

# Policy & Procedure – Operational External Complaints Handling

<b>Date amended:</b>	March 2021
<b>Date of next review:</b>	February 2025
<b>Adopted by:</b>	Risk Management Committee
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<b>Responsible officer:</b>	Director Corporate & Community Services

*Council acknowledges the people past and present of the Wadawurrung, Dja Dja Wurrung, Eastern Maar, and Wotjabaluk tribes whose lands form the Pyrenees Shire. We pay our respects to the customers, traditions, and stewardship of the land by the elders and people of these tribes on whose land we meet today.*

## 1 INTRODUCTION

While every effort is made to deliver high quality services, Council recognises that on some occasions the community may not be fully satisfied with the service they have received. On these occasions members of the public have the right to complain and expect that their complaint will be listened to, dealt with fairly and transparently, and that Council will facilitate a satisfactory resolution.

Council and its officers are committed to effective complaint handling and creating a culture that encourages feedback and complaints. We will learn from complaints to improve our services and levels of performance.

### 1.1 Objectives

This Policy & Procedure aims to:

- Put in place an open and transparent complaint handling system
- Specify the key performance indicators to which we will hold ourselves accountable
- Establish our timeframes for resolving complaints
- Clarify the roles and responsibilities of Council officers
- Ensure Council offices handle complaints fairly and objectively
- Set out how staff record and analyse complaint data to identify where we can improve our services.

### 1.2 Guiding principles

This policy and procedure is based on seven principles:

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#### **Commitment**

We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

#### **Accessibility**

People with a range of needs can easily complain and staff will actively assist them to navigate the complaints process.

#### **Transparency**

We make it clear how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

#### **Objectivity and fairness**

Complaints are dealt with courteously, impartially, within established timeframes, and are assessed on merit.

#### **Privacy and confidentiality**

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

#### **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.

#### **Continuous improvement**

Acting on, learning from, and using complaint data helps us identify problems and improve services.

### **1.3 Workplace culture and commitment**

The Pyrenees Shire Council and its officers will:

- be open and receptive to feedback
- will listen to complaints and treat complainants with respect when they have a problem
- receive training and support in the handling of complaints
- will endeavour not to provide a defensive or unhelpful response when contacted by our community
- be empowered to resolve complaints appropriately and adequately
- will monitor complaints and their handling to identify opportunities for continuous improvement

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## 2 SCOPE

This policy applies to all employees, contractors, agents, volunteers, and any other person authorised to act on behalf of the Pyrenees Shire Council. All applicable persons will be referred to throughout this policy as Council officers or officers.

### 2.1 Exceptions

This policy does not directly apply to decisions or processes that have separate statutory or other legislative appeal processes. However, it is expected that complaints or requests for review managed under separate processes will still adhere to the principles upon which this document is based.

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

- Complaints relating to a Council or Committee resolution.
- Complaints relating to a planning application or decision.
- Complaints relating to local law infringements.
- Complaints relating to building, health, and food services.
- Complaints relating to fraud, corruption, or other criminal behaviour.
- Complaints already reviewed by an external agency.
- Complaints relating to a Councillor when not performing their role as a Councillor.
- Freedom of information requests.
- Work-related complaints or grievances from Council officers.

Council recognises the above complaints are still valid from a community perspective; however, these will be managed separately from this policy.

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

## 3 DEFINITIONS

Complaint	An expression of dissatisfaction with: <ul style="list-style-type: none"> <li>• The quality of an action taken, decision made, or service provided by the Council or its contractors.</li> <li>• A delay or failure in providing a service, taking an action, or making a decision by the Council or its contractors.</li> <li>• A policy or decision made by a Council or a member of Council staff or a contractor.</li> <li>• The behaviour of a Council officer.</li> </ul>
Customer Action Request	A request for a routine service or action to be undertaken by Council
Complainant	A person, organisation or representative who makes a complaint

