

## **Complaint Management Policy**

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## Introduction

### Purpose

Dealing with complaints is a core part of Council business and supports us in our efforts to continually improve our service delivery and customer experience. We value complaints and encourage people to contact us when they have a problem, concern or feedback about our services, actions, decisions, and policies. We are committed to:

- enabling members of the public to make complaints about Council;
- responding to complaints by taking action to resolve as soon as possible; and
- learning from complaints to improve our services.

The purpose of this Policy is to provide guidance and consistency in relation to Council's response to and management of complaints.

### Application And Scope

This Policy applies to all complaints from members of the public about Council services, actions, staff, contractors, and decisions made.

Where an internal complaint is made the complaint will be managed in accordance with this Policy and other relevant organisational policies and procedures, and the Employee Code of Conduct.

This Policy does not apply to complaints about individual Councillors. Complaints about individual Councillors will be dealt with by the Mayor in accordance with the *Local Government Act 2020*, the Councillor Code of Conduct, and Council's Governance Rules. If the complaint is about the Mayor the complaint will be dealt with by the Deputy Mayor.

This Policy does not apply to Public Interest Disclosures, being complaints that allege:

- A person, public staff or public body has engaged, is engaging or proposes to engage in improper conduct; or
- A public staff or public body has taken, is taking or proposes to take Detrimental Action against a person in reprisal for a public interest disclosure.

Public Interest Disclosures must be dealt with in accordance with the *Public Interest Disclosures Act 2012* and Council's Public Interest Disclosure Procedures. Please see <https://www.melton.vic.gov.au/Public-Interest-Disclosures> for more information.

### How We Learn from Complaints

Complaints from people who use, or who are affected by, our services provide us with valuable feedback about how we are performing.

We regularly analyse feedback about our services including complaints to identify trends and potential issues that deserve further attention.

We use this information to determine solutions about how we can improve our services and take action. We are open and transparent about the complaints we have received, and what we have done to resolve them.

## Part 1 – Policy Principles

### 1.1 Policy Principles

As part of a broader commitment to effective delivery of services to the community, Council is committed to managing complaints in a professional manner, according to legislation and procedural fairness, underpinned by the following principles:

Principle	Description
Commitment	We are committed to resolving complaints and will foster a culture that recognises an individual's right to lodge a complaint or suggestion for improvement. We value complaints and recognise the important role they make in supporting improvements to service delivery, and the customer experience Council provides to our community.
Accessibility	Council's complaints handling procedures will ensure that people with a range of needs can easily lodge a complaint, and that staff will actively assist them to navigate the complaints process.
Transparency	We will make it clear on the ways to make a complaint, where to direct a complaint, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny. We will ensure that when responding to a complaint, that we provide information on the rights for a review if a complainant is unsatisfied with how their complaint was handled.
Objectivity and fairness	Complaints are dealt with courteously, impartially, within established timeframes, and are assessed on merit.
Privacy	Complaint information is handled according to privacy laws and other relevant legislation. Where a complaint is about another person or property, we are required to protect the privacy of both the complainant, and the subject of the complaint. We will provide clear information about how we handle personal information. Complaint information may be used for follow-up consultation and research to improve service delivery, and complaint data will be de-identified if reported for statistical purposes or performance reporting. We accept that some individuals may wish to make anonymous complaints, and we will ensure our complaints procedures accommodate this.
Accountability	We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.
Customer insights and Continuous improvement	We analyse complaint data to find trends and customer insights to find ways to continuously improve how we operate and deliver our services. We will foster a culture that views complaints as a positive opportunity for improvement and will constructively use complaints information to implement changes to improve our overall customer experience.

## Part 2 - What is a complaint?

### 2.1 What is a complaint?

A complaint is an expression of dissatisfaction with:

- a) a decision by Council or its contractor;
- b) a policy implemented by Council or its contractor;
- c) the quality of an action taken, decision made, or service provided by Council or its contractor;
- d) a delay or failure in providing a service, taking an action, or making a decision by Council or its contractor;
- e) the conduct of a member of Council staff.

