

# CHIEF EXECUTIVE POLICY



## COMPLAINT HANDLING POLICY

Policy No.	CE73	Adoption Date:	ELT Meeting 23 December 2021
Revision Date:	December 2025		
Directorate:	Performance & Innovation	Department:	Customer, Communications & Advocacy
Kerryn Ellis Chief Executive Officer			
<b>GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES</b>			
Supporting Pillar:	Pillar 4 - Structure, Systems & Policies		
Link to Pillar:	This Policy aims to provide Council Staff, Contractors, Councillors and Customers with a clear understanding of how complaints will be handled and processed. It provides clear expectations for people.		

### 1. PURPOSE

- 1.1. The purpose of the *Complaint Handling Policy (CE73)* (the Policy) is to outline the framework for how Council determines and deals with customer complaints.
- 1.2. Council is committed to providing excellent service and maintaining a good relationship with all members of our community. Community members have the right to make a complaint and Council welcomes and encourages feedback. The Policy aims to ensure that community members are able to raise their concerns easily and that they have confidence that Council will be responsive, handle complaints in an open and transparent manner and remain independent at all times.
- 1.3. This Policy is based on the *Victorian Ombudsman's Councils and Complaints – A Good Practice Guide (July 2021)*.

### 2. SCOPE

- 2.1. This Policy applies to all complaints from members of the public about Council services, Council staff and volunteers, Council contractors and decisions made at Council Meetings.
- 2.2. This Policy does not apply to complaints about individual Councillors.



### 3. POLICY PRINCIPLES

- 3.1. Council values community feedback and we encourage people to contact us when they have a problem with our services, actions, decisions, and policies.
- 3.2. We are committed to:
  - 3.2.1. Ensuring members of the public can easily make complaints;
  - 3.2.2. Responding to, and acting to, resolve complaints as quickly as possible;
  - 3.2.3. Learning from complaints to improve our services; and
  - 3.2.4. Assessing and treating every complaint we receive on it's in merits, through clear and consistent processes.

#### **General complaint**

- 3.3. A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:
  - 3.3.1. The quality of an action, decision or service provided by Council staff or Council contractor.
  - 3.3.2. A delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service.
  - 3.3.3. A policy or decision made by the Council, Council staff or a Council contractor.

#### **Statutory Complaints**

- 3.4. Complaints that allege a breach of legislation need to be dealt with carefully and should in all cases be requested in writing and directed to the Manager or Director of the service area.

#### **Competitive Neutrality Complaints**

- 3.5. A person or business may make a complaint if they consider that Council has failed to undertake competitive neutrality measures. Council's annual reporting outlines whether any competitive neutrality complaints were made to Council during the financial year.

#### **Third Party Complaints**

- 3.6. A third-party complaint refers to a complaint received by Council which does not relate to Council operations. For example: a complaint made by a resident about a neighbourhood disturbance.
- 3.7. Where possible, Council will advise the complainant how they can best resolve/direct their issue.

#### **Complaints against Councillors**

- 3.8. This Policy does not relate to complaints about individual Councillors. Councillor conduct is dealt with under Part VI of the *Local Government Act 2020*.



- 3.9. A complaint against a Councillor is to be referred to the Mayor and Chief Executive Officer (CEO). A Complaint against the Mayor is to be referred to the Deputy Mayor and CEO.
- 3.10. If the complaint is reasonable, the CEO and appropriate Manager will investigate and may request more information. The complaint may need to be reported to an external agency or considered in accordance with appropriate legislation.
- 3.11. The CEO, Mayor or Deputy Mayor and appropriate Manager will inform the concerned Councillor and may meet with them to assist their investigation.

### **Misconduct or illegality**

- 3.12. Some complaints will extend beyond a customer's general dissatisfaction with Council and may involve accusations of misconduct or alleged illegal activity.
- 3.13. Complaints claiming criminal activity by an Officer, Councillor or to Council property will be assigned to the appropriate Manager for investigation and reported to Victoria Police, where necessary. If the matter is posing a risk to the community, it will be advised that the complaint go directly to Victoria Police.
- 3.14. Council will follow the principles of transparency and accountability. Disclosures, which reveal corrupt, improper conduct, or conduct involving a risk to public safety or the environment; may need to be treated as a Protected Disclosure.

