



# Complaints Policy

Responsible Officer	Adoption Date	December 2021
Governance and Reporting Advisor	Approved By	Council
	Review Date	December 2025
Authorising Officer	Policy Type	Major Council Policy
Director Corporate Services		

## Statement and Purpose

The purpose of this policy is to support effective complaints handling. It aims to set up a framework which acknowledges that people have the right to complain, helps people to make complaints and receive timely responses to those complaints so that service delivery can be improved.

The policy is required by section 107 of the *Local Government Act 2020*.

## Scope

The policy applies to councillors and members of council staff. This includes temporary, casual or agency staff and contractors, consultants, and suppliers working for, or on behalf of the council.

Complaints must relate to matters, products or services for which council has jurisdiction or responsibility.

A complaint is an expression of 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 council or a member of council staff or a contractor.

This policy does not apply to the following, which are not complaints:

- A request for service
- A matter that is, has been or is scheduled to be before a court, panel, coroner or tribunal
- Anything that relates to the appointment or dismissal of any staff member or an industrial issue or an internal staff disciplinary issue
- Reports of damaged or faulty infrastructure

- Reports concerning neighbours or neighbouring property e.g., noise or unauthorised building works
- The lodging of an appeal or a submission in accordance with council procedure or policy
- Reports of hazards e.g., fallen tree branch or road pot hole
- Matters where statutory submission, hearing, review or appeal processes exist

This policy does not apply to complaints about councillor conduct which are dealt with in accordance with the Act and the *Councillor Code of Conduct*.

This policy does not apply to allegations of corrupt conduct which are dealt with in accordance with council's *Public Interest Disclosure Policy*.

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## Policy

### 1. How to make a complaint

- (1) Anyone who has been affected by a decision, an action or inaction of council has a right to complain.
- (2) Complaints can be made by:
  - (a) mail - PO Box 238, Wangaratta Vic 3676
  - (b) telephone - 03 5722 0888
  - (c) email - [council@wangaratta.vic.gov.au](mailto:council@wangaratta.vic.gov.au)
  - (d) in person - Wangaratta Government Centre 62-68 Ovens Street Wangaratta 3677. Opening hours are Monday to Friday, 8.30am - 5.00pm.
  - (e) via the internet at <http://local.wangaratta.vic.gov.au/community.portal.crms/request/newrequest/complaint>
- (3) Council contact information must be published to assist people to lodge complaints.
- (4) When lodging a complaint, inclusion of the following information by complainants will be helpful:
  - (a) name and contact details. council will accept and respond to anonymous complaints, provided there is enough information to do so.
  - (b) the action, decision, service or policy that is the subject of the complaint
  - (c) the reason for dissatisfaction
  - (d) relevant details, such as dates, times, location or reference numbers, and documents that support the complaint
  - (e) the outcome sought from making the complaint
  - (f) any communication needs
  - (g) any request that another person or organisation assist or represent them to make and progress a complaint. council will accept complaints from appropriately authorised representatives.
- (5) Council staff must endeavour to assist people who wish to make a complaint.
- (6) If there are any specific communication needs or barriers, members of council staff can assist by:
  - (a) using an assistance service, such an interpreter or TTY at no cost to the complainant
  - (b) talking with a complainant if they have trouble reading or writing
  - (c) communicating with another person acting on a complainant's behalf if the complainant cannot make the complaint themself

## 2. Reasonable conduct

- (1) Council will take all reasonable steps to ensure that people are treated fairly and with respect and courtesy because of a complaint made by them or about them.
- (2) Unreasonable conduct by a complainant may affect council's response to a complaint.
- (3) Council views unreasonable conduct as:
  - (a) any conduct that negatively and unreasonably affects the health, safety and security of any person; or
  - (b) any conduct that threatens council's ability to allocate council resources fairly to the management of all of the requests for service and complaints received at any time.
- (4) Unreasonable conduct by a complainant will generally be managed in accordance with the Unreasonable Conduct Policy (Non-staff) by limiting or adapting the ways that council interacts with that person taking into account that person's personal circumstances. Examples of approaches that may be taken include:
  - (a) restricting who they have contact with
  - (b) constraining what they can raise
  - (c) controlling when they can have contact, where they can make contact or how they can make contact
  - (d) in extreme cases, and as a last resort and only when all other strategies have been considered or attempted, council may decide that it is necessary for the organisation to completely terminate all contact with an individual for a period of time

## 3. Complaints process

### 3.1 Acknowledging complaints

- (1) Council will endeavour to acknowledge complaints within 2 business days and aim to resolve complaints within 20 business days.
- (2) If it is not possible to resolve a complaint within 20 business days, council will endeavour to contact the person who made the complaint prior to or at this time to provide an update on the case.