### 2.2 What is not a complaint?

The following are not complaints that will be handled in accordance with this Policy:

Requests for service or maintenance to an asset for which Council has responsibility, or reports of a fault with, or damage to, an asset for which Council has responsibility, within the relevant service standard.

- a) Dissatisfaction when providing feedback through a community consultation.
- b) Requests to review or appeal an infringement or statutory decision.
- c) Complaints involving an allegation of fraud or corrupt conduct. This is covered under the Public Interest Disclosures Act.
- d) Claims against Council for personal injury or property damage or other loss or damage.
- e) A complaint that involves an issue that is governed by State or Federal policy or laws or relates to conduct before a court, coroner or tribunal.

## Part 3 - Complaints about a decision, action, or service

### 3.1 How to make a complaint?

Complaints about decisions; the implementation of a policy; or the quality or timeliness of action taken, decision made, or service provided by Council or its contractor can be made in the following ways:

Online via Council's website	<a href="https://www.melton.vic.gov.au/Online-Forms/General-enquiry-form">https://www.melton.vic.gov.au/Online-Forms/General-enquiry-form</a>
Telephone	03 9747 7200 Translating Interpreting Service - 131 450 National Relay Service (NRS) - 133 677
In person	Via a Council Customer Service Centre. Visit: <a href="https://www.melton.vic.gov.au/Council/Customer-Service/Contact-Us/Opening-Hours">https://www.melton.vic.gov.au/Council/Customer-Service/Contact-Us/Opening-Hours</a> for locations and opening hours.
Written letters or emails to any Council Staff:	<a href="mailto:csu@melton.vic.gov.au">csu@melton.vic.gov.au</a> City of Melton, PO Box 21, Melton, VIC 3337

All reasonable efforts will be made to assist complainants with specific needs. This may include providing an interpreter or translator, ensuring complainants can be represented by an advocate of their choice, and providing straightforward and easy to read information in plain language.

### 3.2 Complaints received by Councillors

When a Councillor receives a complaint about a decision, action or service they will refer it to the Head of Governance. The Councillor may wish to write to the complainant confirming the complaint has been referred to Council administration for response.

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

### 3.3 Complaints received via other channels

Complaints about a decision, action or service received via other channels or directed to the incorrect Council staff member will be forwarded to [csu@melton.vic.gov.au](mailto:csu@melton.vic.gov.au) or Council's Customer Service Team.

Where a complaint about a decision, action or service received via other channels or directed to the incorrect Council staff member relates to a personal or sensitive matter it should be forwarded to the Chief Executive Officer or the Head of Governance.

### 3.4 Helpful information to include in your complaint

It is helpful for us if your complaint includes:

- Your name and contact details.
- Details about the action, decision, behaviour, service or policy you are dissatisfied with and why.
- Relevant information such as dates, times, location or reference numbers.
- Any relevant documents that support your complaint (if applicable).
- The outcome you are seeking.
- Whether you have any communication needs so we can support you through the complaint process.

When requesting an internal review please:

- advise why you believe the initial decision is incorrect; and
- supply any additional information or evidence (including images) that you believe will be important to the review.

### 3.5 Anonymous Complaints

You can make an anonymous complaint about a decision, action or service, but this may limit our ability to investigate and resolve concerns.

Council encourages complainants to provide their contact details so that complaints can be investigated fully, and further information can be sought if required.

Where an anonymous complaint has been lodged, Council Staff may not be able to provide further updates about the complaint to the complainant.

