



COMPLAINT

Complaints Handling Policy



Yarriambiack
SHIRE COUNCIL

Complaints Handling Policy and Procedure

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

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Chapter 1 – Complaints Handling Policy

1 Objective

This Policy has been developed to provide an open, transparent and consistent framework for receiving, recording, assessing, responding to and learning from complaints received by Yarriambiack Shire Council. It supports fair, objective and timely complaint handling and ensures Council remains accountable for its decisions, actions, services and complaint handling performance.

2 Responsibility

All Council staff, Councillors, volunteers and contractors carrying out work on Council's behalf are responsible for complying with this Policy. Frontline staff are responsible for receiving and registering complaints. Managers, Coordinators, Supervisors, Chief Officers and the Chief Executive Officer are responsible for acknowledging, investigating, resolving, escalating and closing complaints in accordance with this Policy and Council's complaints management system.

3 Policy Statement and Scope

Council recognises an individual's right to make a complaint about the conduct of Council's operations, services, employees, volunteers, contractors or other people associated with Council or using Council facilities. This Policy applies to all complaints received from members of the public and to all Council staff, Councillors, volunteers and contractors carrying out work on Council's behalf. It does not apply to complaints about third parties unless they are contractors carrying out work on Council's behalf.

For clarity, a complaint is not the same as a service request. A service request includes a request for approval, a request for action, a routine inquiry about Council business, a request for the provision of services or assistance, a report of failure to comply with laws regulated by Council, or a request for an explanation of Council policies, procedures or decisions. Service requests will generally be managed through Council's usual customer request or service delivery processes, unless the matter expresses dissatisfaction with the quality, timeliness or outcome of Council's action, decision or service, in which case it may be treated as a complaint under this Policy.

4 References

- a) Employee Code of Conduct
- b) Councillors Code of Conduct
- c) Information Privacy Policy
- d) Risk Management Policy
- e) Complaint Handling Form
- f) *Local Government Act 2020*
- g) *Public Records Act 1973*
- h) *Public Interest Disclosures Act 2012*
- i) *Privacy and Data Protection Act 2014*
- j) *Charter of Human Rights and Responsibilities Act 2006*
- k) Victorian Ombudsman, *Complaint Handling for Victorian Public Sector Organisations* 2nd edition April 2025
- l) Freedom of Information Solutions Complaints Training Guidelines

5 Definitions

Term	Description
Act	Refers to the <i>Local Government Act 2020</i> .
Council	Yarriambiack Shire Council.
Complaint	An expression of dissatisfaction, whether oral or written, about the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by Council; a delay in taking action, making a decision or providing a service; or a policy or decision made by Council, Council staff or a contractor.
Frontline Staff	Customer Support and Library Service team members and the Customer Liaison Administrator (Infrastructure and Works) who receive, register and refer complaints.
Complaint Handling Staff	Customer Support and Library Service staff, Customer Liaison Administrator (Infrastructure and Works), Coordinators, Supervisors, Managers, Chief Officers and the Chief Executive Officer who manage complaint handling processes and outcomes.
CRM	Council's complaints record management software system used to record, monitor, escalate and close complaints.
Contact / Responsible Officer	The officer responsible for investigating a complaint, completing the investigation review document and preparing correspondence in response to the complainant.
Snap /Send/ Solve	Free mobile and web app used to report local community infrastructure and civic issues.

6 Guiding Principles

Council's complaint handling approach is guided by commitment, accessibility, transparency, objectivity and fairness, confidentiality, accountability and continuous improvement.

Council is committed to resolving complaints, assisting people to access the complaints process, treating complainants and staff with respect, protecting personal information on a need-to-know basis, providing reasons for decisions and using complaint data to improve services.

Council will consider human rights as part of complaint handling and decision making. This includes considering whether a right under the *Charter of Human Rights and Responsibilities Act 2006* is relevant, whether Council's action or decision may limit that right and whether any limitation is reasonable, necessary and proportionate.

