



Complaints Handling Policy

Version no.2

Approval Date: 05/08/2024

Review Date: 04/08/2028

Document Control

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Division	Regional City Strategy and Transition	
Last Updated (who and when)	Courtney Aquilina, Coordinator Customer Focus	2024
Document History		
Authority	Date	Description of Change
Council	6 December 2021	New Policy
Council	5 August 2024	Minor Updates
References	Refer to section 8 and 9 of this policy	
Next Review Date	August 2028	
Published on Website	Yes	
Document Reference No.	2684445	

1. Background

The purpose of the Complaints Handling Policy (“the Policy”) is to outline how Latrobe City Council (“Council”) manages complaints.

Council is committed to responsive complaint handling and creating a culture that encourages feedback and resolves customer complaints in order for the organisation to mature, learn and improve services.

Council recognises that members of the public have the right to complain and have their complaints handled objectively, in a systematic, responsible and fair manner.

2. Objectives

The Policy aims to:

- Implement an open and transparent complaint handling system.
- Enhance the relationship between Council and its customers and members of the public.
- Establish our timeframes for resolving complaints.
- Clarify the roles and responsibilities of Council staff.
- Ensure there are appropriate pathways for dealing with challenging or unreasonable behaviour.
- Provide a safe and secure environment to conduct business in a respectful and professional manner.

Pursuant to Section 107 of the *Local Government Act 2020*, Council is required to develop and maintain a Complaints Policy that includes processes outlined in the Act. The Policy satisfies that requirement.

3. Scope

Dealing with complaints is a core part of Council business. We value complaints and feedback 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 complaints and provide feedback.
- Responding to complaints by take 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.

The Policy applies to all Council staff. The Policy also extends to Council contractors and volunteers, to the extent provided for in their contract and/or agreement with Council.

Any complaints received about Council contractors and/or volunteers will be handled in accordance with the Policy and/or relevant contractual requirements. Where Council outsources its work to a contractor, Council Officers are responsible for responding to the complaint.

The Policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes.

Examples of service areas in which there are separate statutory or legislative appeal processes include, but are not limited to:

- Complaints relating to a planning application or decision.
- Complaints relating to parking or local law infringements.
- Complaints relating to building, health and food services.
- Complaints relating to a Councillor when not performing his/her role as a Councillor.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Freedom of Information requests.
- Work related grievances from Council Staff (i.e. complaints relating to their employment).
- Complaints already reviewed by an external agency.

Council recognises these complaints are still valid from a community perspective, however these will be managed separately from the complaint handling policy and will not be investigated as part of the Policy.

Any complaints relating to the level of service provided will be handled according to the Policy.

Where a complaint is outside Council's service responsibility, we will endeavour to direct the complainant to the appropriate authority or service provider.

4. Principles of Management

What is a complaint?

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

- The quality of an action, decision or service provide by Council staff, volunteers or contractors.
- A delay by Council staff, volunteers or contractors in taking an action, decision making or delivering a service.
- A policy or decision made by Council staff, volunteers or contractors.

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

How to make a complaint

A person can make a complaint in several ways, including:

Mail: Latrobe City Council, PO Box 264, Morwell, Vic 3840

Email: latrobe@latrobe.vic.gov.au

Website: https://www.latrobe.vic.gov.au/Other/Contact_Us/Feedback

Telephone: 1300 367 700

Where appropriate, a complaint can also be made speaking directly to a frontline staff member at the following locations:

HQ Service Centre: 141 Commercial Road, Morwell, Vic 3840

Moe Library Service Centre: 1-29 George Street, Moe, Vic 3825

Traralgon Library Service Centre: 34-38 Kay Street, Traralgon, Vic 3844

Churchill Library Service Centre: 9-11 Philip Parade, Churchill, Vic 3842

Morwell Library Service Centre: 63-65 Elgin Street, Morwell, Vic 3840

Accessibility

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs to barriers and we can assist you by:

- National relay service (NRS)
 - Phone: 1800 555 660
 - Fax: 1800 555 690
 - SMS: 0416 001 350
 - TTY: 1800 555 630
 - Email: helpdesk@relayservice.com.au
 - Online: <https://accesshub.gov.au/about-the-nrs/nrs-helpdesk/enquiries>
 - Chat: <https://nrschat.nrscall.gov.au/nrs/helpdeskchat>
 - Video: <https://nrschat.nrscall.gov.au/nrs/contactus>
- Teletypewriter (tty) users phone 133 677 then ask for 1300 367 700.
- Speak and listen users, phone 1300 555 727 then ask for 1300 367 700.
- Internet relay users connect to the NRS then ask for 1300 367 700.
- Tis (translating and interpreting service) on 131 450.
- 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.

To make the process simpler for community members, there is a citizen complaint form which can be completed and submitted. Copies of the form can be obtained from any Latrobe City Council Service Centre or from the Latrobe City Council website: https://www.latrobe.vic.gov.au/Other/Contact_Us/Feedback.

We accept and respond to anonymous complaints, provided we have received enough information to do so. Where possible, at the point of initial contact, Council will inform customers who wish to remain anonymous that should additional information be required to action the complaint, the absence of identifying contact information may mean the complaint cannot be actioned.