### 3.6 How we handle complaints about decisions, actions or services

Council will follow a four-tiered approach to complaint handling about decisions, actions or services:

- a) Frontline resolution – Frontline council staff and subject matter experts receive the complaint and resolve it within the scope of their authority. Frontline Council staff are empowered to resolve complaints wherever possible at first contact.
- b) Escalation – If frontline staff cannot resolve the complaint, they will refer it to a senior member of council staff within the appropriate service area to resolve the matter.
- c) Internal review – If the complainant is not satisfied that the investigation process resolved the complaint or managed the matter correctly, they can request an internal review.
- d) Access to external review – If the complainant is not satisfied that the internal review process resolved the complaint or managed the matter correctly, they will be informed of the external avenues through which they may pursue their complaint.

Level	Process	Who is responsible	Expected timeframes
<p><b>Level 1 - Frontline resolution</b></p> <p><i>Complaints about basic service failures, delays or inaction of services or decisions.</i></p>	<ul style="list-style-type: none"> <li>• Resolve the complaint immediately where possible.</li> <li>• If we cannot immediately resolve your complaint, we will refer it to the relevant team or manager to investigate.</li> <li>• Where there is a specific Council policy or procedure dealing with complaints about an issue, such as Council’s Privacy Policy in the case of a privacy complaint, we will deal with your complaint under that policy.</li> <li>• If Council is not the right organisation to respond to the complaint, frontline staff will try to provide advice to the complainant who the correct organisation or agency is.</li> </ul>	<p>Frontline staff who are responsible for receiving and managing complaints.</p>	<p>If unable to be resolved immediately:</p> <ul style="list-style-type: none"> <li>• An acknowledgement as soon as possible, and no longer than within five business days.</li> <li>• A resolution, or course of action provided within 10 business days.</li> </ul>
<p><b>Level 2 - Escalation</b></p> <p><i>Complaints that are unable to be resolved by frontline staff (Level 1 complaints)</i></p>	<ul style="list-style-type: none"> <li>• Depending on the nature of your complaint we may: <ul style="list-style-type: none"> <li>• assess the information against relevant legislation, policies and procedures;</li> <li>• refer to Council documents and records;</li> <li>• speak to relevant Council staff, Contractors and other relevant parties;</li> <li>• conduct site inspections.</li> </ul> </li> <li>• Where there is a specific Council policy or procedure dealing with complaints about an issue, such as Council’s Privacy Policy in the case of a privacy complaint, we will deal with your complaint under that policy.</li> </ul>	<p>Supervisors or managers of the relevant service areas</p>	<ul style="list-style-type: none"> <li>• An acknowledgement as soon as possible, and no longer than within five business days.</li> <li>• A resolution, or course of action provided within 10 business days.</li> <li>• Where more time is required to investigate complaint, we will update you every 15 business days until the investigation is completed.</li> </ul>

Level	Process	Who is responsible	Expected timeframes
<p><b>Level 3 – Internal Review</b></p> <p><i>Where a complainant is dissatisfied with how the complaint was managed, or the decision made in response to the complaint.</i></p>	<ul style="list-style-type: none"> <li>• Depending on the nature of your complaint we may:               <ul style="list-style-type: none"> <li>• assess the information against relevant legislation, policies and procedures;</li> <li>• refer to Council documents and records;</li> <li>• speak to relevant Council staff, Contractors and other relevant parties;</li> <li>• conduct site inspections.</li> </ul> </li> <li>• The review will be conducted by an officer who is independent of the person who took the action, made the decision, or provided the service.</li> </ul>	<ul style="list-style-type: none"> <li>• Senior Integrity Officer OR</li> <li>• If the complaint relates to staff conduct, the Manager People and Safety.</li> </ul>	<ul style="list-style-type: none"> <li>• An acknowledgement as soon as possible, and no longer than within five business days.</li> <li>• A resolution within 28 business days.</li> <li>• Where more time is required to investigate complaint, we will notify you and provide updates every 15 business days until the investigation is completed.</li> </ul>
<p><b>Level 4 – External Review</b></p> <p><i>Where a complainant is dissatisfied with the outcome or process of an internal review and a resolution cannot be reached, or if the complainant wishes to have their complaint referred to an external agency.</i></p>	<ul style="list-style-type: none"> <li>• Provide information on how to contact the relevant external agency. Please see appendix 1 for more information.</li> </ul>	<p>External agencies such as, but not limited to, the Victorian Ombudsman Victorian Human Rights, Disability Services or Gender Equality Commissioners.</p>	<p>Not applicable – refer to the relevant external agency.</p>

### 3.7 External Investigation

Where a complaint matter about a decision, action or service is very complex or sensitive, Council may refer the matter to an independent external expert for investigation.