7 How to Make a Complaint

A person can make a complaint in a number of ways:

Mail (in writing)	Yarriambiack Shire Council, PO Box 243, Warracknabeal, Vic. 3393
Telephone	(03) 53 98 0100

Email	info@yarriambiack.vic.gov.au
In Person	Customer Support and Library Service Staff Yarriambiack Shire Council, 34 Lyle Street, Warracknabeal, Vic. 3393
CRM System	https://yarriambiack-portal.councilwise.com.au/
Councils Website or through other relevant sources e.g. Snap/Send/Solve	https://www.yarriambiack.vic.gov.au/Engage-With-Us/Report-an-Issue

Council will aim to offer assistance to people who may experience barriers to making a complaint, including barriers related to language, disability, hearing, speech, age, literacy, health, trauma, cultural safety, digital access or visual impairment. Council will ask complainants whether they have a preferred communication method and whether they need support to participate in the complaint process.

Support may include assistance to make a complaint, use of an authorised representative or advocate, access to interpreters or translation services where reasonably available, information in alternative formats where practicable and adjustments to the way Council communicates with the complainant.

8 Complaint Handling Process

8.1 Frontline Staff - Customer Support and Library Service Team and Customer Liaison Administrator (Infrastructure and Works)

Complaints received in person or by telephone are to be actioned by the Frontline staff and entered into the CRM with the complainant provided with a reference number.

Complaints received by email, online submission or mail are to be registered and actioned by the Frontline staff, who will acknowledge receipt, provide a reference number and refer the complaint to the relevant officer within three business days. Frontline staff may resolve simple matters at first contact where the issue is straightforward and within their authority. Where a complaint requires action by another department, Frontline staff escalate and refer the complaint to the relevant officer.

Managers, Coordinators, Supervisors and Chief Officers are responsible for assessing referred complaints and determining the appropriate action, urgency, seriousness, complexity, risk, systemic impact, delegation and any required escalation. Once a complaint has been referred to them, they are responsible for providing a written response, outcome or progress update within 10 business days and aiming to resolve complaints within 30 days. Complaints outside a staff member's delegation are to be escalated to the relevant Chief Officer, Department of People and Culture or Chief Executive Officer within three business days.

Managers, Coordinators and/or Supervisors who receive complaints directly, for example orally, by telephone or by email, are responsible for ensuring these complaints are recorded and actioned through the CRM system.

8.2 Chief Officers

A Chief Officer may receive complaints that have been escalated through the CRM system. The Chief Officer is responsible for acknowledging the complaint by letter within 10 business days and aiming to resolve the complaint within 30 days.

It is the Chief Officer's responsibility to close out the action in the CRM system once the complaint is resolved.

Chief Officers who receive complaints directly, for example orally, by telephone or by email are responsible for ensuring these complaints are recorded and actioned through the CRM system.

If, after assessment, the complaint is deemed to be outside the Chief Officer's delegation of responsibilities, the Chief Officer is to elevate the complaint to the People and Culture Department or the Chief Executive Officer within three business days of receiving the complaint.

8.3 Chief Executive Officer

Complaints outside a Chief Officer's delegation will be elevated to the CEO. It is the CEO's responsibility to resolve the complaint within 30 days.

The outcome of complaints escalated to the CEO for resolution may be independently reviewed by the People and Culture Department before the complainant receives outcome correspondence.

It is the CEO's responsibility to close out the action in the CRM system once the complaint is resolved.

The Chief Executive Officer will receive annual reports on complaint handling performance to support organisational oversight. Annual reports should include, where available, complaint volumes, open and closed complaints, matters open for more than 30 days, performance against timeframes and emerging trends and/or systemic issues.

8.4 Councillors and Mayor

Complaints relating to Councillors or the Mayor are to be directed to the Chief Executive Officer for appropriate action in accordance with the Model Councillor Code of Conduct.

8.5 Third Party Contractors

Council remains responsible for complaints about services delivered by contractors on Council's behalf. Contractors must cooperate with Council's complaint handling process and provide timely information, records and assistance when required to support assessment, investigation, resolution, reporting and any internal review.

Contractors are not to respond to complaints directly unless Council has expressly approved this arrangement. All complaints about contractor-delivered services are to be directed to Council and managed through Council's Complaints Handling Policy and Procedures.

Council will maintain oversight of contractor-related complaints by requiring relevant contractors to provide complaint information when requested, identifying and addressing systemic issues, monitoring contractor performance where relevant and ensuring complainants are informed that Council can review the handling or outcome of a contractor-related complaint.

9 Risk Management and Escalation

Council's Customer Request Management System (CRM) is a computerised tracking system used to monitor and record complaints.

Complaints are monitored by the Supervisors, Coordinators and Managers who handle the complaint and are responsible for closing the complaint once it is completed.

