

# Complaints Policy



Directorate:	Corporate Performance
Responsible Manager:	Manager Governance, Property and Risk
Review Due:	December 2023
Adoption:	Council
Date Adopted:	21 Dec 2021

## Acknowledgement

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Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

## Purpose

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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.

We are 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.

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

Our complaints 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 fulfils the Local Government Act 2020 requirements of a complaints policy.<sup>1</sup>

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<sup>1</sup> Section 107.

## Application and Scope

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This Policy applies to all Council staff and contractors.

## What is a complaint?

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A complaint is a 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.

In this policy:

'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.

'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.

## How to make a complaint

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Complaints can be made by:.

Mail:

Complaints  
Central Goldfields Shire Council  
PO Box 194  
Maryborough Vic 3465

Telephone:

Council Reception 03 5461 0610

Email:

[mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au)

In person:

Business hours 8:30am-5:00pm Monday to Friday

22 Nolan Street

Maryborough Vic 3465

Fax:

03 5461 0666

Website:

[www.centralgoldfields.com.au/contact](http://www.centralgoldfields.com.au/contact)

We are 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 by:

- using an assistance service, such 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

Complainants who require assistance to prepare their complaint are invited to contact the Manager Governance Property and Risk by telephoning 03 5461 0610, or emailing [mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au).

A complaint may be resolved quicker if:

- your concerns are raised directly with the Council staff member or contractor involved in the first instance. If the complaint is not resolved, the complaint can be escalated to a complaint handler or more senior officer.
- You provide the following information with your 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 or reference numbers, and documents that support your complaint
  - the outcome you are seeking from making your complaint
  - whether you have any communication needs.

## Complaints received by Councillors

When a Councillor receives a complaint from a member of the public, he or she will refer it to the Chief Executive Officer or General Manager.

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

## What is not a complaint?

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- A request for service (unless there was no response to a first request for service)
- A request for information or an explanation of a policy or procedure.
- Disagreement with a policy of the Council
- An appeal or request for internal or external review of a decision for which a structured process applies, other than that made as the result of a complaint
- An expression concerning the general direction and performance of Council or its Councillors
- An expression of dissatisfaction with the behaviour of a Councillor
- Reports of damaged or faulty infrastructure
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of our service.

Many of the issues above are called 'complaints' when a member of the public contacts us. They are called complaints because a member of the public is unhappy about a situation and wants something done. The actions we take to resolve many 'complaints' are an everyday part of organisational life for us due to the nature of services we provide and will be dealt with as part of our normal approach to service, not as part of our complaints management process.

## Our complaints process

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

Some complaints may be able to be dealt with by the Council officer who receives the complaint, however depending on the nature of the complaint, it may need to be referred to other areas of Council for resolution.

Consideration will also be given to the severity, safety implications, complexity, impact and the possibility of immediate action needed.

If Council is not the right organisation to respond to the complaint, staff will refer the complainant to the appropriate organisation.

After our initial assessment, 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 a right of appeal to VCAT).

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

It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration or investigation by a particular team or officer, or needs to follow a statutory process or cannot be resolved satisfactorily.

If the staff cannot resolve the complaint, it will be referred to another officer, supervisor, manager or general manager for investigation. We will tell you who you can contact about the investigation. We aim to complete investigations within 30 business days, and will tell you if the investigation will take longer. We will inform you of the outcome of your complaint and explain our reasons.

Our investigation may include:

- assessing the information against relevant legislation, policies and procedures
- referring to Council documents and records
- talking with affected parties to consider possible solutions
- advising 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. We expect the same of you when you communicate with our staff.

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.

## **How to request an internal review**

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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 any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons. We aim to respond to requests for internal reviews within 30 business days.

## **How to request an external review**

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There are external bodies that can deal with different types of complaints about us. You can request an external review from the following organisations.

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

## Complaints about specific matters – alternative procedures

In some circumstances, a complaint may be more appropriately handled outside of this complaint handling policy. Should this be the case, it will be explained to the complainant at the earliest opportunity.

### Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with Council's Protected Disclosure procedure.

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> <li>Reviewing and publishing complaint data.</li> </ul>

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| Senior leaders and managers | <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> <li>• Supporting staff who deal with complaints.</li> </ul> |
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All Council staff	<ul style="list-style-type: none"> <li>• Familiarising themselves with this policy and the Council's complaint process.</li> <li>• Assisting members of the public to make a complaint.</li> <li>• Treating members of the public respectfully and professionally.</li> </ul>
Councillors	<ul style="list-style-type: none"> <li>• Familiarising themselves with this policy and the Council's complaint process.</li> <li>• Referring complaints to Council staff to be dealt with in accordance with our processes.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Familiarising themselves with this policy and the Council's complaint process.</li> <li>• Cooperating with the Council's complaint handling processes.</li> </ul>

### Complaints about Councillors

Complaints about Councillors will be dealt with in accordance with the Councillor Code of Conduct and the Protected Disclosure procedure.

### Your privacy

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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

### Responsibilities

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All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process.

### Vexatious complaints

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All complaints received by Council will be treated with the utmost seriousness, however if a complaint is found to be malicious, frivolous or vexatious, no further action will be taken on that complaint. The complainant will be informed of this decision in writing by the relevant Manager, following consultation with the division's General Manager.

Where a member of the public demonstrates unreasonable persistence or demands, it may be appropriate to restrict access to a single officer (a sole contact point). This officer will exclusively case manage that person's interactions with Council. This will ensure that the

person is dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

To ensure the health and safety of its staff, Central Goldfields Shire Council will not tolerate any abuse, threats or harm directed towards its employees, under any circumstances.

## **Related Documents and References**

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### **Legislation and guidelines**

*Local Government Act 2020*

*Freedom of Information Act 1982*

*Privacy and Data Protection Act 2014*

*Public Interest Disclosure Act 2012*

*Public Records Act 1973*

*Charter of Human Rights and Responsibilities Act 2006*

Victorian Ombudsman Council and Complaints – A good practice guide 2nd edition

Human Rights and Responsibilities Guidelines

### **Policies**

- Service Charter
- Complaint and Compliment Form
- Councillor Code of Conduct
- Employee Code of Conduct
- Protected Interest Disclosure Procedure
- Privacy Policy

## **Review**

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This Policy must be reviewed a minimum of once every 4 years.



## **Human Rights Statement**

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It is considered that this policy does not impact negatively on any rights identified in the Charter of *Human Rights and Responsibilities Act 2006*. Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

## **Relevant Legislation and Council Policies**

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*Local Government Act 2020*