### 3.8 Refusal to accept certain types of complaints

The relevant member of Council staff may determine that a complaint will not be accepted where:

- 1 the staff has a sound basis to consider that the complaint is frivolous, vexatious or not made in good faith;
- 2 the complainant seeks to revisit an issue which has been the subject of a previous complaint after an initial investigation, but provides no new evidence or material;
- 3 there is insufficient information to clearly identify any issue or remedial action to be taken, and the complainant declines or refuses to provide further information;
- 4 the complaint involves a matter where an adequate remedy or right of appeal already exists (for example where there is a statutory review process);
- 5 the complaint relates to a matter which is before a court, coroner or tribunal;
- 6 the complaint relates to a matter under investigation by the Minister for Local Government or any other government department or regulator including the Victorian Police Service;
- 7 the complaint relates to a matter awaiting determination by the Council;
- 8 the complaint relates to the actions or conduct of an individual acting in their capacity as a private individual.

For items 1, 2 and 3 above the decision to refuse a complaint by a member of Council staff must be approved by their Manager or a member of the Executive Leadership Team in writing.

Where the relevant staff determines that a complaint will not be accepted, the staff will advise the complainant in writing if it is practicable to do so.

### 3.9 Remedies

Where an investigation shows that Council had made an error, Council will respond in an appropriate way. Possible responses include, but are not limited to:

- An explanation of why the error occurred and how it will be prevented in future;
- A reversal of a decision;
- A correction of Council records;
- An apology.

### 3.10 Complaints relating to matter which are the subject of statutory review

Some Council decisions are subject to statutory review processes, which means that a person has the right to appeal the decision to the Victorian Civil & Administrative Tribunal or another tribunal, court or agency.

Where the complaint relates to such a matter, Council has discretion to decline to deal with the complaint under this Policy. In making this decision the relevant Manager should consider factors such as the following:

- a) Is there a process already underway? In that case it may not be appropriate to attempt to resolve the matter internally.
- b) Does the issue which is the subject matter of the complaint appear to be simple to resolve? If so, then it may be more appropriate to resolve it internally.
- c) Is it reasonable in the circumstances to expect the complainant to use the review process? For example, a person who is economically disadvantaged may be less likely to commence a statutory review process, and it would be more appropriate to attempt to use Council's complaint resolution procedure.
- d) Does the complaint relate to a specialised area which would require a decision from a Court or Tribunal to properly determine the matter?
- e) Are the financial considerations of the complaint such that it would be more appropriate for a Court or Tribunal to properly determine the matter?
- f) Has the complainant conducted themselves in a manner which would make the resolution of the matter through Council's processes unlikely. For example, if the complainant is engaging in unreasonable complainant conduct and there is a concern about the health and safety of the staff who are attempting to resolve the complaint, it may be appropriate to decline the complaint.

If the decision is made to decline a complaint that relates to a matter which is the subject of statutory review, Council must advise the complainant in writing, and set out the reasons for the decision.

## Part 4 - Complaints about Council staff

### 4.1 How to make a complaint?

Complaints about the conduct of Council staff will be forwarded to Manager People & Safety.

Complaints about the Manager People & Safety will be forwarded to the Chief Executive Officer.

Complaints about the conduct of the CEO will be forwarded to the Head of Governance.

All reasonable efforts will be made to assist complainants with specific needs. This may include providing an interpreter or translator, and providing straightforward and easy to read information in plain language.