### **A Service Request is not a complaint**

- 3.15. A service request is not a complaint. One way to distinguish between the two is to consider if the customer is:
  - 3.15.1. Requesting something additional or new (service request).
  - 3.15.2. Reporting what they believe to be a failing or mistake (complaint).
  - 3.15.3. Complaining about Council's response to a service request (complaint).
- 3.16. In order to make this distinction, we may need to ask the customer questions to determine if they would like to make a complaint, request a service, or do both. Here are some examples:
  - 3.16.1. You haven't sent out my rates notice (complaining that Council didn't provide a service)
  - 3.16.2. Can you tell me when my next rates payment is due? (service request)

## **4. PROCEDURE**

### **How to Make a Complaint**

- 4.1. Any member of the public can make a complaint. Complaints can be made by:
  - 4.1.1. **Telephone:** Customer Service Team - 03 5662 9200 (after hours calls will be directed to Council's after-hours service)



- 4.1.2. **Online:** [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) – via our complaints form located in Contact Us
  - 4.1.3. **Email:** [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au)
  - 4.1.4. **Mail:** South Gippsland Shire Council, Private Bag 4, Leongatha VIC 3953
  - 4.1.5. **In Person:** South Gippsland Shire Council Office at 9 Smith Street, Leongatha.
- 4.2. Information that is helpful to include in a complaint:
- 4.2.1. Name and contact details, you can remain anonymous; however, this may limit how Council responds to you.
  - 4.2.2. Identify the action, decision, service or policy you are complaining about and why you are dissatisfied.
  - 4.2.3. Give relevant details, such as dates, times, location or reference numbers, and documents that support your complaint.
  - 4.2.4. The outcome you seeking from making your complaint.
  - 4.2.5. Whether you have any communication needs.
- 4.3. 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:
- 4.3.1. Using an assistance service, such as an interpreter or TTY.
  - 4.3.2. Talking with you if you have trouble reading or writing.
  - 4.3.3. Communication with another person acting on your behalf if you cannot make the complaint yourself.

### **Complaints Process**

- 4.4. When a complaint is submitted to Council, the complainant will be provided with a request number. Council aims to record and acknowledge your complaint within ten business days. The complaint will be assessed and triaged, more information may be requested in order to best respond and action your complaint.
- 4.5. After this initial assessment, Council may:
- 4.5.1. Take direct action to resolve your complaint.
  - 4.5.2. Refer your complaint to the relevant team or Manager for investigation.
  - 4.5.3. Decline to deal with your complaint if you have the right to a statutory review of your complaint (such as a right to appeal to VCAT).
- 4.6. Council takes a four- tiered approach to complaint handling as follows:
- 4.6.1. **Frontline resolution:** Where possible, Council will attempt to resolve the complaint at the time you make first contact. For example, Council may be able to record your complaint and provide you with the service request, such as arranging for your bin to be collected (if this was your complaint).



- 4.6.2. **Investigation, if required:** If Council cannot resolve your complaint quickly it will be referred to the relevant team or Manager to investigate, and a contact name will be provided. Council aim to complete investigations within 28 calendar days, and will inform of any delays beyond this. Council will inform the outcome and provide an explanation for this outcome.
- 4.6.3. **Internal review:** If you are dissatisfied with the decision and how it has been responded, a request for an internal review can be made. The internal review will be conducted within 28 calendar days from receipt of the internal review request. The review will be conducted by a senior Council officer who has not had any prior involvement in your complaint.
- 4.6.4. **External review:** If the complaint is still unable to be resolved, you can seek support from an external body to resolve the complaint. You can request an external review from the following organisations:

Complaint	External Review Contacts
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 (Vic)</i>	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the <i>Local Government Act 2020</i>	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 (whistleblower) 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>

#### **How Council learns from complaints and report on them**

- 4.7. Complaints from people who use or who are affected by Council services provide valuable feedback.
- 4.8. Council regularly analyse and review complaint data to identify trends, training needs and potential issues that deserve further attention. The information is used to come up with solutions about how to improve services.



- 4.9. Council are open and transparent about complaints received, and the actions taken to resolve them. Our complaint data is published in Council's Annual Report, which is available on our website.