The system maintains an electronic journal of actions taken and can issue reminders to officers. Where complaints are not actioned within required timeframes, escalation notices are sent electronically to the relevant Chief Officer to support compliance with complaint handling timelines.

10 Accessibility and Review Rights

Anyone affected by an action or inaction of Council may make a complaint. Council accepts anonymous complaints where sufficient information is provided to enable a response.

This Policy is available for inspection at Council offices during business hours and is accessible via Council's website. Council will provide reasonable assistance and adjustments to support people to access and participate in the complaint process, including people with disability, people with language or literacy barriers, people experiencing vulnerability and people who require an advocate or authorised representative.

If a complainant remains dissatisfied with the process or outcome of an internal review, Council will inform them of external review avenues available to them.

11 Consistency with Governance Principles Local Government Act 2020

This Policy has been assessed against the overarching governance principles and supporting principles in the *Local Government Act 2020*.

The Policy supports lawful, transparent, fair and accountable decision making by setting out a clear complaint handling process, review pathway, escalation process and continuous improvement approach.

Governance Principle	Section of policy where covered
a) Council decisions are to be made and actions taken in accordance with the relevant law;	Sections 4 and 13 identify the relevant legislation and statutory complaint handling requirements.
b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	Sections 1, 3, 6, 7 and 8 support fair, accessible and timely resolution of complaints for the municipal community.
c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;	Sections 6, 8, 9 and 12 support sustainable service delivery through risk management, escalation, monitoring and review.
d) the municipal community is to be engaged in strategic planning and strategic decision making;	Sections 3, 7 and 10 promote accessible avenues for community members to raise concerns and seek review.
e) innovation and continuous improvement is to be pursued;	Sections 6, 9 and 12 support continuous improvement through complaint data, escalation and periodic review.
f) collaboration with other Councils and Governments and statutory bodies is to be sought;	Sections 4 and 13 reference external guidance, legislation and standards, including Victorian Ombudsman good practice guidance.
g) the ongoing financial viability of the Council is to be ensured;	Sections 8 and 9 support efficient use of Council resources by setting clear responsibilities, timeframes and escalation processes.
h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;	Sections 4, 6, 12 and 13 require the Policy to reflect relevant legislative requirements, external guidance and best practice.

Governance Principle	Section of policy where covered
i) the transparency of Council decisions, actions and information is to be ensured.	Sections 3, 6, 7, 8 and 10 promote transparency through clear complaint pathways, acknowledgement, reasons for decisions and review options.

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—

Community Engagement Principles	• A community engagement process must have a clearly defined objective and scope. • Participants in community engagement must have access to objective, relevant and timely information to inform their participation. • Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement. • Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement. • Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.
Comment:	The Policy provides clear information about how community members may make a complaint and how Council will respond.
Public Transparency Principles	• Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act. • Council information must be publicly available unless— (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest. • Council information must be understandable and accessible to members of the municipal community. • Public awareness of the availability of Council information must be facilitated.
Comment:	The Policy supports transparent complaint handling by outlining complaint pathways, responsibilities, timeframes and review options.

Strategic Planning Principles	• An integrated approach to planning, monitoring and performance reporting is to be adopted. • Strategic planning must address the Community Vision. • Strategic planning must take into account the resources needed for effective implementation. • Strategic planning must identify and address the risks to effective implementation. • Strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.
Comment:	The Policy supports integrated planning, monitoring and service improvement by requiring complaints to be recorded, tracked, analysed and reviewed.
Financial Management Principles	• Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans. • Financial risks must be monitored and managed prudently having regard to economic circumstances. • Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community. • Accounts and records that explain the financial operations and financial position of the Council must be kept.
Comment:	The Policy supports efficient and effective use of Council resources through defined responsibilities, escalation and complaint resolution timeframes.
Service Performance Principles	• Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community. • Services should be accessible to the members of the municipal community for whom the services are intended. • Quality and costs standards for services set by the Council should provide good value to the municipal community. • A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring. • Service delivery must include a fair and effective process for considering and responding to complaints about service provision.
Comment:	The Policy directly supports fair and effective complaint handling and continuous improvement in service delivery.

12 Policy Review

This Policy will be reviewed in conjunction with its associated procedures every three years, or earlier if required due to legislative change, operational need, audit outcome or identified improvement opportunity.

From time to time, circumstances may require minor administrative changes to be made to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively and need not be considered and adopted by Council.