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Complaint handling system	Policies, procedures, practices, officers, and resources Council deploys to manage complaints
Complex complaint	A complaint that cannot be resolved / managed at the first point of contact and are generally of a more serious or complex nature than simple complaints. They typically require cross functional collaboration to resolve, a number of interactions or discussions with the complainant and may involve commitment of resources.
Compliment	An expression of praise for staff, processes, or services provided and the experience of the interaction.
Council officer	The Chief Executive Officer, Council staff and persons authorised by Council.
Feedback	Feedback may take the form of positive or negative comments about a service, experience, officer, or process of Council. The feedback may not require corrective action, change of services, or a formal review of a decision. However, feedback may be used to influence future service reviews and delivery methods.
First point of contact	The person who the complainant first contacts to express their complaint. This could be any Council officer or Councillor.
Frontline staff	All staff and their teams who have authority in their role to manage simple complaints. This is typically staff who have direct contact with customers but could be any staff member who initially receives a complaint, regardless of their position or role within the organisation. This is not limited to the officers within the Frontline Services / Customer Services Team.
Investigating officer	Person who investigates and resolves more complex complaints. Will normally be a member of the Senior Leadership Team (i.e. manager or director).
Minor complaint	Straightforward expressions of dissatisfaction which may be managed at the first point of contact by frontline staff. Although they may require the advice of a subject matter expert within the Council, they do not typically require cross functional collaboration to resolve.
Request for service	A request for service is when a customer asks the Council for assistance, information, advice, action to be taken to address a problem, report of damaged or faulty infrastructure, a maintenance request, or a change to the way the Council delivers a service.  A request for service might become a complaint if the request is not properly dealt with.  A request for service does not include a compliment, suggestion, or general feedback.
Subject matter expert	A staff member that has special skills or knowledge on a particular topic or function of Council.
Unreasonable complainant conduct	Unreasonable complainant conduct is any behaviour by a current or former complainant which because of its nature or frequency raises substantial health, safety, resource, or equity issues.

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Unreasonable complainant conduct can be divided into the following categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Some types of behaviour are never acceptable, including verbal abuse, offensive behaviour, threats, and violence.

## 4 ROLES AND RESPONSIBILITIES

<b>Frontline staff</b>	Responsible for <ul style="list-style-type: none"> <li>• receiving complaints in a positive, receptive, and professional manner,</li> <li>• resolving at the local level if within capacity and capability to do so, and/or</li> <li>• escalating more complex complaints to the Manager Governance Risk &amp; Compliance for initial assessment and referral for complaints handling and resolution as required.</li> </ul>
<b>Manager Governance Risk &amp; Compliance</b>	Responsible for <ul style="list-style-type: none"> <li>• initial assessment of complaints unable to be resolved at a local frontline level,</li> <li>• referral of complaints to an assigned investigating officer,</li> <li>• maintaining the complaints register,</li> <li>• oversight of complaint data recording in Council’s electronic information management system,</li> <li>• monitoring compliance to the provisions of this policy and maintaining of effective timeframes, and</li> <li>• provision of reporting in accordance with this policy.</li> </ul>
<b>Managers and directors</b>	Responsible for <ul style="list-style-type: none"> <li>• receiving complaints relating to their areas of responsibility,</li> <li>• investigating and achieving resolution to the satisfaction of all parties,</li> <li>• maintaining regular and effective communication with complainants,</li> <li>• managing unreasonable behaviour of complainants,</li> <li>• ensure compliance with the provisions of this policy and maintaining of effective timeframes relating to communications and resolution, and</li> <li>• maintaining appropriate records as required under this policy.</li> </ul>
<b>Executive leadership team</b>	Responsible for <ul style="list-style-type: none"> <li>• monitoring of complaints data,</li> <li>• identifying and resolving arising issues,</li> <li>• taking responsibility for effective resolution of complex complaints elevated to their management, and</li> <li>• reporting to Council and Council’s Audit &amp; Risk Committee as appropriate.</li> </ul>

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<b>Director Corporate &amp; Community Services</b>	Responsible for <ul style="list-style-type: none"> <li>undertaking internal reviews of complaint outcome decisions upon request.</li> </ul>
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## 5 HOW TO MAKE A COMPLAINT

A person can make a complaint in several ways:

By telephone:	1300 797 363 or 5349 1100
By email to:	pyrenees@pyrenees.vic.gov.au
By letter addressed to:	Complaints, Pyrenees Shire Council, 5 Lawrence Street, BEAUFORT VIC 3373
Via complaints form / internet:	At <a href="http://www.pyrenees.vic.gov.au">www.pyrenees.vic.gov.au</a> – <a href="https://www.pyrenees.vic.gov.au/Residents/Contact-Us/Complaints">https://www.pyrenees.vic.gov.au/Residents/Contact-Us/Complaints</a> Alternatively, type in 'complaints' in the search function.
In person at:	Council offices: 5 Lawrence Street, BEAUFORT VIC Beaufort Resource Centre & Library: 72 Neill Street, BEAUFORT VIC Avoca Information Centre & Library: 122 High Street, AVOCA VIC

Complaints will be accepted in writing or orally. Where a complaint is made orally, the Council officer receiving the complaint will make a written note of the complaint details for recordkeeping purposes.