### 4.2 Complaints received by Councillors

If a Councillor receives a complaint about the conduct of Council staff they must refer it to the Manager People and Safety. In accordance with the Local Government Act 2020 Councillors are not responsible for dealing with matters related to the Council staff, this is the responsibility of the Chief Executive Officer.

Complaints about the Manager People & Safety will be forwarded to the Chief Executive Officer.

Complaints about the conduct of the CEO will be forwarded to the Head of Governance.

The Councillor may wish to write to the complainant confirming the complaint has been referred to Council administration for response.

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

### 4.3 Complaints received via other channels

Complaints about the conduct of staff received via other channels or directed to the wrong Council staff member will be forwarded to the Manager People and Safety.

Complaints about the Manager People & Safety will be forwarded to the Chief Executive Officer.

Complaints about the conduct of the CEO will be forwarded to the Head of Governance.

### 4.4 Helpful information to include in your complaint

It is helpful for us if your complaint includes:

- Your name and contact details.
- Details about the conduct you are dissatisfied with and why.
- Relevant information such as date, time, or location.
- Any relevant documents that support your complaint (if applicable).
- Whether you have any communication needs so we can support you through the complaint process.

When requesting an internal review please:

- advise why you believe the initial decision is incorrect; and
- supply any additional information or evidence that you believe will be important to the review.

#### **4.5 Anonymous Complaints**

You can make an anonymous complaint about the conduct of staff, but this may limit our ability to investigate and resolve concerns.

Council encourages complainants to provide their contact details so that complaints can be investigated fully, and further information can be sought if required.

Where an anonymous complaint has been lodged, Council Staff will not be able to provide further updates about the complaint to the complainant.

#### **4.6 How we handle complaints about the conduct of Council staff**

Council will follow a two-tiered approach to complaint handling about the conduct of Council staff:

- a) Review by Direct Supervisor – The staff members Direct Supervisor will resolve the matter.
- b) Internal review – If the complainant is not satisfied that the investigation process resolved the complaint or managed the matter correctly, they can request an internal review.

Level	Process	Who is responsible	Expected timeframes
<p><b>Level 1 – Review by Direct Supervisor</b></p> <p>Complaints that are unable to be resolved by frontline staff (Level 1 complaints)</p>	<ul style="list-style-type: none"> <li>• Depending on the nature of your complaint we may:               <ul style="list-style-type: none"> <li>• assess the information against relevant legislation, policies and procedures;</li> <li>• refer to Council documents and records; and</li> <li>• speak to relevant Council staff, Contractors and other relevant parties.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Direct Supervisors of the relevant staff member; or</li> <li>• The Head of Governance if the relevant staff member is the CEO. The Head of Governance will notify the Mayor if a complaint relates to the CEO.</li> <li>• The CEO if the relevant staff member is the Manager People and Safety.</li> </ul>	<ul style="list-style-type: none"> <li>• An acknowledgement as soon as possible, and no longer than within five business days.</li> <li>• Notification the matter is closed within 10 business days.</li> <li>• Where more time is required due to the complexity of the matter we will update you every 15 business days until the complaint is closed.</li> </ul>
<p><b>Level 2 – Internal Review</b></p> <p><i>Where a complainant is dissatisfied with how the complaint was managed.</i></p>	<ul style="list-style-type: none"> <li>• Depending on the nature of your complaint we may:               <ul style="list-style-type: none"> <li>• assess the information against relevant legislation, policies and procedures;</li> <li>• refer to Council documents and records;</li> <li>• speak to relevant Council staff, Contractors and other relevant parties.</li> </ul> </li> <li>• The review will be conducted by an officer who is independent of the person who took the action, made the decision, or provided the service.</li> </ul>	<ul style="list-style-type: none"> <li>• Manager People and Safety.</li> <li>• The Manager People and Safety will notify the Mayor if a complaint relates to the CEO.</li> <li>• The Head of Governance if the relevant staff member is the Manager People and Safety.</li> </ul>	<ul style="list-style-type: none"> <li>• An acknowledgement as soon as possible, and no longer than within five business days.</li> <li>• Notification the matter is closed within 28 business days.</li> <li>• Where more time is required due to the complexity of the matter we will update you every 15 business days until the complaint is closed. .</li> </ul>

## 4.7 External Investigation

Where a matter related to the conduct of a staff member is very complex or sensitive it may be appropriate for the matter to be referred to an independent external expert for investigation.