Where any change or update may materially change the intent of this Policy, or the legal responsibilities of any member of the community, it must be considered and adopted by Council or by the Chief Executive Officer in reliance on delegated authority.

13 Legislative Context

Section 107 of the *Local Government Act 2020* requires councils to develop and maintain a complaints policy that includes processes for dealing with complaints, reviewing the action, decision or service complained about and exercising discretion where a complaint is subject to statutory review. The 'Act' also provides that the review process must be independent of the person who took the action, made the decision or provided the service that is the subject of the complaint.

Council Approved Policy

Adopted:	Ordinary Council Meeting 27 May 2021	Minute Page 228
Reviewed:	Ordinary Council Meeting 23 June 2021	Minute Page 183
	Ordinary Council Meeting 26 July 2023	Minute Page 56
	Ordinary Council Meeting 26 August 2026	Item 15.6 Minute Page 40

Chapter 2 – Complaints Handling Procedure

14 Objective

The Council's Complaints Handling Procedure must be read in conjunction with the Council's Complaints Handling Policy.

Council recognises a customer's right to make a complaint. Complaints give Council vital information about its services and a valuable opportunity to make things right and identify areas of service that need improvement.

This Complaint Handling Policy and Procedures aim to ensure that customers can raise their complaints with Council easily and with confidence that Council will listen to their concerns, be responsive and handle their complaints fairly and objectively.

These Procedures describe Council's organisational approach to complaint handling and support and empower staff to facilitate and resolve complaints in an efficient and transparent manner. They also ensure that Council is accountable internally and externally for its decision making and complaint handling performance.

15 Complaint Handling – Four-Tiered Approach

Council takes a four-tiered approach to complaint handling as follows.

Frontline resolution: frontline staff receive, record, acknowledge and refer complaints, and may resolve simple matters at first contact where the issue is straightforward and within their authority.

Investigation if required: if a complaint requires further action, investigation, escalation or a decision outside frontline staff authority, it will be referred to the relevant Officer, Coordinator, Supervisor, Manager, Chief Officer, People and Culture Department or the CEO for assessment and action.

Internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review.

Access to external review: if the complainant is not satisfied with the process or outcome of the internal review, Council will advise them of any relevant external review options. This may include the Victorian Ombudsman, IBAC, the Victorian Equal Opportunity and Human Rights Commission, the Office of the Victorian Information Commissioner, VCAT or another specialist body, depending on the nature of the complaint.

16 PROCEDURES

16.1 Frontline Resolution

- a) Council will acknowledge receipt of all complaints within three business days by providing the complainant with a relevant reference number. Contact will be made by phone, email or other preferred communication method where practicable.
- b) Frontline staff will receive and record the complaint, including the complainant's preferred method of communication. Frontline staff may resolve simple matters at first contact where the issue is straightforward and within their authority. Where the complaint requires further action, it will be referred to the relevant responsible officer within three business days.
- c) Frontline staff will record the complainant's initial presentation or behaviour where relevant, for example calm/reasonable, upset, distressed, verbally aggressive or threatening behaviour.
- d) Frontline staff will clarify the complaint and record the outcome the complainant is seeking.
- e) Frontline staff may ask whether the complainant has any communication preferences or support needs, including interpreter, translation, advocate, authorised representative or alternative format requirements.

- f) Frontline staff will refer complaints requiring further action to the relevant responsible officer. The responsible officer will assess the complaint to determine urgency, seriousness, complexity, risk, systemic impact, delegation, staff involvement, statutory requirements and any need for escalation.
- g) The responsible officer will consider whether the complaint raises human rights issues, including whether Council's action or decision may affect privacy, equality, non-discrimination, freedom of expression, property rights, cultural rights, children, people experiencing vulnerability, or any other relevant right under the *Charter of Human Rights and Responsibilities Act 2006*.
- h) If Council is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to assist.
- i) Once the matter has been referred, the responsible officer will review the complaint and provide a written response, outcome or progress update within 10 business days of receiving the referred complaint. Where possible, the officer handling the complaint will contact the complainant to discuss the outcome before sending the outcome letter.
- j) Where a human right is relevant, the responsible officer will record the consideration given to that right, including whether any limitation is reasonable, necessary and proportionate in the circumstances.

17 Internal Review

All complaints are subject to an internal review process as outlined below. An internal review should be escalated to an officer who was not involved in the original decision, action or investigation, for example an officer from the People and Culture Department.