Where a complaint is made to a Councillor, it will be referred to the Chief Executive Officer or relevant Director for processing.

Council accepts and investigates anonymous complaints, provided enough information is received to do so.

### 5.1 Overcoming barriers to making a complaint - accessibility

We welcome complaints from all members of our community and the public. If there are barriers in place that prevent you easily making a complaint, please tell us and arrangements will be made to assist you. For example:

- Complaints can be accepted by telephone, email, letter, via a complaints form, and in person. If the person who normally receives complaints is unavailable when you call by telephone or in person, arrangements will be made for them to call you back as soon as possible.
- If you need a translator to assist you when making a complaint, please advise the person receiving the complaint and this will be arranged for you, free of charge. It may require a call back when arranged.

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- If you have hearing or speech difficulties, let us know and we will make arrangements through the National Relay Service or other available aids to support you.
- If you, or other members of your community, would like complaints information to be provided in languages other than English, please let us know and we will arrange this for you.
- If you need guidance or support to make the complaint – e.g. phrasing it correctly or clearly stating what the issue is, please let us know and we will help you with this.
- If you would prefer to use someone else to represent you, that is OK. We will accept your complaint through a third party.
- If you would prefer to remain anonymous, that is OK.

For any of these supports, either telephone Customer Service on 1300 797 363 or send an email to [pyrenees@pyrenees.vic.gov.au](mailto:pyrenees@pyrenees.vic.gov.au) and someone will contact you to provide assistance.

## 5.2 What is a complaint?

A complaint includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with:

- The quality of an action taken, decision made or service provided by Council or a contractor engaged by the Council, or
- The behaviour of a Council officer, or
- 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
- A policy or decision made by the Council or a member of Council staff or a contractor.

The term ‘complainant’ is used to refer to a person, organisation, or representative who makes a complaint.

## 5.3 What is not a complaint?

Often, complaints are not identified as complaints in the first instance, but input as a request for service, or customer action requests. A matter is not a complaint if it relates to:

- A request for information about Council services, policies, or processes.
- A request for service or action to be taken in relation to a service provided by Council such as branches trimmed on a nature strip tree, or a rubbish bin repair.
- A report or complaint about another member of public, e.g. their neighbour breaching a local law or a planning permit requirements.
- A report of damaged or faulty infrastructure or hazard.
- A suggestion or feedback regarding a proposed service or process improvement such as additional hard waste collections.
- An enquiry or request for clarification or more information – e.g. a question on the fire services levy on a rates account.

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- A follow-up or further request for service that has not yet been completed by Council, but it still within the service timeframes within the Customer Service Policy and Levels of Service Charter.
- Comments or submissions received during formal consultation or community engagement, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures, and legislation, such as request an appeal for an infringement.

The above issues are managed separately from the complaint handling process.

## 6 HANDLING OF A COMPLAINT

Council has a four-tiered approach to the handling of complaints:

- Frontline resolution:** Frontline staff<sup>1</sup> receive the complaint, assess it, and resolve it immediately if possible.
- Investigation if required:** If frontline staff cannot resolve the complaint, they will refer it to the Manager Governance Risk & Compliance for assessment who will assign it to an officer for investigation and resolution.
- Internal review:** If the complainant is not satisfied with the process or outcome of the resolution / investigation, they can request an internal review (done by the Director Corporate & Community Services).
- Access to external review:** If the complainant is not satisfied with the process or outcome of the internal review, we will inform them of any available external review options.

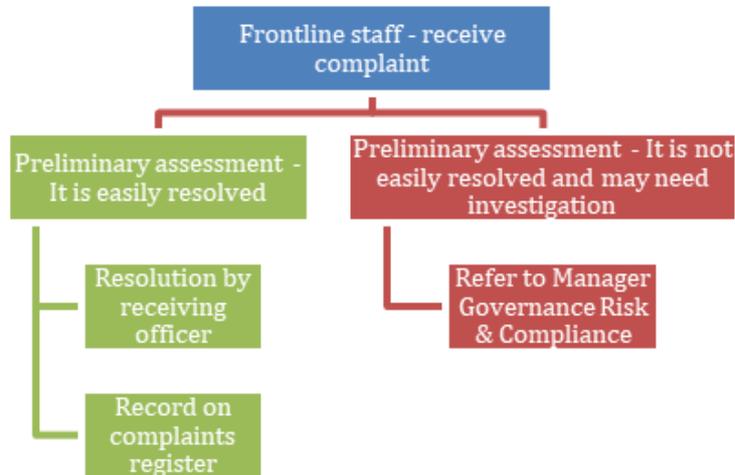
The following procedures detail the processes and actions Council will take to manage and respond to each section of complaints handling.