#### **Complainant Privacy**

- 4.10. Council keep personal information secure. Council use personal information to respond to the complaint and to improve services that relate to the complaint.
- 4.11. Where Council publish complaint data, personal information is removed.

#### **Anonymous Complaints**

- 4.12. Council understands that community members may have a valid reason for not wanting to disclose their identity. Council accepts and will respond to anonymous complaints, provided that enough information is included in the complaint.
- 4.13. Council is unable to respond to a complaint if the complainant does not disclose their identity and contact details. Council will; however, record and analyse the complaint for service improvement.

### **5. RISK ASSESSMENT**

This Policy mitigates Council's risks as described below:

#### **People**

- 5.1. This Policy aims to provide Council Staff, Contractors, Councillors and Customers with a clear understanding of how complaints will be handled and processed. It provides clear expectations for people.

#### **Reputational**

- 5.2. This Policy provides council with a framework to conduct Complaint Handling with an open, transparent and consistent approach.

#### **Financial**

- 5.3. This Policy mitigates risk of inconsistent or incorrect handling of complaints which could result in legal action and associated costs.

#### **Governance**

- 5.4. This Policy outlines and refers to relevant legislation that intersects with the Complaint Handling process. This Policy was informed by the *Victorian Ombudsman's Councils and Complaints – A Good Practice Guide (July 2021)*.

### **6. IMPLEMENTATION STATEMENT**

#### **Human Rights Charter**

- 6.1. This Policy has considered the *Charter of Human Rights and Responsibilities Act 2006* in its development.

#### **Gender Equality**

- 6.2. This Policy has considered the *Gender Equality Act 2020* in its development.



## Roles and Responsibilities

6.3. Council is committed to providing a high-quality service to its community members. All Council Staff, Councillors and Council contractors are responsible for understanding and contributing to our complaints process, and abiding by our Code of Conduct.

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>
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 and feedback.</li><li>• Supporting staff who deal with complaints.</li></ul>
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>
Community Members	<ul style="list-style-type: none"><li>• Community Members have a responsibility to conduct themselves in an appropriate manner with courtesy and respect to Council staff and Councillors who are dealing with their enquiry.</li></ul>

## Non-compliance with this Policy

6.4. Non-compliance with this Policy risks Council not handling complaints consistently, in an open and transparent manner, and not treating everyone involved fairly and objectively. There is also the risk of missing an opportunity for continuous improvement.

## 7. MONITORING, EVALUATION AND REVIEW

7.1. This Policy will be reviewed and adopted by Council on a four-year cycle.



## 8. REFERENCE DOCUMENTS

Legislative Provisions	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Gender Equality Act 2020</i> <i>Freedom of Information Act 1982</i> <i>Independent Broad-based Anti-corruption Commission Act 2011</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Occupational Health and Safety Act 2004</i> <i>Protected Disclosure Act 2012</i> <i>Privacy and Data Protection Act 2014</i>
Council Supporting Documents	Councillor Code of Conduct (C14) Staff Code of Conduct (CE20) Customer Service Charter

## 9. DEFINITIONS

Complaint	A formal expression of dissatisfaction with a specific action or service by Council, including the failure to comply with the Customer Service Charter, policies or applicable legislation.
Complainant	Person or entity affected by the action or inaction of Council.
Feedback	Positive or negative reactions or comments about a product, service or experience.
First Point of Contact	Person or department serving as the focal point of information for the community.
Frontline Staff	Contact person who the complainant deals with to express their complaint.
Reasonable	A complaint (or complainant) would not be reasonable if its nature is overly frequent, and/or raises substantial health, safety, equity or resource issues for Council, Council Staff or any community members.
Council Operations	Refers to all Council services, activities, processes, policies, buildings, employees and contractors.
Customer/s	Any party that contacts Council.
Protected Disclosure	A specific class of Compliant (governed by the <i>Protected Disclosure Act 2012</i> ) that requires a high level of confidentiality and protection of the complainant.
Request for Service	Refers to a request by a customer for a particular Council service.
Third Party	Refers to any person, activity or object not connected in any way with Council.

## 10. REVISION HISTORY

Version	Approved By	Approval Date	Sections Modified	CM9 Ref#
1.0	ELT Meeting	22 February 2018	New Policy	D2146618
1.1	ELT Meeting	23 December 2021	Review	D12233821