17.1 Frontline Staff Investigation and Response

All Frontline Staff complaints received, are reviewed by the relevant Manager, Coordinator and/or Supervisor.

17.2 Manager, Coordinator and/or Supervisor Investigation and Response

The investigation review document and response letter are to be reviewed by the relevant Manager, Coordinator and/or Supervisor. If the Manager, Coordinator and/or Supervisor has a conflict of interest or has been involved in the investigation process, the investigation review document and response letter are to be evaluated by the Chief Officer or by the People and Culture Officer.

17.3 Chief Officer Investigation and Response

The investigation review document and response letter are to be reviewed by the relevant Chief Officer. If the Chief Officer has a conflict of interest or has been involved in the investigation process, the investigation review document and response letter are to be evaluated by the CEO or People and Culture Officer.

17.4 CEO Investigation and Response

The investigation review document and response letter are to be reviewed by the CEO. If the CEO has a conflict of interest or has been involved in the investigation process, a Chief Officer will be appointed to review the document and response letter.

17.5 Outcome Letter

A written outcome letter will be provided to the complainant at the conclusion of a complaint investigation or internal review. The letter should be written in clear, respectful and plain English, tailored to the complainant's concerns and circumstances and provided in the complainant's preferred communication format where practicable.

An outcome letter should include:

- a) A brief description of the complaint and the issues considered.
- b) The outcome the complainant was seeking, where known.

- c) The steps Council took to assess, investigate or manage the complaint.
- d) The outcome of the complaint, including whether it is upheld, partially upheld, not upheld, resolved or otherwise finalised.
- e) Clear reasons for Council's decision or position.
- f) Any remedy, action, service improvement or follow-up action Council will take, including expected timeframes where applicable.
- g) Any human rights considerations relevant to the complaint, where applicable.
- h) The name or contact details of a Council officer the complainant can contact to discuss the outcome.
- i) Information about any available internal review, external review, appeal or complaint options.

Where there has been a delay in responding to the complaint, the outcome letter should acknowledge the delay and where appropriate, explain the reason for the delay.

The outcome letter will advise the complainant of any internal or external review options available in relation to the matter. Where appropriate, the letter will include the following wording: "If you are unhappy with the outcome of this process, you can complain to the Victorian Ombudsman online at www.ombudsman.vic.gov.au/complaints or by calling 1800 806 314.

18 Complaints Received

18.1 Complaints Received by Councillors

Where a Councillor receives a complaint from a member of the public, the Councillor must submit the complaint through the Councillor CRM System in the Councillor HUB.

The CEO, or their delegate, is responsible for investigating the complaint and advising the member of the public of the outcome, where contact details have been provided.

18.2 Complaints about Contractors

Council is ultimately responsible for complaints about services delivered by contractors on Council's behalf. Complaints about contractors will be managed consistently with this Policy and Procedure, including recording, assessment, investigation, communication with the complainant, outcome advice, review options and reporting.

All complaints about contractors are to be directed to the relevant Chief Officer or the People and Culture Department, logged in the CRM system and actioned in accordance with this Policy and Procedure. The responsible officer will determine whether the contractor needs to provide information, records or other assistance to enable Council to assess and resolve the complaint.

Council may require contractors to collect or provide complaint data relevant to Council services, assist with identifying and addressing systemic issues and comply with any complaint handling obligations included in their contract. If a complainant is not satisfied with the handling or outcome of a contractor-related complaint, they may request that Council review the decision.

18.3 Complaints about Staff

Complaints specifically relating to Council staff will be assigned to the relevant Manager, Chief Officer and People and Culture Department. Depending on the nature and severity of the complaint, the People and Culture Department will be responsible for managing any consequential investigation and will advise the complainant and all internal parties of the process to be followed in accordance with this Policy, including likely timeframes.

18.4 Complaints about specific matters – alternative procedures

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Council's Public Interest Disclosures Policy and Procedure.

Where a complaint may involve human rights, the responsible officer must consider Council's obligations under the *Charter of Human Rights and Responsibilities Act 2006*. This includes considering whether a protected right is relevant, whether Council's action or decision limits that right and whether any limitation is lawful, reasonable, necessary and proportionate.

18.5 Complaints about Councillors

Complaints about Councillors will be actioned and investigated in accordance with Councillors Model Code of Conduct and Public Interest Disclosure Policy and Procedure.