This decision must be approved by the Manager People & Safety or the Chief Executive Officer.

## 4.8 Refusal to accept certain types of complaints

The relevant staff may determine that a complaint will not be accepted where:

1. the staff has a sound basis to consider that the complaint is frivolous, vexatious or not made in good faith;
2. the complainant seeks to revisit an issue which has been the subject of a previous complaint after an initial investigation, but provides no new evidence or material;
3. there is insufficient information to clearly identify any issue and the complainant declines or refuses to provide further information;
4. the complaint relates to a matter which is before a court, coroner or tribunal;
5. the complaint relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
6. the complaint relates to the actions or conduct of an individual acting in their capacity as a private individual.

For items 1, 2 and 3 above the decision to refuse a complaint by a member of Council staff must be approved by their Manager or a member of the Executive Leadership Team in writing.

Where the relevant staff determines that a complaint will not be accepted, the staff will advise the complainant in writing, if it is practicable to do so.

## 4.9 Outcome

Where the conduct of a member of Council staff has breached the Staff Code of Conduct, other Council policies or legislation the conduct will be dealt with in accordance with Council's Disciplinary Policy.

A written response will be provided to the complainant that the complaint is closed, but no further detail of the outcome will be provided.

## Part 5 - Unreasonable complaint Conduct

Most complainants act reasonably and responsibly in their interactions, even when experiencing high levels of distress, frustration and anger about their complaint.

However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable and able to be defined as unreasonable complainant conduct.

Unreasonable complainant conduct includes:

Unreasonable persistence	<ul style="list-style-type: none"> <li>• Bombarding with calls, visits or information when not warranted.</li> <li>• Contacting different staff or Councillors seeking a different response.</li> <li>• Reframing an old complaint so it looks like there are new issues.</li> <li>• Refusing to accept the decision after the complaint has been thoroughly investigated, the outcome has been explained and any questions answered.</li> <li>• Questioning the skills or competence of the complaint handler.</li> </ul>
Unreasonable Demands	<ul style="list-style-type: none"> <li>• Insisting on an immediate response or priority that is not warranted.</li> <li>• Insisting a response to every point, no matter how minor.</li> <li>• Demanding information they are not entitled to e.g., staff contact details.</li> <li>• Insisting that the head of our organisation, or a Senior staff, handle the complaint in preference to the staff responsible.</li> <li>• Instructing Council staff how to investigate a complaint.</li> </ul>
Unreasonable lack of cooperation	<ul style="list-style-type: none"> <li>• Sending voluminous amounts of information.</li> <li>• Providing little or no information about the complaint.</li> <li>• Presenting fragmented information.</li> <li>• Refusing to comply with reasonable requests for information.</li> </ul>
Unreasonable arguments	<ul style="list-style-type: none"> <li>• Insisting on the importance of minor issues.</li> <li>• Making unsubstantiated allegations e.g., bias or corruption.</li> <li>• Insisting on cause and effect' without evidence. i.e., insisting that one thing makes something else happen.</li> </ul>
Unreasonable behaviour	<ul style="list-style-type: none"> <li>• Verbal abuse.</li> <li>• Aggressive behaviour.</li> <li>• Harassment.</li> <li>• Making threats.</li> </ul>

This unreasonable complaint conduct can happen in any way including via letter, email, telephone call, text message or on social media.

Where behaviour of a complainant is deemed unreasonable conduct, the Council will deal with the unreasonable conduct as follows.

