



Complaints Management Policy and Procedure

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Authorisation	Council, 13 December 2021
Expiry date	December 2025
Responsible officer	Manager Engagement and Advocacy
Policy owner	Coordinator Customer Service

1. Purpose

To govern the response and requirements of Council in managing complaints from businesses and members of the community.

2. Scope

This policy applies to all Melton City Council Councillors, staff, contractors, volunteers and customers.

3. Definitions

Word/Term	Definition
Complaint	An expression of dissatisfaction with; <ul style="list-style-type: none"> a) an decision by Council or a contractor; b) a policy implemented by Council or a contractor; c) the conduct of a member of Council staff; d) the quality of an action taken, decision made, or service provided by Council or a contractor; e) a delay or failure in providing a service, taking an action, or making a decision by Council or a contractor. <p>A complaint is not a request for information, or a request that Council provide a service.</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.
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4. Policy

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;

1. Commitment

Council recognises people's right to complain and is committed to resolving them.

2. Accessibility

Making a complaint should be easy and Council staff motivated to assist complainants with the process.

3. Transparency

How to complain, where to complain and how a complaint will be dealt with should be clear and well communicated.

4. Objectivity and fairness

Complainants and staff are to be treated with courtesy and respect, and complaints are judged on merit and fact.

5. Confidentiality

Personal information is protected.

6. Accountability

Council is accountable, internally and externally, for decision-making and complaint-handling performance.

7. Continuous improvement

Complaints are recognised as opportunities to review and improve services, processes, systems and staff performance.

5. Method of Complaint

A person may lodge a complaint through any of the following channels.

Email: csu@melton.vic.gov.au

Mail: (Postal address): City of Melton PO Box 21, Melton Vic 3337

Telephone: 03 9747 7200

In person: Customer Service Counter, Melton Civic Centre, 232 High Street Melton

The complaint should detail the complainant's name, address and contact phone number together with a description of the issue which contains enough detail to allow Council to identify the specifics of the complaint (what happened, who was involved, when it happened, etc).

However, regardless of how the complaint is received, and the level of detail available, Council will apply the procedures in this Policy.

6. General Complaint Resolution Procedure

Council will follow a four-tiered approach to general complaint handling.

- (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) Investigation if required – If frontline staff cannot resolve the complaint, they will refer it to a more senior council officer responsible within the appropriate work area for investigation and response.
- (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 manage the matter correctly, they will be informed of the external avenues through which they may pursue their complaint.

Tier 1: Frontline Resolution	<ul style="list-style-type: none"> • Frontline staff will receive complaints in a positive, receptive and professional manner. • Frontline staff will assess the complaint to determine: <ul style="list-style-type: none"> ○ How it should be dealt with; ○ Whether the complaint should more properly be dealt with through a statutory review process; ○ Whether Council is the appropriate organisation to respond; and, if so ○ Who is the appropriate Council officer to address the complaint. For example: <ul style="list-style-type: none"> ▪ If a complaint is a public interest disclosure, the complaint must be handled in accordance with the Melton City Council Public Interest Disclosure Procedure. ▪ If a complaint relates to an alleged breach of privacy, the complaint must be handled in accordance with the Melton City Council Privacy Policy. • 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 some other body. Examples of this include planning decisions, or infringement notices. Where the complaint relates to such a matter, the front line officer should refer the matter to their manager to consider in accordance with paragraph 8 below. • If there is sufficient information contained in the complaint to identify an issue which is capable of appropriate resolution by the frontline staff member, the frontline staff member or most appropriate Council officer will action the complaint within 10 business days and advise the complainant.
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	<ul style="list-style-type: none"> • In the event further information is required the frontline staff member or appropriate Council officer will contact the complainant as soon as practicable, but within 10 business days from receiving the complaint to: <ul style="list-style-type: none"> ○ Acknowledge the complaint has been received; and ○ Seek further information or clarification. <p>This may then allow the complaint to be addressed, or alternatively it may lead to an investigation.</p> • In the event that it appears that investigation is required the frontline staff member or appropriate Council officer will contact the complainant as soon as practicable to: <ul style="list-style-type: none"> ○ Acknowledge the complaint has been received (if applicable); ○ Seek further information or clarification (if required); and ○ Explain that the matter will now be investigated. • If the Council is not the appropriate organisation to respond, the complainant will be advised and referred to the appropriate organisation that can assist with the complaint
Tier 2: Investigation	<ul style="list-style-type: none"> • If frontline staff cannot resolve the complaint in the first instance, it will be assigned to a more senior Council Officer (this may be a coordinator or manager) for investigation (Investigating Officer). • The Investigating Officer will contact the complainant within 5 days of being assigned the complaint, explain their role and the investigation process, and estimate the timeframe for the investigation. • Council will aim to conclude all investigations within 28 days of the date that the matter is assigned to the Investigating Officer. • In the event it is likely to take longer than 28 days to resolve a complaint, the Investigating Officer will contact the complainant as soon as practicable after the timeframe issue is identified and provide an updated timeline for response. • Complaints that are not resolved within 28 days will be escalated to a general manager to ensure that a resolution is promptly achieved. • At the conclusion of the investigation the Investigating Officer will write to the complainant to advise them of the outcome. The outcome correspondence will contain the reasons for the decision, and the contact information for the responsible Investigating Officer. • The Senior Council Officer handling the complaint may contact the complainant by telephone to discuss the outcome of their complaint either prior to or after sending the outcome correspondence but is not under an obligation to do so.
Tier 3: Internal Review	<ul style="list-style-type: none"> • If the complainant is not satisfied that the complaint has been resolved or correctly managed, they may request an internal review of their complaint within 28 days of the outcome notification. This request must be made in writing to the Investigating Officer, and it must explain why the complainant considers that a different outcome is appropriate.