<sup>1</sup> Frontline staff means any staff receiving the complaint – e.g. customer service staff, subject matter experts, administrative staff in other areas etc. This is not restricted to members of the Frontline Services Team.

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## 6.1 Level 1: Frontline resolution



Action	By
<b>Key Performance Indicators:</b> <ul style="list-style-type: none"> <li>All complaints resolved at the first point of call (i.e. by frontline or receiving staff) will be resolved within 5 (five) working days of receipt.</li> <li>All complaints considered more complex will be referred to the Manager Governance Risk &amp; Compliance within 2 (two) working days of receipt.</li> </ul>	
Receive complaints in a positive, receptive, and professional manner. Clarify the complaint and the outcome the complainant is seeking.	Frontline staff <sup>2</sup>
Assess the complaint to determine how it should be dealt with – whether <ul style="list-style-type: none"> <li>it can be easily resolved by them, or</li> <li>it should be referred for more complex investigation and resolution, or</li> <li>Council is not the right organisation to respond to the complaint.</li> </ul>	
If Council is not the right organisation to respond to the complaint, advise the complainant and if possible, provide contact details for where the complaint should be made.	
Record complaint details in customer action request system (CARs) or in Council's records management system (RecFind). All supporting document must be recorded in RecFind and details summarised on the complaints register.	

<sup>2</sup> Frontline staff means any staff receiving the complaint – e.g. customer service staff, subject matter experts, administrative staff in other areas etc. This is not restricted to members of the Frontline Services Team.

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Action	By
Records that should be recorded include: <ul style="list-style-type: none"> <li>• Details of complainant and complaint</li> <li>• Council officer managing the complaint</li> <li>• Any action taken, including contact with the complainant, response times and the outcome</li> <li>• Any recommendations for improvement and who is responsible for implementation</li> </ul>	
If it is determined to resolve at Level 1 – resolve complaint and provide response to the complainant.	
If the response is provided verbally, make a written note of the complaint and resolution and record in RecFind and the complaints register.	
If it is determined that more complex management is required, escalate to Level 2 by referring to the Manager Governance Risk & Compliance.	

## 6.2 Level 2: Formal complaints handling, investigation, and resolution

Formal, written complaints and any matter requiring formal investigation must be managed as a Level 2 complaint.



Action	By
<b>Key Performance Indicators:</b> <ul style="list-style-type: none"> <li>• All complaints considered more complex will be referred to the Manager Governance Risk &amp; Compliance within 2 (two) working days of receipt.</li> <li>• All complaints will be acknowledged within 5 (five) working days of receipt.</li> </ul>	

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Action	By
<ul style="list-style-type: none"> <li>It is Council's aim to resolve at least 80% of complaints within 28 calendar days of receipt.</li> <li>Complainants will be kept informed of complaint investigation progress at a minimum of weekly.</li> <li>All complaints will be investigated independently of any officer who is the subject of the complaint.</li> </ul>	
<p>Receive complaints referred by frontline or receiving officer and act as central processing officer.</p>	<p>Manager Governance Risk &amp; Compliance</p>
<p>Conduct initial assessment to determine level of investigation required and investigating officer to whom it should be assigned.</p> <p>This may require consultation with managers / directors – especially the proposed investigating officer.</p> <p>This may require consultation with the complainant if clarification or further information is required.</p> <p>Factors to consider as part of this assessment include:</p> <ul style="list-style-type: none"> <li>the seriousness of the issues raised and complexity of the complaint</li> <li>any need for urgent action, e.g. where health &amp; safety concerns exist</li> <li>whether the complaint is about an officer(s) and needs to be handled by an independent, impartial person</li> <li>whether the assigning to an investigating officer will raise any conflicts of interest</li> <li>whether the complaint raises systemic issues and the impact on the person and broader community</li> <li>whether the complaint has the potential to escalate</li> <li>whether the complaint is subject to special statutory requirements (e.g. a public interest disclosure, privacy matter or other legislative process) – see section 6.).</li> </ul>	
<p>Provide a written acknowledgement to the complainant:</p> <ul style="list-style-type: none"> <li>confirming the nature of the complaint</li> <li>advising who will be handling the complaint investigation and resolution</li> <li>the expected timeframes for next contact and resolution.</li> </ul>	
<p>The investigating officer will generally be the manager or director of the business unit who is the subject of the complaint, unless the complaint directly involves that manager or director and/or this would create a conflict of interest.</p>	
<p>Refer the complaint and any supporting documentation to the investigating officer assigned to resolve the matter.</p>	