If the complaint is outside of the CEO's delegation and authority to manage, the CEO will refer the complaint to the applicable Governing Body.

18.6 Complaints about Chief Executive Officer

Complaints will be handled in accordance with the *Act*. The *Act* requires the CEO to advise the Mayor and Council about the complaint. The CEO may request that a probity auditor be appointed in relation to the complaint. The primary duties of the probity auditor are to assist Council to deal with the complaint, including preparing a report at the end of the probity period.

18.7 Anonymous Complaints

Yarriambiack Shire Council will accept anonymous complaints if enough information is provided.

Council Officers are encouraged to advise the complainant that providing information will assist Council in administering the Complaint Handling Policy. Where a Complainant is unwilling to disclose their details the investigation process is disadvantaged because:

- a) Anonymity generally reduces Council's ability to properly investigate a matter.
- b) It can be difficult to clarify the nature of the complaint and obtain additional information from the complainant.
- c) Council is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

Notwithstanding the above constraints, Council will endeavour to address anonymous complaints in a manner consistent with the principles and processes applied to other complaints.

A Complainant may use an advocate or authorised personal representative to progress their complaint – refer to [Yarriambiack Shire Council Complaints Form](#)

19 Remedies

Where Council identifies that an error has occurred, or that a decision, action, delay, process or communication could have been handled more fairly or effectively, Council will consider an appropriate remedy. Any remedy should be fair, practical and proportionate to the circumstances of the complaint and the impact on the complainant. Possible remedies include, but are not limited to:

- a) Acknowledging the issue and providing a genuine apology where appropriate.
- b) Providing a clearer explanation of Council's decision, action or process.
- c) Reversing or changing a decision, where Council has authority to do so.
- d) Correcting records or taking practical steps to fix the issue.
- e) Offering a payment, fee waiver, reimbursement or other financial remedy where appropriate and authorised.
- f) Making service, policy, process or system improvements to reduce the likelihood of the issue recurring.

- g) Providing another reasonable outcome sought by the complainant, where it is lawful, practical and within Council's authority.

The complaint handling process is focused on resolving the complaint, improving services and promoting fairness. Any employment, disciplinary or performance management action relating to a staff member will be managed separately through the appropriate internal employment processes. Council will balance transparency with privacy and confidentiality obligations when advising the complainant of any action taken.

20 Unreasonable Complaint Conduct

In a small number of cases some complainants behave in ways that are inappropriate or unacceptable, despite Council's best efforts to assist them. When complainants behave inappropriately, Council may consider their conduct to be unreasonable.

Unreasonable Complaint Conduct can be divided into five categories of conduct:

- a) Unreasonable persistence.
- b) Unreasonable demands.
- c) Unreasonable lack of cooperation.
- d) Unreasonable arguments.
- e) Unreasonable behaviour.

20.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.

20.2 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.

20.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with the organisation, staff, or complaints system and processes that result in a disproportionate and unreasonable use of services, time and/or resources.

20.4 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 that disproportionately and unreasonably impact upon the organisation, staff, services, time and/or resources.

20.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated a complainant may be, because it unreasonably compromises the health, safety and security of staff, other service users or the complainant themselves.

All staff should note that Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and in accordance with Council's duty of care and Occupational Health and Safety responsibilities.

The following guidelines apply in dealing with Unreasonable Complainant Behaviours:

- a) Do not dismiss a complaint because the complainant is difficult to manage.
- b) Use the processes in place to manage the difficult complainant.

- c) Carefully draft decision letters including evidence of unreasonable complainant conduct and action taken.
- d) If necessary, notify the complainant that future contact will be limited:
 - No phone calls will be accepted on the issue.
 - All future communications must be in writing.
 - New correspondence will be received and assessed but only acknowledged or responded to if the complainant provides new information about their complaint.

21 Privacy and Confidentiality

When gathering information to respond to a complaint, we will only:

- a) Use it to deal with the complaint or to address systemic issues arising from the complaint.
- b) Disclose it in a de-identified format when disclosing data to the public.
- c) Share it with Council staff on a need-to-know basis.

22 Recording Complaints

All complaints are recorded in Council's CRM software system.

Frontline staff will:

- a) Record and action the initial complaint in the CRM; and (if necessary)
- b) Direct the complaint to the responsible Officer to resolve.