- a) The first step will usually be to alert the complainant to the fact that their conduct is inappropriate. While this would normally occur in writing, there will be circumstances in which Council does not have a means to write to the complainant, and the communication can occur verbally. Council should:
  - i explain what it is about their behaviour which is inappropriate;
  - ii outline the expected standard of behaviour; and
  - iii advise that if the behaviour continues, Council will need to take action to manage the risk that the behaviour causes to Council staff which may include limitations on their interactions with Council staff.
  
- b) If the unreasonable conduct continues, or if the risk to staff or Councillors is so great that it is appropriate to bypass the first step, the next step is to communicate with the complainant and establish limitations on their interaction with Council staff or Councillors. Those limitations may relate to:
  - i Whom they contact. It may be appropriate to restrict their access to a single staff member as their single contact point at the Council, who can case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances of misunderstandings, contradictions and conflicts. It also ensures that the person handling the complainant has the necessary training and experience to deal with unreasonable conduct.
  - ii What they can raise with us. It may be appropriate to restrict the subject matter of communications that Council will respond to.
  - iii How Council will respond to them. It may be appropriate to advise that all Council communications will be in writing through a single channel, or that Council will not respond further to complaints regarding matters which have already been addressed.
  - iv When, where and how they can have contact. If a complainant's manner of communication is causing a risk to health and safety, or an unreasonable demand on time or resources, Council may impose restrictions on the methods of communication, such as limited face to face meetings, modifying the way in which those meetings occur, or restricting telephone communications.
  - v Restrictions on access/services. In certain circumstances, it may be appropriate to limit a complainant's access to Council premises or terminate the provision of services to a complainant. This is a very serious measure and should be a last resort.

A decision to limit a complainant's interactions with Council must be made by the CEO. The decision must consider whether the proposed restriction may have an impact on the complainant's human rights, or their health and safety.

Any restriction or limitation should be communicated to the complainant in writing, and should set out the specifics of the restriction, the period for which the restriction will apply, and when the restriction will be reviewed. It should also set out the kinds of behaviours which may factor into a decision on the review of the restriction.

## Part 6 - General Information

### 6.1 Privacy and confidentiality

Information gathered when investigating a complaint will be used to deal with the specific complaint or to address issues identified in the investigation. Information may be de-identified and will only be shared with relevant staff.

We may also analyse the information to identify trends and improve our services.

Any queries regarding privacy should be directed to Council's Privacy Officer.

### 6.2 Conflict of Interest

Council staff are to be mindful of their responsibilities in relation to conflict of interest under the Local Government Act 2020 and the Staff Code of Conduct.

However, it is noted that Council staff do not have a conflict of interest in a matter simply due to their direct reporting relationship with another member of Council staff in relation to a complaint.

### 6.3 Definitions

Term	Definition
Complaint	<p>An expression of dissatisfaction with;</p> <ul style="list-style-type: none"><li>a) a decision made by Council or a contractor;</li><li>b) a policy implemented by Council or a contractor;</li><li>c) the conduct of a member of Council staff;</li><li>d) the quality of an action taken, decision made, or service provided by Council or a contractor;</li><li>e) a delay or failure in providing a service, taking an action, or making a decision by Council or a contractor.</li></ul> <p>A complaint is not a request for information, or a request that Council provide a service.</p> <p>A complaint does not include feedback provided through customer satisfaction or experience surveys/research, or program and service evaluations undertaken as part of improving Council's overall customer experience or service planning.</p>
Complainant	Any person or entity who makes a complaint
Contractor	Any contractor engaged by Council
Frontline staff	Any Council staff member to first receive a complaint made under this Policy
Staff	All staff whether employed full time, part time, casual or as a volunteer.
Unreasonable Complainant Conduct	Any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Council, employees, other service users and complainants or the complainant themselves.

## 6.4 Related Documents

Name	Location
<i>Local Government Act 2020</i>	<a href="https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020">https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020</a>
Victorian Ombudsman <i>Good Practice Guides</i>	<a href="http://www.ombudsman.vic.gov.au">http://www.ombudsman.vic.gov.au</a>

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