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Action	By
<p>Upon receipt of a referred complaint, plan and implement action needed to achieve a resolution to the complaint.</p> <p>Recommended action may include a formal investigation. Investigations should be undertaken in accordance with Council’s <i>Procedure on Investigating Complaints and Other Matters</i>.</p> <ul style="list-style-type: none"> <li>• Communicate with the complainant to clarify or seek further information.</li> <li>• Provide the complainant with regular and timely progress updates for complex matters.</li> </ul> <p>Escalate the matter to the relevant director or CEO where appropriate.</p>	<p>Assigned investigating officer</p>
<p>Conduct investigation.</p> <ul style="list-style-type: none"> <li>• Investigations should be conducted by Council officers trained in investigations or can be referred to an external investigator if considered appropriate.</li> <li>• Seek clarification where needed from the complainant, subject of the complaint or any other involved party.</li> <li>• Ensure the complainant is kept informed of progress regularly, particularly where a more complex matter is likely to exceed recommended timeframes for resolution.</li> <li>• A complainant must be advised if the matter is likely to exceed 28 days to achieve a resolution.</li> <li>• If the matter becomes too complex, or likely to exceed 28 days in achieving a resolution, escalate to a director or CEO for resolution or advice.</li> </ul>	
<p>Achieve a resolution to the best mutually satisfactory outcome practicable – see section 6.2.1.</p> <p>Contact the complainant to discuss complaint outcome prior to sending the formal outcome letter, particularly if the outcome is unlikely to fully meet the complainant’s expectations.</p> <p>Provide a formal outcome letter to the complainant advising of the outcome decision, the reasons behind that decision, and of any action to be taken.</p> <p>The outcome letter should provide information on how to seek an internal review of the decision or process if the complainant is dissatisfied.</p>	
<p>Ensure that appropriate documents, information and the outcomes information is input into RecFind.</p> <p>Report the outcome to the relevant director and Manager Governance Risk &amp; Compliance.</p>	

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Action	By
Check that information has been recorded appropriately in RecFind and that the Complaints Register is updated.	Manager Governance Risk & Compliance

### TIP: Managing expectations of a complainant

Dissatisfaction with complaint handling often stems from differing expectations about how a complaint will be handled or the likely outcome. When a complainant is first contacted, it is useful to:

- + Ask the complaint what they want to achieve
- + Assess whether their expectations are reasonable and achievable
- + Explain what Council can and cannot do, or will and will not do
- + Identify any issues over which your agency has limited control, such as statutory requirements or budget constraints
- + If you cannot meet the complainant's expectations, try to shape realistic ones by explaining what you can do and providing alternative avenues

#### 6.2.1 Complaint outcomes

Find a solution. Where an investigation shows that Council has made an error, 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
- An apology.

Where complaints are reported via a Councillor, the Councillor should receive a copy of the acknowledgement and final response.

The remedy should be fair and practical and proportionate to the seriousness of the issue.

Reach a resolution or conclusions as early as possible. Complaints get harder to manage the longer they stay open and complainants can become frustrated with delays, expectations may increase, or they may raise new issues.

Council expectation is that straightforward complaints should have a response, even if not a final resolution within 28 calendar days. An example of an outcome letter is provided at Appendix A.

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**TIP: Template letters**

Ensure that the template letter is customised to the complainant’s specific concerns and circumstances as the template:

- + may not actually explain the reasons for your decisions, and
- + can exacerbate the complainant’s sense of grievance by creating the impression that you have not listened to their concerns

Make sure you tailor the provided template letter to each complaint.

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If this is not possible because the complaint is complex or needs more detailed investigation, give the complainant an expected timeframe and update them on progress regularly.

Complaints older than 28 calendar days will be reviewed by the investigating officer and Manager Governance Risk & Compliance and escalated as necessary to expedite a resolution.

Provide clear reasons for decisions. This displays fairness, transparency and accountability and helps the complainant understand why you made your decision, regardless of whether you uphold their complaint. Always provide an outcome letter to the complainant where an investigation has been undertaken. A template for an outcome letter is available at Appendix A, but the outcome letter should:

- Briefly describe the complaint and identify the issues,
- Use plain English and avoid bureaucratic language, acronyms, and jargon,
- Explain the steps you took to investigate or resolve the complaint,
- Set out any relevant laws or policies in simple language,
- Clearly identify the outcome and, if you have substantiated the complaint, the remedies you are offering,
- Provide reasons for your decision,
- Give the name and telephone number of an officer the complainant can contact to discuss the outcome (not reception),
- Advise the complainant of how to obtain a review of the decision, if required – both internally and through the Victorian Ombudsman.