	<p>On receiving a request for an internal review, the Investigating Officer must refer the matter to a more senior person who has not had any previous involvement in the issue which is the subject matter of the complaint, or Council’s response, to the complaint (Review Officer) within 1 business day. The Review Officer may be the Investigating Officer’s manager or another relevant senior officer of Council</p> <ul style="list-style-type: none"> • On receiving the request, the Review Officer must contact the complainant in writing within 5 business days: <ul style="list-style-type: none"> ○ confirming their role and outlining the internal review process; ○ requesting additional information from the complainant if applicable (for example, clarification of the reasons for the request for an internal review); ○ setting out their expected timeframe for completing the internal review; and ○ if they are in a position to do so based on the available information, resolving the complaint. • The Review Officer must consider the request for an internal review, and the investigation outcome. The review should focus on: <ul style="list-style-type: none"> ○ whether, based on the information available to the Investigating Officer, the Investigating Officer’s decision was correct; ○ any actions taken by Council to address the complaint; ○ whether any new information has come to light which affects the decision; and, if relevant to the request for review ○ whether the process followed by the Investigating Officer was fair, reasonable, and appropriate in all of the circumstances. • Council will aim to complete all internal reviews within 28 days of the request and will notify the complainant as soon as practicable if it appears that that timeframe will not be met. • The Review Officer will provide a written outcome letter to the complainant at the conclusion of an internal review.
<p>Tier 4: External Review</p>	<ul style="list-style-type: none"> • If the complainant is not satisfied with the process or outcome of the internal review, they may have the right to take their complaint to an external agency, including the following. • Local Government Investigations & Compliance Inspectorate – The Inspectorate accepts complaints about council operations and potential breaches of the Local Government Act, including: <ul style="list-style-type: none"> ○ Misuse of position ○ Conflict of interest ○ Disclosure of confidential information ○ Electoral Offences ○ Councillor Conduct • Victorian Ombudsman – The ombudsman can take complaints about the actions and decisions of councils including complaints about: <ul style="list-style-type: none"> ○ Services ○ Communication ○ Complaint handling ○ Compliance with policies, procedures or law ○ Other actions or decisions which may be unreasonable

	<ul style="list-style-type: none"> • The Independent Broad-based Anti-corruption Commission – IBAC accepts complaints about suspected corruption and misconduct in the public sector and Victoria Police, including: <ul style="list-style-type: none"> ○ Taking and offering bribes ○ Using a position of influence dishonestly ○ Committing fraud or theft ○ Misusing information from the workplace.
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7. Other Types of Complaints