Our Complaint Process

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 to an appropriate Council officer for investigation.
3. **Internal review:** if the complainant is aggrieved with the process of the frontline resolution or 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.

Complaint Resolution Procedures

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 the complaint, there is no requirement for further escalation.
- If Council is not the correct organisation to respond to the complaint, the complaint will be referred to an organisation that can assist.
- 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 an operational level.
- The customer will be advised of who is dealing with their complaint.

Investigation:

- If frontline staff cannot resolve the complaint, it will be assigned to an appropriate officer for investigation.
- The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- The complaint handling officer will aim to resolve the complaint within 28 business days.
- If it takes longer than 28 business days to resolve the complaint, the investigating officer will contact the complainant prior to or at this time to provide an update and explanation.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and contact details 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 in writing.

Internal Review:

- If a complaint cannot be satisfactorily resolved, then the complainant can request an internal review. This will entail an internal review by a senior Council officer who has not had any previous involvement with the complaint investigation. The senior Council officer will have not been involved in providing the service subject to the complaint or the original decision, action or investigation in relation to the complaint.
- The officer handling the internal review will advise the complainant who the contact person is and how long it should take to respond.
- The internal review handling officer will aim to resolve the complaint within 28 business days.
- If it takes longer than 28 business days to resolve the complaint, the investigating officer will contact the complainant prior to or at this time to provide an update and explanation.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and contact details for the responsible officer. If the complaint remains unresolved then the complainant may wish to escalate the complaint further to the appropriate external body.
- An outcome letter signed by the investigating senior Council officer responsible for conducting the internal review will be provided to the complainant at the conclusion of every internal review.
- If the complainant is still unhappy with the outcome of the investigation, the review can be escalated to the Chief Executive Officer in some circumstances.

External Review:

- There are external bodies that can handle different types of complaints about Council.
- A complainant can request an external review as detailed below:

Complaint	Organisation to Contact for External Review
Actions or decisions of 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 www.ombudsman.vic.gov.au
Breaches of the <i>Local Government Act 2020</i>	Local Government Inspectorate www.lgi.vic.gov.au
Breach of Privacy. Complaint about 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 Electoral Commission www.vec.vic.gov.au

Complaints that will not be Investigated

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.
- Has already been appropriately responded to or a satisfactory conclusion has been reached.
- Involves an adequate remedy or right of appeal, whether or not the complainant uses the remedy or right of appeal.
- Relates to a decision awaiting determination by Council.
- Relates to a matter before a court, coroner or tribunal.
- Is under investigation by the Minister for 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.

- Includes situations where there is insufficient information or the complainant declines or refuses to provide further information.
- 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 in writing.

Unreasonable Complaint 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 its intensity, nature or frequency, impacts negatively on the health, safety or security of Councillors and staff, and/or requires substantial or disproportionate allocation 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, services, time and/or resources.
- **Unreasonable demands:** demands (express or implied) made by a complainant that have 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 disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.
- **Unreasonable behaviour:** conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of 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 the Policy, it may be necessary for limitation to be placed on their conduct with Council.

A determination to limit contact with Council will:

- Be made by the Chief Executive Officer.
- Consider 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 the future.

- Notify 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 limitations and explain the persons 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 responded to if, in the view of Council, it raises a new matter or additional information warranting a review or further action.

5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

5.1 Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

5.2 Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

5.3 General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

5.4 Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

5.5 Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

6. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

7. Definitions

Complaint: (as set out in sub-section 107(3) of the *Local Government Act 2020*) is a communication (verbal or written) to the Council which expresses dissatisfaction about:

- The quality of an action, decision or service provided by Council staff, a Council volunteer or contractor.
- A delay by Council staff or a Council contractor in taking an action, decision making or service delivery.
- A policy or decision made by the Council, Council staff, a Council volunteer or contractor.

Council Staff / Senior Officer: a person employed by Latrobe City Council to carry out the functions of the Council and the Councils Chief Executive Officer.

Council Contractor / Volunteer: a third party engaged by Latrobe City Council to carry out functions on Council's behalf.

Frontline Staff: any Council officer or anyone representing or contracted by Latrobe City Council who has direct contact with customers. This is not limited to the function of customer service.

8. Related Documents

- Customer Behaviour Policy
- Preventing and Responding to Occupational Violence and Aggression Procedure
- Councillor Code of Conduct
- Staff Code of Conduct
- Customer Experience Strategy
- Customer Service Charter
- Privacy Policy
- Latrobe City Council Feedback Form: https://www.latrobe.vic.gov.au/Other/Contact_Us/Feedback

9. Reference Documents

- Local Government Inspectorate <https://www.lgi.vic.gov.au/make-complaint-local-government-inspectorate>
- Independent Broad-based Anti-corruption Commission <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form>
- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Freedom of Information Act 1982* (Vic)

- *Privacy and Data Protection Act 2014 (Vic)*
- *Public Interest Disclosure Act 2012 (Vic)*
- *Council and Complaints – A Good Practice Guide – Second Edition (July 2021)*

10. Appendices

Nil