Also, if the complainant speaks a first language other than English, get the letter translated into their own language to ease understanding.

### 6.3 Level 3: Internal review

A complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or managed correctly.

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This request must be in writing and be received within 60 days of the date of the outcomes letter.

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<p><b>Key Performance Indicators:</b></p> <ul style="list-style-type: none"> <li>All requests for internal review should be received within 60 days of the date of the outcomes letter.</li> <li>All requests for internal review will be processed and completed within 10 (ten) working days of receipt.</li> </ul>	
All requests for an internal review of a complaint must be referred to the Director Corporate and Community Services	Receiving officer
<p>Upon receipt of the request:</p> <ul style="list-style-type: none"> <li>Determine the format and needs of the review – e.g. request further information, seek independent specialist advice, refer to an internal review panel.</li> <li>provide an acknowledgement to the complainant explaining the process to be undertaken and timelines.</li> </ul>	Director Corporate & Community Services
<p>Undertake the review as planned.</p> <p>At the conclusion of the review, a written outcome letter will be provided to the complainant, including information on where to obtain an external review if the complainant remains dissatisfied.</p>	
<p>Ensure all documentation and outcome is recorded in RecFind and the complaints register.</p> <p>Notify the Manager Governance Risk &amp; Compliance and investigating officer of the outcome of the review.</p>	

#### 6.4 Level 4: External review

If a complainant is not satisfied with the process or outcome of the internal review, they have the right to take their complaint to an external agency.

Statutory breaches:	<p>Complaints should be referred to the Local Government Investigations &amp; Compliance Inspectorate</p> <p>The Inspectorate accepts complaints about council operations and potential breaches of the Local Government Act, including:</p> <ul style="list-style-type: none"> <li>misuse of position</li> <li>conflict of interest</li> <li>disclosure of confidential information</li> <li>electoral offences</li> </ul>
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Maladministration:	<p>Complaints should be referred to the Victorian Ombudsman</p> <p>The ombudsman can take complaints about the actions and decisions of councils, including complaints about:</p> <ul style="list-style-type: none"> <li>• services</li> <li>• communication</li> <li>• complaint handling</li> <li>• compliance with policies, procedures, or law</li> <li>• other actions or decisions which may unreasonable</li> </ul>
Corruption:	<p>Complaints should be referred to the Independent Broad-based Anti-Corruption Commission (IBAC)</p> <p>IBAC accepts complaints about suspected corruption and misconduct in the public sector and Victoria Police, including:</p> <ul style="list-style-type: none"> <li>• taking and offering bribes</li> <li>• using a position of influence dishonestly</li> <li>• committing fraud or theft</li> <li>• misusing information from the workplace</li> </ul>

## 7 HANDLING OF OTHER COMPLAINTS

In accordance with section 107(1)(a) of the *Local Government Act 2020*, Council has the discretion to refuse to deal with a complaint which is otherwise subject to statutory review. This discretionary power relates to complaints subject to review processes determined under legislation – e.g. requests for an infringement review.

Where a complaint is received that relates to a matter for which statutory review processes apply, the matter must be referred to that process (summarised below) and the complainant informed of that referral as part of the acknowledgement.

Type of complaint	Specific handling process
<b>Statutory review processes</b>	<p>If a complaint relates to a matter subject to a statutory review process – e.g. formal review of an infringement under a local law – this must immediately be referred for action under that process.</p> <p>Where this referral is made, the complainant must be informed that the complaint will be managed under this process.</p>
<b>Alleged privacy breaches</b>	<p>If a complaint relates to a privacy breach, an alleged privacy breach or other privacy matter, this must be referred to Council’s Privacy Officer (Manager Governance Risk &amp; Compliance) and managed in accordance with Council’s <i>Procedure – Management of Privacy Breaches</i>.</p>