<p>(a) Complaints alleging:</p> <ul style="list-style-type: none"> • corrupt conduct, • conduct that constitutes: <ul style="list-style-type: none"> ○ a criminal offence; ○ serious professional misconduct; ○ dishonest performance of public functions; ○ an intentional or reckless breach of public trust; ○ an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; ○ a substantial mismanagement of public resources; ○ a substantial risk to the health or safety of one or more persons; or ○ a substantial risk to the environment; or • conduct that: <ul style="list-style-type: none"> ○ adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; ○ is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining: <ul style="list-style-type: none"> ○ a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; ○ an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; ○ a financial benefit or real or personal property; ○ any other direct or indirect monetary or proprietary gain; that the person or associate would not have otherwise obtained; or ○ conduct of any person that could constitute a conspiracy or attempt to engage in any of the above conduct. 	<p>All complaints of this nature must be directed to the Public Interest Disclosure Coordinator or Chief Executive Officer (CEO). If the allegation relates to the CEO, the matter must be reported to the Public Interest Disclosure Coordinator or Mayor.</p> <p>If another staff member receives the complaint, they must immediately provide it to the Public Interest Disclosure Coordinator, the CEO or the Mayor as applicable.</p> <p>Complaints of this nature will be dealt with in accordance with the Staff Code of Conduct, Protected Disclosure Act 2012, Local Government Act 2020, Council’s Public Interest Disclosure Procedure and all other applicable legislation.</p>
<p>(b) Complaints about Councillors</p>	<p>A complaint regarding the conduct of a Councillor, assuming it does not fall into category (a), may be addressed to the Chief Executive Officer or the Mayor.</p> <p>Depending on the circumstances, the complaint may be dealt with in accordance with the Councillor Code of Conduct.</p>

	A person may also make a complaint against a Councillor to the Local Government Inspectorate and/or Independent Broad-based Anti-corruption Commission.
(c) Complaints about Council Staff or Volunteers	Any complaints received about Council staff or volunteers will be handled according to this policy and in accordance with Council's Employee Code of Conduct.
(d) Complaints about Contractors	Any complaints received about Council contractors will be handled according to the above procedure and/or any relevant contractual procedure.

8. Complaints relating to matters 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 some other body.

Where the complaint relates to such a matter, Council has discretion to decline to deal with the complaint through the complaints management process. The decision should be made by the officer who would have responsibility for responding to the statutory review process in relation to the matter.

In making this decision the officer should consider the following factors:

- (a) Has the complainant already commenced a statutory review process. If there is a process already underway, then 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 easy to resolve? If so, then it may be more appropriate to resolve it internally rather than decline the complaint.
- (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 seem 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 and allow a statutory review process to resolve it independently.
- (g) Any other relevant circumstances.

If the decision is made to decline the complaint, Council must advise the complainant in writing, and set out the reasons for the decision.

9. Accessibility and adjustments

If a complainant needs assistance or support, or adjustments to be made to facilitate their making a complaint or participating in a complaint process, Council will make reasonable adjustments to support or accommodate that complainant. For example, Council may need to adjust communications processes to accommodate a complainant's hearing or visual impairment, or adjust the timing of communications to accommodate parental or carer's responsibilities.

10. Responsiveness

Council is committed to resolving complaints in a timely and efficient manner. Complaints will be acknowledged within ten days of receipt, and Council will endeavour to resolve complaints within 24 hours where practicable.

The length of time taken to deal with a complaint will depend on the circumstances of each complaint, such as the complexity of issues in the complaint, the time required to investigate or obtain necessary information, the degree of co-operation from the complainant, and the availability of parties.

A complainant should be advised of the expected timeframe for resolution. If a complaint cannot subsequently be resolved within this anticipated timeframe, the complainant will be informed of the circumstances and updated as to the expected timeframe for resolution.

11. Anonymous Complaints

Anonymous complaints will always be taken seriously and considered on their merits. In some cases, a complaint is capable of identifying areas for improvement even in the absence of an identifiable complainant. In other cases, it is not practicable to resolve a complaint if the identity of the complainant is not known.

The Internal Investigations Officer or relevant Manager will determine the process for dealing with an anonymous complaint dependent upon:

- the seriousness of the complaint, provided there is sufficient information in the complaint to enable an investigation to be conducted, and
- whether there is a statutory requirement for identification of the complainant.