### 3.2 Avoiding conflicts

- (1) Council will do its best to ensure that conflicting interests do not interfere with, or are perceived to interfere with, the management and resolution of a complaint.
- (2) To the best of council's ability, a complaint will be processed in an objective, fair and reasonable manner based on merit and fact.

### 3.3 Frontline resolution

- (1) If appropriate because of the subject matter and circumstances of the complaint, frontline staff will receive the complaint, clarify it and the outcome being sought, assess it, and resolve it as soon as possible by:
  - (a) taking direct action
  - (b) referring it to the relevant team or manager for investigation if it requires deeper consideration
  - (c) declining to deal with it where statutory submission, hearing, review or appeal processes exist
- (2) Where possible, an attempt to resolve the complaint will be made at the time the complainant makes contact with council.
- (3) Where the complaint cannot be resolved quickly and requires an investigation the following steps, if relevant, may be involved:
  - (a) assessing the complaint information against relevant legislation, policies and procedures
  - (b) referring to council documents and records
  - (c) meeting affected parties to consider possible solutions
- (4) The complainant will be advised via their preferred communication method, and in writing if possible, of the outcome of an investigation and reasons for the outcome.
- (5) If the decision is not to take action, the complainant will be advised of the reasons why, and, where possible, informed about other options.
- (6) 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 help.

### 3.4 Internal review

- (1) If a complainant is dissatisfied with a decision and how council responded to a complaint, they can request an internal review.
- (2) The internal review process for a complaint must be independent of:
  - (a) the person who took the action; and
  - (b) the person who made the decision; and
  - (c) the person who provided the service.
- (3) An appropriately skilled and independent person will be appointed to review a complaint based on the subject matter and circumstances of the complaint.
- (4) A written decision arising from an internal review of a complaint will be provided to the complainant. It will be signed by a director of council and will include reasons for the decision.

- (5) A written decision will advise the complainant of any avenues of external review available in relation to the matter should they continue to be dissatisfied.

### 3.5 External review

- (1) There are external bodies that can deal with different types of complaints about council.
- (2) Complainants can request an external review from the following organisations:

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

## 4. Responsibilities

All members of council staff, councillors and council contractors are responsible for contributing to our complaints process.

### 4.1 Chief Executive Officer

- (1) Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.
- (2) Supporting service improvements that arise from complaints.
- (3) Reviewing and publishing complaint data.

### 4.2 Directors, Managers, Coordinators

- (1) Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the council's policies and procedures.
- (2) Managing conflicts of interest in the complaint process.
- (3) Reporting on and identifying improvements from complaint data.
- (4) Supporting staff who deal with complaints.

### 4.3 All members of council staff and contractors

- (1) Familiarising themselves with this policy and the council's complaint process.
- (2) Assisting members of the public to make a complaint.
- (3) Cooperating with council's complaint processes.
- (4) Treating members of the public respectfully and professionally.

### 4.4 Councillors

- (1) Familiarising themselves with this policy and the council's complaint process.
- (2) Referring complaints to members of council staff to be dealt with in accordance with policy and procedures.

## 5. Privacy

- (1) Personal affairs information received with complaints will be stored securely and confidentially in compliance with all relevant privacy laws and ethical obligations.
- (1) When gathering information to respond to a complaint, council 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 staff on a need-to-know basis

## Monitoring and review

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

## Definitions

Chief Executive Officer	The person occupying the office of Chief Executive Officer of the council and includes a person acting in that office.
Complaint	<p>A complaint is an expression of dissatisfaction with:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) a policy or decision made by council or a member of council staff or a contractor.</li> </ul>
Council	The Wangaratta Rural City Council comprised of elected councillors and led by the Mayor.
Councillor	A councillor of the council.
Mayor	The Mayor of the council and any person appointed by the council to be acting as Mayor.
Organisation	The Rural City of Wangaratta organisation, led by the Chief Executive Officer.

Personal affairs information	Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
Request for service	Contact with council to seek assistance, access to a new service, advice, information or to make a report about something for which council has responsibility.

## References

### Guidelines

- Victorian Ombudsman (2021) Councils and complaints – A good practice guide 2nd edition

### Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Local Government Act 2020*
- *Public Interest Disclosures Act 2012*

### Policies

- Councillor Code of Conduct
- Our Community Promise
- Public Interest Disclosure Policy
- Unreasonable Conduct Policy (Non-staff)

## Review

The policy may be amended by council at any time.

It must be reviewed, and amended if necessary, at least once in each council term.