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Type of complaint	Specific handling process
<b>Allegations of improper conduct by Council staff (including the CEO) including under the Public Interests Disclosure Act.</b>	<p>If a complaint involves allegations of improper conduct, the complaint must be referred to the Director Corporate &amp; Community Services for investigation and action.</p> <p>A public interest disclosure may be a report about:</p> <ul style="list-style-type: none"> <li>• The improper conduct of a public agency or public officer,</li> <li>• Detrimental action taken in reprisal</li> </ul> <p>Processes relating to public interest disclosures, and confidentiality obligations, can be found in Council's <i>Procedure – Public Interest Disclosures</i>.</p> <p><b>Any matter relating to a public interest disclosure must be kept strictly confidential with no mention to any other person unless authorised.</b></p>
<b>Allegations or suspicions of misconduct or reportable conduct by Council staff (including the CEO) relating to the safety of children and young people, as defined by the Child Wellbeing &amp; Safety Act.</b>	<p>If a complaint involves allegations of misconduct or reportable conduct, the complaint will be forwarded to the Chief Executive Officer for investigation and action.</p> <p>Complaints about the Chief Executive Officer will be forwarded to the Mayor for investigation and action.</p> <p>Information about making a complaint under the Reportable Conduct Scheme is available on Council's website. Disclosures should be made directly to:</p> <ul style="list-style-type: none"> <li>• Manager Governance Risk &amp; Compliance</li> <li>• Manager People &amp; Culture</li> <li>• Director Corporate &amp; Community Services</li> </ul>
<b>Complaints about Councillors</b>	Complaints about Councillors will be forwarded to the Mayor and handled in accordance with the Councillor Code of Conduct.
<b>Complaints about the Chief Executive Officer</b>	Complaints about the Chief Executive Officer will be forwarded to the Mayor for handling.
<b>Complaints about Council staff</b>	Any complaints about Council staff will be handled in accordance with the above Policy & Procedure and in accordance with Council's Employee Code of Conduct and Disciplinary Policy.
<b>Complaints about contractors</b>	Any complaints received about Council contractors will be handled according to the above Policy & Procedure and/or any relevant contractual requirements.

## 8 UNREASONABLE COMPLAINANT CONDUCT

Most complainants act reasonably and responsibly in their dealings with Council. In a small number of cases some complainants, despite our best efforts to help them, behave in ways that are inappropriate and unacceptable.

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Unreasonable conduct is that which because of its nature raises substantial health, safety, resource, or equity issues for our organisation, our staff, contractors, and other service users.

In managing unreasonable conduct, we try to ensure that:

- the complainant’s expectations are clear and realistic
- we maintain firm and clear communication, either in writing or verbally
- a complainant understands what Council can do and not do in relation to the complaint, and
- we provide clear reasons for our decisions.

Council may decide to deal with unreasonable conduct in one or more of the following ways:

- **Who they contact:**
  - Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).
  - This staff member will exclusively case manager their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contractions, and conflict.
- **What they can raise with Council:**
  - Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues / subject matter the customer can again raise with Council.
- **When, where, and how they can have contact:**
  - A customer’s telephone, written, or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety, and security of staff. It may also be behaviour that is persistently rude, threatening, abusive, or aggressive. As such, Council may limit when, where, and/or how the customer can interact with Council.

## 9 COMPLAINTS ADMINISTRATION

### 9.1 Recordkeeping

All complaints in the scope of this policy & procedure will be recorded in Council’s records management system (RecFind) and in Council’s Complaints Register.

We may record the following information for each complaint:

- Complainant details

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- 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 the outcome
- Any recommendations for improvement and who is responsible for implementing them

Any staff queries regarding the recording of complaints should be directed to the Senior Records Officer or the Manager Governance Risk & Compliance.

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

## 9.2 Privacy and confidentiality

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

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

All complaints recorded in Council's records management system will have limited access to maintain privacy and security. All reports on complaints data will be de-identified and will not include any personal or identifying information unless required by law.

Any queries regarding privacy should be directed to the Manager Governance Risk & Compliance.

## 9.3 Complaints register

The Manager Governance Risk & Compliance will maintain a confidential register of all complaints in RecFind folder Miscellaneous Complaints. Access to this register will be limited to members of the Senior Leadership Team.

The register will include summary information only, including information as detailed in section 7.1.

The register will be interrogated from time to time by the Manager Governance Risk & Compliance and Director Corporate & Community Services to determine whether a combination of complaints indicate a repeated problem behaviour or systemic issue that needs further management.

Feedback does not need to be recorded in the complaints register.

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## 9.4 Reporting on performance

To measure our performance, we have the following key performance indicators:

- Number of complaints upheld, partially upheld, not upheld.
- Performance against timelines set by the agency:
  - All complaints resolved at the first point of call (i.e. by frontline or receiving staff) will be resolved within 5 (five) working days of receipt.
  - All complaints will be acknowledged within 5 (five) working days of receipt.
  - All complaints considered more complex will be referred to the Manager Governance Risk & Compliance within 2 (two) working days of receipt.
  - It is Council's aim to resolve at least 80% of complaints within 28 calendar days of receipt.
  - Complainants will be kept informed of complaint investigation progress at a minimum of weekly.
  - All requests for internal review will be processed and completed within 10 (ten) working days of receipt.
- All complaints will be investigated independently of any officer who is the subject of the complaint.
- All requests for internal review should be received within 60 days of the date of the outcomes letter.
- Number of changes made to services because of complaints.
- Number of complaint outcomes overturned on internal review.
- Customer satisfaction with the complaint handling system.
- Complaints escalated to the Victorian Ombudsman's office where Council's original decision was overturned and/or proposals for actions were made by the Ombudsman.