The officer responsible for resolving the complaint will record the resolution in the CRM system, close out the action and respond to the complainant.

23 Complaints Analysis

The Manager Business Systems will analyse complaint data and provide quarterly reports to Council and the Audit and Risk Committee on complaint trends, key performance indicators for opportunities to reduce complaints and improve services. The CEO and relevant Chief Officers are responsible for acting on trends and implementing recommendations to improve services and reduce complaints.

We record the following information for each complaint:

- a) The complainant's details.
- b) How the complaint was received.
- c) A description of the complaint.
- d) The complainant's desired outcome (if known).
- e) The Council officer responsible for handling the complaint.
- f) Any action taken, including contact with the complainant, response times.
- g) Outcome.
- h) Any trends in complaints overtime.
- i) Any recommendations for improvement.
- j) Close out date.

Any queries regarding the recording of investigated complaints should be directed to the Department of People and Culture.

24 Reporting on Performance

To measure performance, Council has the following key performance indicators:

- a) Performance against timelines set by Council (i.e. average time to respond).
- b) Number of complaints received in a financial year.
- c) Number of complaints closed in a financial year.
- d) Number of complaints that remain open after 30 days.
- e) Review of complainant satisfaction.
- f) Complaints escalated to the Victorian Ombudsman where Council's original decision has been overturned and/or proposals for action have been made by the Ombudsman.

The Chief People and Culture Officer will also provide report on confidential Internal/External Complaints against Council's complaint handling key performance indicators:

- a) Quarterly to Council and the Audit and Risk Committee.
- b) Annually to the CEO (for CEO Annual Review).
- c) Council's Annual Report.

25 Access to External Review

Where applicable, the contact/responsible officer dealing with the complaint will advise the complainant of any external review options available in relation to the matter. The appropriate external body will depend on the subject matter of the complaint, the legislation that applies and whether any specialist review or appeal rights are available.

For most complaints about Council's administrative actions, decisions, services, delays or complaint handling process, the relevant external review body is the Victorian Ombudsman.

Victorian Ombudsman

The Victorian Ombudsman is an independent officer of the Victorian Parliament who can receive complaints about the administrative actions of Victorian public sector organisations, including local councils. If a complainant is unhappy with the outcome of Council's complaint process, they may complain to the Victorian Ombudsman.

Phone: 1800 806 314

online at www.ombudsman.vic.gov.au/complaints

Independent Broad-based Anti-corruption Commission (IBAC)

IBAC handles complaints and notifications about public sector corruption and police misconduct in Victoria. Matters that may involve improper or corrupt conduct, public interest disclosures or serious misconduct may need to be referred to IBAC or managed under Council's Public Interest Disclosures Policy and Procedure.

