



Ararat Rural City

Complaints Handling Policy

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Chief Executive Officer

HR Business Partner

Audit and Risk Committee

Complaints Handling Policy



INTENT

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a concern with our services, actions, decisions and policies. We are committed to:

- Enabling members of the public to make a complaint
- Responding to complaints by taking action to resolve complaints as quickly as possible, wherever practicable,
- Learning from complaints to improve our services.

We treat every complaint received on its individual merits through clear and consistent processes. Our policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.

This policy applies to all Councillors, Council staff, volunteers and third-party contractors carrying out services on behalf of Council as well as the general public in making a complaint.

POLICY

WHAT IS A COMPLAINT?

A complaint includes a communication (verbal or written) to the council which expresses dissatisfaction about:

- The quality of an action, decision or service provided by council staff or a 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, a council staff or a council contractor.

This is defined in the Local Government Act 2020. For the purposes of this Policy, routine requests for services are not treated as complaints.

Guiding Principles

This policy is based on seven (7) principles,

1 Commitment	We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.
2 Accessibility	People with a range of needs can easily complain and staff actively assist them to navigate the complaints process
3 Transparency	We make 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.
4 Objectivity and fairness	Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.
5 Privacy	Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle

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	personal information. Complaint data is de-identified if reported on more widely.
6 Accountability	We are accountable internally and externally for decision making and complaint handling performance. Explanations and reasons for decisions are provided, and ensure that decisions are subject to appropriate review processes.
7 Continuous improvement	Acting on, learning from and using complaint data helps us identify problems and improve services.

How to Make a Complaint

A person can make a complaint in several ways:

- Telephone 5355 0200
- Email council@ararat.vic.gov.au
- Letter PO Box 246, Ararat VIC 3377
- In person Municipal Offices, 59 Vincent St, Ararat VIC 3377

Note: any comments or requests made through Social Media (i.e. Facebook) are not considered, nor treated as an official complaint.

Anonymous Complaints

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.

Anonymous complaints will be accepted, and Council will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint.

Complaints about Contractors

Where Council receives complaints about contractors, Council will monitor the way contractors deal with complaints and have clear oversight of their complaint handling process.

Contractors will liaise with the relevant staff member about the response to be provided to complaints.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask council to review the decision. All outcome letters written by contractors in relation to complaints will include the name and contact details of the member of council staff to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

Remedial action

Where Council have found that an error has been made, Council staff members will take steps to redress the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it from happening again
- a reversal of a decision
- an ex gratia payment or compensation
- disciplinary action taken against a staff member
- providing the means of redress requested by the complainant

Where Council identifies an error, Council staff members will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

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OUR COMPLAINT PROCESS

Overview

We take a four-tiered approach to complaint handling as follows:

1. Frontline resolution: frontline staff receive the complaint, assess it, and resolve it immediately if possible.
2. Investigation: if frontline staff cannot resolve the complaint, they will refer it on for investigation
3. Internal review: If the complainant is aggrieved with the process or outcome of the frontline resolution and corresponding investigation, they can request an internal review
4. Access to external review: if the complainant is aggrieved with the process or outcome of the internal review, we inform them of any available external review options.

Procedure

Frontline Resolution

- When a complaint is received, it will be acknowledged by the frontline staff member who will clarify and attempt to resolve the complaint within five business days.
- If the officer can resolve this complaint, there is no requirement to escalate it further
- If Council is not the correct organisation to respond to the complaint, the complainant will be referred to an organisation that can help.
- If the Council officer cannot resolve the complaint, they may refer the complaint to another staff member to provide advice and the complaint will be dealt with at operational level.
- The customer will be advised who is dealing with their complaint,

Investigation

- If frontline staff cannot resolve the complaint, they will be assigned to an appropriate officer to investigate.
- The officer handling the complaint will advise the complainant who the contact person is, provide their detail, and advise the complainant how long it will take to respond to the complaint.
- Officers handling complaints will aim to resolve all complaints within 14 days
- If it takes longer than 14 days to resolve a complaint, the officer will contact the complainant to explain the reasons for the delay.
- Complaints that are not resolved within 14 days may be escalated if necessary.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.
- The officer handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.

Internal review

- If the complainant cannot be satisfactorily resolve, then the complainant has the right to request an Internal Review. This will then entail an internal review by a senior Council officer who has not had any prior involvement with your complaint. This will be an officer that has not been involved in providing the service subject to the complaint or the original decision, action or investigation in relation to the complaint.
- * A request for an internal review process must be in writing, outlining the complaint, including the reason why they are dissatisfied with the way the complaint was handled by the relevant staff member during the investigation.

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- The internal review process will be completed within 14 days of receipt of request.
- The Chief Executive Officer will provide a response to the complainant at the conclusion of the internal review.
- If the complaint remains unresolved then the complainant may wish to escalate a complaint further to an appropriate external body.

External Review

- There are external bodies that can deal with different types of complaints about us.
- A complaint can request an external review from the following organisation.

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 Charter of Human rights and Responsibilities Act 2006 (Vic)	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act 2020	Local Government Inspectorate www.lgi.vic.gov.au
Breach of Privacy Complaint about a Freedom of Information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Corruption or public interest disclosure (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 Election Commission www.vec.vic.gov.au

COMPLAINTS THAT WILL NOT BE INVESTIGATED

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

- a request for service and or action by Council (unless there was inaction or an otherwise unsatisfactory response to the first request for service);
- a request for information or an explanation of a policy or process;
- a complaint made under the *Public Interest Disclosures Act 2012*;
- decisions made under legislation which provides for separate avenues of appeal (e.g. prosecutions under Local Laws, decisions under the *Planning and Environment Act 1987* and *Building Act 1993*);
- an alleged breach under the Councillors Code of Conduct;
- an alleged breach of the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*; and

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- 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.