12. Responsibility of Complainants

To ensure a high standard of service to complainants is achieved, it is the responsibility of the complainant to:

- clearly identify the issues which are the subject of the complaint, or ask for help to do so from frontline staff members;
- give all the information available about the complaint in an organised format at the time of making the complaint, or as soon as practicable afterwards;
- promptly respond to requests from Council for additional information or supporting documents;
- cooperate with any enquiries or investigations; and
- treat Council staff with courtesy and respect.

Abuse, harassment or threats to the safety or welfare of staff at Council may result in the immediate cessation of engagement, and/or Council action.

13. Rejection of complaints

The relevant officer may determine that a complaint will not be investigated where:

- the officer has a sound basis to consider that the complaint is frivolous, vexatious or not made in good faith;
- the complaint involves a matter where an adequate remedy or right of appeal already exists (for example where the complaint relates to a decision for which there is a statutory review process as discussed in paragraph 8 above), whether or not the complainant uses that remedy or right of appeal;
- 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;
- the complaint relates to a matter which is before a court, coroner or tribunal;
- 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;
- the complaint relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- the complaint relates to a matter awaiting determination by the Council;
- the complaint relates to the actions or conduct of an individual acting in their capacity as a private individual;
- 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.

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

14. 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
- Providing a means of redress; and/or

15. An apology Unreasonable complainant 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, able to be defined as unreasonable complainant conduct.

A complainant's behaviour will be considered 'unreasonable' when they;

- are aggressive and verbally abusive towards staff;
- threaten harm and violence;
- bombard the organisation with unnecessary and excessive or repetitive phone calls and emails;

- make unreasonable demands on Council's time and resources; or
- refuse to accept decisions and recommendations in relation to their complaint.

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

- (a) The first step will normally 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:
- explain what it is about their behaviour which is inappropriate;
 - outline the expected standard of behaviour; and
 - advise that if the behaviour continues, Council will need to take action to manage the risk that the behaviour causes to Council staff.
- (b) If the unreasonable conduct continues, or if the risk to staff is so great that it is appropriate to bypass the first step, the next step is to communicate to the complainant and establish limitations on their interaction with Council staff. Those limitations may relate to:
- 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 the unreasonable conduct.
 - What they can raise with us. It may be appropriate to restrict the subject matter of communications that Council will respond to.
 - 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.
 - 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, restricting telephone communications.
 - 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 at a General Manager level or higher. The person making 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.

16. Privacy and confidentiality

Information gathered when investigating a complaint will be used only 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.

Any queries regarding privacy should be directed to the Manager Legal, Governance and Risk.

17. Recording and reporting

All complaints in the scope of this policy will generally be recorded in the Council's document management system, unless there is a requirement to protect the privacy of individuals that are involved in the complaint.

Council may record the following information for each complaint:

- The complainant's details
- How the complaint was received
- A description of the complaint
- The complainant's desired outcome (if known)
- The Council Officer responsible for handling the complaint
- Any action taken, including contact with the complainant, response times and outcomes and/or
- Any recommendations for improvement and who is responsible for implementing the recommendation.

Any staff queries regarding the recording of complaints should be directed to the Policy Owner.

Managers are responsible for monitoring complaints and ensuring timeframes are met.

18. Responsibility /Accountability

5.1	Coordinator Customer Service
	<ul style="list-style-type: none">The Coordinator Customer Service is the policy owner and is responsible for updating and amending this policy and related procedures.
5.2	Manager Engagement and Advocacy
	<ul style="list-style-type: none">The Manager Engagement and Advocacy is responsible for providing professional advice and guidance to employees regarding this policy
5.3	All staff
	<ul style="list-style-type: none">All staff are responsible for operating in accordance with this policy, and for providing feedback to the policy owner.

19. References and links to legislation and other documents

Name	Location
<i>Local Government Act 2020</i>	http://www.legislation.vic.gov.au/
<i>Protected Disclosure Act 2012</i>	http://www.legislation.vic.gov.au/
Employee Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Councillor Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Victorian Ombudsman <i>Good Practice Guide - Victorian Ombudsman's Guide to complaint handling for Victorian Public Sector Agencies</i>	http://www.ombudsman.vic.gov.au/
Commonwealth Ombudsman <i>Better Practice Guide to Complaint Handling</i>	http://www.ombudsman.gov.au/