Toll Free: 1300 735 135

Email: info@ibac.vic.gov.au

Web: www.ibac.vic.gov.au

Independent Advice

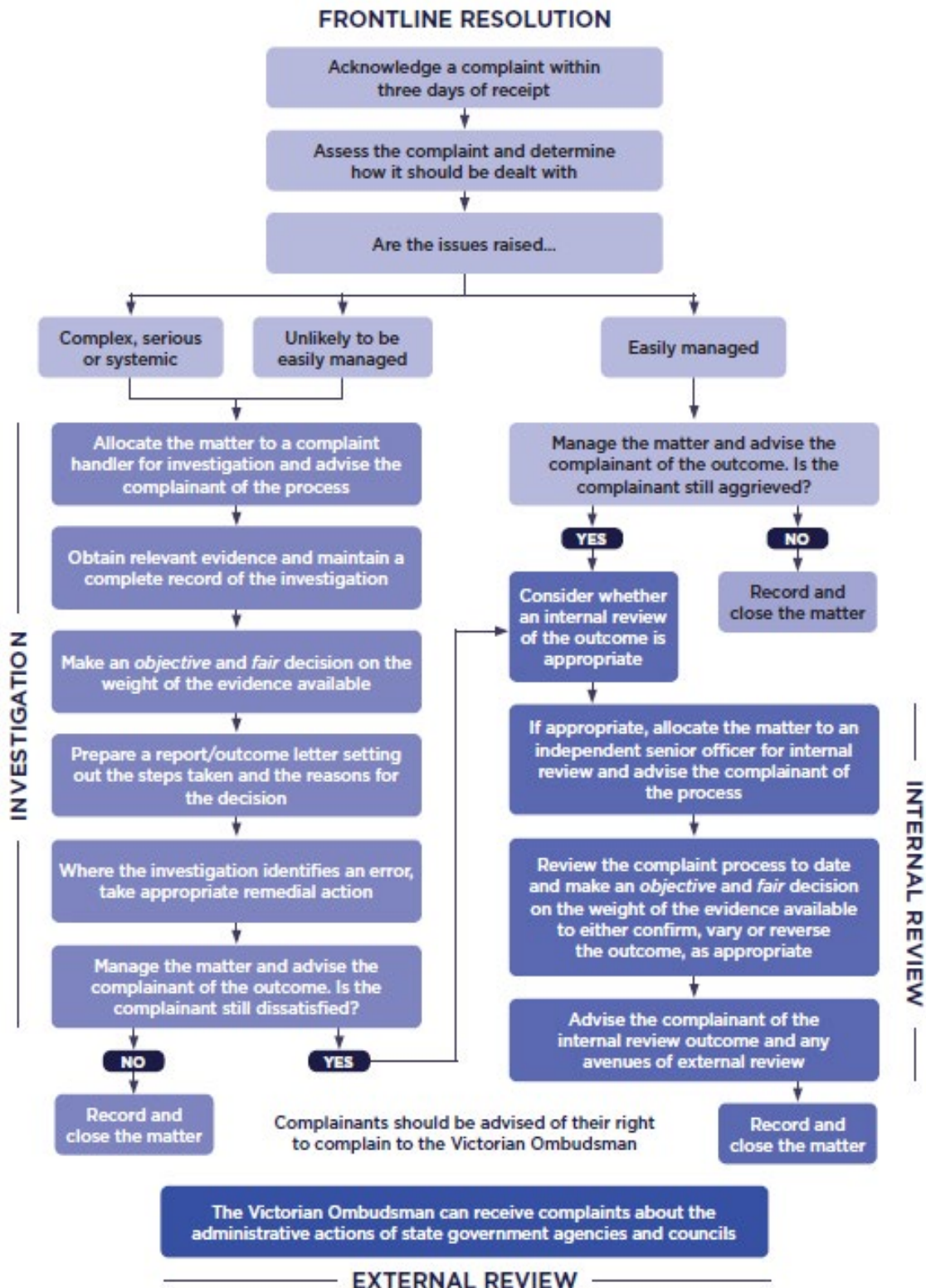
Depending on the subject matter, other independent complaint, review or appeal bodies may also be relevant, including:

- a) Local Government Victoria
- b) Office of the Victorian Information Commissioner
- c) Victorian Equal Opportunity and Human Rights Commission
- d) Australian Competition and Consumer Commission (ACCC)

- e) Victorian Civil and Administrative Tribunal, where a statutory right of review or appeal applies.
- f) WorkSafe

**Refer to Appendix 2 for other additional dispute resolution bodies.*

Appendix 1: COMPLAINT HANDLING FLOWCHART



Complainants should be advised of their right to complain to the Victorian Ombudsman.

Appendix 2: KEY VICTORIAN COMPLAINT AND DISPUTE RESOLUTION BODIES**Accident Compensation Conciliation Service**

Provides an independent service to resolve worker's compensation disputes in Victoria.

Office of the Victorian Information Commissioner

The key body regulating how Victorian Government agencies and local councils collect and handle personal information.

Consumer Affairs Victoria

Promotes consumer protection and ethical trading and ensures that consumer protection laws are properly enforced.

Dispute Settlement Centre – Victorian Department of Justice and Regulation

Provides an informal, impartial, accessible, low cost dispute resolution service to the Victorian community.

Disability Services Commissioner

Deals with complaints about disability services in Victoria.

Health Services Commissioner

Deals with complaints about health services providers.

Local Government Investigations and Compliance Inspectorate

Investigates complaints of alleged breaches of the *Local Government Act 2020* by Councillors, Senior Council Officers and certain other persons.

Mental Health Complaints Commissioner

Deals with complaints about public mental health service providers.

Public Transport Ombudsman

Deals with complaints about Victorian Public Transport that members of the community have been unable to resolve directly with the Public Transport Operators.

Victorian Equal Opportunity and Human Rights Commission

Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice.

Victorian Inspectorate

Key oversight body in Victoria's integrity system. It can take complaints about IBAC, Chief Examiner and Examiners, Victorian Ombudsman and Auditor General.