a complaint.

Complaints should include:

- Date, time and location
- Nature and description of complaint
- What you expect Council to do to satisfy the complaint
- Any additional supporting information you may have include photography or earlier correspondence with Council.

4.3 Help us to help you

Excellent customer service is a two-way street. As outlined in Council's Customer Service Charter and to ensure your complaint is handled to your satisfaction complainants must:

- Treat Council staff with respect, honesty and courtesy
- Provide accurate and (where possible) complete information.

4.4 Anonymous complaints

Council understands that members of the public may seek to lodge complaints anonymously, or ask that their identity not be disclosed.

Anonymous complainants should note Council may not be able to progress such complaints in instances where insufficient information is provided. When a complainant is unwilling to disclose their details, it can reduce Council's ability to clarify the nature of the complaint in order to investigate the matter thoroughly. If it is determined, after reasonable investigation, that insufficient information has been provided, no further action will be taken. This decision will be made at the discretion of the relevant Director.

4.5 Unreasonable complainants

Whilst most complainants will act reasonably and respectfully in their interactions with Council, there may be occasions where the complainant, despite Council's best efforts, act outside their responsibilities. In these instances, it may be necessary to alter or even restrict the complainant's rights or access to services as a result of their actions. This decision will be made at the discretion of the relevant Director.

4.6 Privacy and confidentiality

Council recognises that the responsible handling of personal information is a key aspect of good governance and is committed to protecting an individual's right to privacy to the extent required by law.

Council will only collect personal information (including sensitive information) that is necessary for its functions and activities.

4.7 Requests for service

Any request for services will be logged onto our electronic request system. Response times will vary in accordance with our set service standards depending upon the nature of the request.

In instances where circumstances beyond Council's control affect our ability to meet this commitment, we will keep you updated on the progress of your request.

4.8 Complaints relating to statutory matters

Some Council activities are governed by State or Federal legislation, for example, planning and building and land valuation. In such circumstances, Council is unable to alter its decision-making processes and is guided by the requirements of the legislation in making the final decision.

Council also has a range of objection forms that address rates and property matters, local laws and infringements. These documents may provide a better way forward for a prospective complainant.

4.9 Human rights considerations

Council has an obligation to act in accordance with the *Charter of Human Rights Act 2006* and to consider relevant human rights when making decisions and resolving complaints.

Council 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.

5. COMPLAINTS HANDLING PROCEDURE

Frontline staff, other officers, the Chief Executive Officer, the Mayor or individual Councillors may receive a complaint, either by telephone, email, post or in person.

All complaints will be recorded and every interaction with the complainant will be documented.

If the Council is not the right organisation to respond to the complaint, staff will refer the complainant to an organisation that can help.

5.1 Procedures

5.1.1 Complaints about Service Standards (Procedure 1)

The following process applies only to complaints about service standards; e.g., “I expected that my road would be graded by now. I’m told the service standard allows for a further six months. That’s far too long to wait!”

The receiving officer will:

- Clarify issue and outcome the customer is seeking
- Confirm the complaint is about a service standard
- Record the complaint
- Acknowledge/respond within 10 business days.

Complaints about service standards must be recorded, answered and subsequently collated for review on an annual basis to evaluate and better understand community expectations.

5.1.2 Complaints about the quality of the service, response to requests/complaint or staff behavior (Procedure 2)

Receive

The receiving officer will:

- Clarify issue and outcome the customer is seeking
- Determine whether it is a complaint or a service request
- Aim, if possible, to resolve the issue at the first point of contact. (If this occurs, the matter will not be recorded as a complaint.)
- If the matter is not resolved at first point of contact, record the matter as a complaint
- Refer the complaint to relevant manager.

Investigate

The manager will assign the complaint to an officer for investigation.

As part of the investigation the investigating officer will:

- Acknowledge complaint within 10 business days of receipt and advise the complainant of the contact person for all inquiries and how long it is likely to take to respond to the complaint
- If the complaint relates to a member of staff, notify that person that a complaint has been made and give the staff member an opportunity to respond to the complaint
- Aim to resolve the complaint within 28 days. (Some regulatory processes mandate other timelines. If the complaint is to take longer than 28 days to resolve, the contact person will advise the complainant prior to or at this time and explain why.)
- At the completion of the investigation, inform:
 - a) the complainant, first by telephone and then in writing, of the outcome including the reasons for the decision, and
 - b) the staff member (where relevant) and their immediate superior of the outcome including the reasons for the decision.