The Chief Executive Officer may determine that a complaint will not be investigated where the matter

- Is considered frivolous, vexatious or not made in good faith
- Relates to a decision awaiting determination by Council
- Related to conduct before a court, coroner or tribunal
- Is under investigation by a Minister of Local government or any other government department including the Victorian Police Service
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue
- Relates to the actions or conduct of a private individual
- Involves threats made against Council or Council Staff

Where the Chief Executive Officer determines that a complaint will not be investigated, the complainant will be advised accordingly in writing.

All formal complaints, except those dealt with through other mechanisms must be forwarded to the Chief Executive Officer.

If Council determine that the complaint is extremely serious in nature and may be a criminal offence i.e. Sexual Assault, Council may involve Police to undertake any investigation.

Council will ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

UNREASONABLE COMPLINT CONDUCT

Council is committed to balancing the right of individuals to make a complaint with

- the right of councillors and officers to carry out their roles in an environment where their health, safety and security is protected and prioritised ; and
- The equitable, effective and proportionate allocation of resources across all requests for service and complaints received by council.

It is acknowledged that unreasonable complaint conduct does not necessarily preclude there being a valid underlying issue to be addressed. Council will continue to assess all complaints based on their merits, in an impartial and equitable manner.

What is unreasonable complaint conduct?

Unreasonable complaint conduct for the purposes of the Policy is behaviour by an external customer that, because of this intensity nature or frequency, impacts negatively on the health, safety or security of councillors and staff, and/or requires substantial and disproportionate allocations of council resources.

Unreasonable complaint conduct can be divided into five categories of conduct:

- Unreasonable persistence; continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation staff, time and/or

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resources.

- Unreasonable demands: demands (express or implied) made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time, and/or resources
- Unreasonable lack of cooperation: unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes, that results in disproportionate and unreasonable use of our services, time and/or resources
- Unreasonable arguments: arguments not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that have a disproportionate and unreasonable impact on our organisation, staff, services, time, and/or resources
- Unreasonable behaviours: conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonable compromises the health, safety and security or our staff, other service users or the complainant.

Responding to unreasonable complaint conduct

Where a person is deemed to have engaged in unreasonable complaint conduct under this Policy, it may be necessary for limitations to be placed on their contact with council.

A determination to limit contact with council will:

- Be made by the Chief Executive Officer or a senior manager
- Take into account the guidelines for such determinations contained in the Victorian ombudsman good practice guide to dealing with challenging behaviour, or such other document as may be released as a replacement for that guide in future.
- Be notified to the affected person in writing (unless another form of communication is more appropriate) and will explain the reasons for the decision, set a timeframe for reviewing the limitation and explain the person's options for complaining about the decision.

Examples of possible responses to unreasonable complaint conduct include but are not limited to:

- A written warning regarding the unreasonable complaint conduct
- Restricting the method, frequency or location of contact, or restricting contact to an individual council officer.
- Advising no further communication will be entered into on an issue for a specified period of time or that further correspondence will be received and assessed but only acknowledged or response to if, in the view of council, it raises a new matter or additional information warranting a review or further action.

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 or details that may identify an individual or group are removed.

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.

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

Council will provide training to Council staff members to assist them to deal with unreasonable complainant conduct and support them where the conduct is affecting their wellbeing.

DEFINITIONS

TERM	DEFINITION
Complainant	A person or organisation who has expressed dissatisfaction with Council's services, systems or staff.
Complaint	Includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with: <ul style="list-style-type: none">the quality of an action taken, decision made, or service provided by a member of Council staff, volunteer or a contractor engaged by Council;a delay by a member of Council staff, volunteer or a contractor engaged by the Council in taking an action, making a decision or providing a service; ora policy or decision made by a Council or a member of Council staff, volunteer or contractor.
Contractor	Third parties carrying out services on behalf of Council.
Customer	The person/people (resident, ratepayer, business owner, visitor) who has expressed dissatisfaction (refer to Complaint definition above)
Formal Complaint	A concern which has not been resolved informally, and which is then set out in writing, and forwarded to the Chief Executive Officer.
Frontline Staff	Any Council staff member (including volunteers) who has direct contact with customers. This is not limited to the function of Customer Services.

TERM	DEFINITION
Informal Complaint	A concern, dissatisfaction, or frustration which can be resolved informally and without the need for further action.
Request for Service	Contact with Council to seek assistance, access to a new service, advice or to inform/make a report about something which Council has responsibility.
Resolution	A complaint is resolved after an initial investigation has taken place and the customer has been updated with what service recovery action has or will take place or a plan has been implemented

REFERENCES

Charter of Human Rights and Responsibilities Act 2006
Child Wellbeing and Safety Act 2005
Equal Opportunity Act 2010

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Freedom of Information Act 1982
Information Privacy Act 2000
Local Government Act 2020
Public Interest Disclosure Act 2012
Privacy and Data Protection Act 2014
Health Records Act 2001

Victorian Ombudsman's Revisiting Councils and Complaints (October 2019)
Victorian Ombudsman's Councils and Complaints - A good practice guide (February 2015)
AS/NZS 10002:2018 - Guidelines for complaints handling in organisations.
Councillor Code of Conduct
Staff Code of Conduct
Council's Privacy Policy
Public Interest Disclosure Procedure

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ATTACHMENT 1 COMPLAINT HANDLING PROCEDURE FLOWCHART