A de-identified summary of complaints will be reported to the Executive Leadership Team monthly. The Executive Management Team is responsible for monitoring and improving the performance of Council's complaints handling system and responsiveness to the community. Where considered appropriate, identification of complainants and/or subject of the complaints may be made to the Executive Leadership Team if needed to make decisions on the handling or resolution of the complaint, and if any disciplinary action is needed.

De-identified summary of complaints and KPIs will be reported periodically to Council and Council's Audit & Risk Management Team. We will report against our complaint handling key performance indicators in our annual report, where we will also detail any service improvements made because of complaints received.

## 10 REFERENCES

Council is committed to providing a fair and equitable service and this Policy & Procedure has been developed particularly in accordance with the following legislation, regulation, policy, and standards:

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- Local Government Act 1989 and 2020
- Privacy and Data Protection Act 2014
- Victorian Ombudsman: Councils and Complaints – a good practice guide
- Public Interests Disclosures Act 2012

## 11 VERSION HISTORY AND REVIEW

Version Number	Issue date	Description of change
1.0		Initial release
2.0	Nov 2019	Review
3.0	March 2021	Full review and amendment to align with Ombudsman Victoria guidelines and new template.

Pyrenees Shire Council is committed to consultation and cooperation between management and its employees. Development of this Policy was conducted in consultation with relevant staff and consultative committees prior to approval.

This Policy & Procedure has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the document does not unreasonably limit or restrict any human rights. The Policy provides the framework for how people can raise complaints with Council and have them responded to. It is considered the Policy & Procedure supports the principles contained within the Charter.

This document is subject to Council's Policy on Policies and will be reviewed in a 4-year cycle. The next review of this document is due in February 2025.

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## 12 APPENDIX A – TEMPLATE WORDING FOR COMPLAINTS COMMUNICATIONS

### 12.1 Sample wording for complaint acknowledgements

This is an example of an acknowledgement letter to a complainant:

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Dear Mr Citizen

**Your complaint about your .....**

Thank you for your email dated [date] about Council’s decision not to approve your application for a .....

Your complaint has been referred to ..... for consideration and investigation where applicable. ... will contact you again either when the investigation is complete or in the meantime to provide you with a progress update or to seek further information.

It is Council’s aim to resolve all complaints, where possible, within 28 calendar days. If the investigation is likely to take longer in this instance, you will be advised and provided with progress updates.

In the meantime, if you have any questions or would like an update on progress, please contact .... on telephone [direct line or mobile number].

Yours sincerely

.....

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### 12.2 Sample wording for complaint outcome notification letters

This is an example of an outcome letter. Remember that there is no ‘one size fits all’ response to every complaint and you should tailor your letters to suit each complaint.

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Dear Mr Citizen

### Your complaint about your fine

Thank you again for your email dated [date] about the service you received from one of our enforcement officers and her refusal to revoke your fine.

You complained that the officer refused to withdraw the fine even though you provided evidence that you did not commit the offence, and that she was rude and unhelpful.

We welcome feedback about our services and I would like to thank you for taking the time to contact us.

After reading your email, I considered the *Infringements Act 2006 (Vic)* which sets out the law on infringements, and our internal policies. I also spoke to the officer involved.

Unfortunately, our enforcement officers are not able to revoke fines once they have been issued. The enforcement officer advised me that she was trying to explain this to you and did not intend to be rude or unhelpful.

Council's Manager Governance Risk & Compliance undertakes infringement reviews and can revoke fines, and I have forwarded your letter to them for consideration. If you have any additional evidence to provide, you can send it to her by writing to [address] or emailing [email address].

I hope that this resolves your concerns about what happened. If you have any questions, you are welcome to contact me on [phone number].

If you are not happy with my response, you can seek an internal review by writing to our Director Corporate & Community Services within 60 days of receiving this response. Alternatively, you may wish to complaint to the Victorian Ombudsman at [ombudsman.vic.gov.au/make-a-complaint](http://ombudsman.vic.gov.au/make-a-complaint) or by calling (03) 9613 6222 or 1800 806 314 in regional areas.

Yours sincerely

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