Internal Review

A complaint investigation may be subject to an internal review, if:

- The complaint is not resolved in 28 days without good reason e.g., legislation or regulation that stipulates a different timeline, or
- The complainant is not happy with the outcome, in which case he or she can request an internal review.

The internal review will be conducted by a more senior manager, a Director or the Chief Executive Officer. They may also engage another appropriate member of staff to undertake the investigation. The investigating officer must be independent to the actual complaint.

The investigating officer will, at the completion of the internal review, inform the complainant first by telephone and then in writing of the outcome including the reasons for the decision.

Each complaint investigation will only be subject to one internal review only. However, there may be cause to investigate a complaint about the internal review of that complaint.

External Review

Council's aim is to resolve 100% of issues raised.

If at any time, the complainant is not satisfied with the progress or outcome of an investigation Council will advise the complainant of any other external bodies to pursue their complaint.

These can include:

Victorian Ombudsman – Regarding 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 *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Local Government Inspectorate – Breaches of the *Local Government Act*.

Office of the Victorian Information Commission – Breaches of privacy or complaints about a freedom of information enquiry.

Victorian Electoral Commission – Complaints about Council elections.

Independent Broad-based Anti-corruption Commission – Corruption or public interest disclosure 'whistleblower' complaints.

5.1.3 Complaints requiring an alternative procedure (Procedure 3)

Complaints received by a Councillor

A complaint received by the Mayor or a Councillor about a service, a staff member or a contractor will be referred to the **relevant Manager, Director or the** Chief Executive Officer.

Council will then respond to the complaint in accordance with this policy.

Complaints about Contractors

Council is responsible for services carried out by contractors on its behalf. However, if a contractor receives a complaint, the contractor will assess and respond to the complaint in accordance with its own complaint handling process.

If a complainant is not satisfied with the outcome, he or she can ask Council to review the decision.

All outcome letters written by contractors in relation to complaints must include the name and contact details of the Buloke Shire Council staff member to whom the complainant may escalate their complaint.

Allegations of Corrupt Conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Protected Disclosure Act Procedures*.

Complaints about Councillors

Complaints about Councillors will be dealt with in accordance with the Councillor Code of Conduct.

Complaints about the Chief Executive Officer

A complaint about the Chief Executive Officer will be referred in the first instance to the Chief Executive Officer. The Chief Executive Officer will discuss the complaint with the Mayor prior to a decision being made about who will respond.

Once an investigating officer has been appointed the process outlined above under Procedure 2 will apply.

However, if the complaint relates to the conduct of the Chief Executive Officer involving bullying, victimisation or harassment including sexual harassment of: -

- Buloke Shire Councillor, or
- Buloke Shire Council staff member, or
- Any other person in the course of the CEO performing his or her role.

These will be referred to the Mayor and undergo a process consistent with that outlined in the Councillor Code of Conduct.

REMEDIES

Where Council identifies an error, it will take steps to redress the situation. Possible remedies may include, but are not limited to:

- An explanation of why the error occurred and the steps taken to prevent it happening again
- A reversal of a decision
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant.

Further, Council will offer a genuine apology in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

Should a complaint not be resolved to the complainant's satisfaction, then it will be internally reviewed by the Chief Executive Officer. If the complaint is still unresolved, then the complainant has the right to take the matter to the Victorian Ombudsman.

6. LEARNING FROM COMPLAINTS

Council views the complaints handling process as an opportunity to learn and improve. All complaints are reviewed for service improvement opportunities.

7. AVAILABILITY

This policy is available for download from Council's website www.buloke.vic.gov.au or in hard copy from Council's Wycheproof Office, located at 367 Broadway Wycheproof.

8. RELATED DOCUMENTS

- Customer Service Strategy
- Customer Service Charter
- Conflict of Interest Policy
- Information Privacy Policy
- Procurement Policy
- Councillor Code of Conduct
- Staff Code of Conduct

9. RELEVANT LEGISLATION

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Local Government Act 2020*
- *Equal Opportunity Act 2010*
- *Gender Equality Act 2020*