



Baw Baw Shire Council

Complaints Handling Policy

Introduction

The Local Government Act 2020 (the Act) advises that all Council staff, in the course of their employment, are required to provide responsive service. Consequently, an effective approach to complaints handling is required.

The Victorian Ombudsman's '*Councils and complaints – A good practice guide 2nd Edition*' together with the Australian Standard '*AS/NZS 10002:2014 Guidelines for complaint management*' have been used to develop this policy and the associated procedure.

Purpose

This complaint handling policy is designed to ensure that any concerns are treated seriously and are addressed promptly, fairly and equitably. This policy is implemented by using the Complaint Handling Procedures.

Governance Principles

Section 9 of the Local Government Act 2020 (the Act) specifies the overarching governance principles and supporting principles that Council must adhere to in the performance of its role and functions.

This policy gives effect to the following overarching governance principles outlined in Section 9(2) of the Act:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- The municipal community is to be engaged in strategic planning and strategic decision making;
- Innovation and continuous improvement is to be pursued;
- The ongoing financial viability of the Council is to be ensured;

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- Regional, state and national plans and policies are to be taken into account in making strategic planning and decision making;
- The transparency of Council decisions, actions and information is to be ensured.

This policy also takes into account the following supporting principles defined in Section 9(3) of the Act:

- The community engagement principles (Community Engagement Policy);
- The public transparency principles (Public Transparency Policy); and
- The service performance principles.

Definitions

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

- the quality of an action, decision or service provided by Council staff or a Council contractor
- a delay or failure by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- a policy or decision made by the Council, Council staff or a Council contractor.

In this policy:

'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.

'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.

'the Council' means the body of elected Councillors

Scope

Our complaints policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings.

Complaints must relate to matters, products or services for which Council has authority or responsibility.

This policy does not apply to the following matters or complaints, which are managed through other processes including:

- complaints alleging fraud or corrupt conduct;
- complaints about individual Councillors;
- complaints relating to matters under investigation by the Minister for Local Government, the Victorian Ombudsman's Officer, a Minister of the Crown or government department or the Victoria Police;
- complaints that are claims against Council for personal injury or property damage or other loss or damage.

Legislative context

- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Wellbeing and Safety Act 2005*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosures Act 2012*

Related policies and documents

- Council's Privacy Policy
- Habitual or Vexatious complainants guide
- Baw Baw Shire Council Customer Charter
- Child Safety Reporting Procedure
- Child Focused Complaints Handling Process

How to Make a Complaint

A person can make a complaint in several ways.

Mail: Baw Baw Shire Council
PO Box 304
Warragul VIC 3820

Telephone: 03 5624 2411

Email: bawbaw@bawbawshire.vic.gov.au

Website: <http://www.bawbawshire.vic.gov.au>

In person: Baw Baw Shire Council Customer Service Centre's
33 Young street, Drouin

After hours: 03 5624 2411 to be immediately transferred to Council's after-hours service.

You can make an anonymous complaint; however, this may restrict our ability to provide resolution or updates on any progress.

Policy principles

Complaints handling will be based on the following principles:

Commitment

Baw Baw Shire Council is committed to resolving complaints. We respect people's right to complain and consider complaints handling to be an important part of improving service delivery.

Responsiveness

We will seek to acknowledge each complaint received and we will endeavour to respond appropriately in accordance with the Complaint Handling Procedure Manual.

Accessibility

We aim to provide ease of access to all people wanting to make a complaint to Council through their preferred style, whether that be by phone, email, website, Facebook, live chat, general post or presenting at either of our service centres.

Confidentiality

All information will be used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

Accountability

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We will aim to tell customers the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

We will regularly analyse complaint data to find ways to improve how we operate and how we deliver services.

Policy detail

Complaints Handling Process

Council takes a four-tier approach to complaints handling.

Tier	Process	Timeline
Level 1 – Frontline Resolution	We aim for the the majority of complaints to be resolved by our frontline staff. If our frontline staff cannot resolve your complaint then it will be handed to the Manager of the appropriate area.	Immediate
Level 2 – Investigation (if required)	The Manager will undertake further information gathering and investigate the complaint including providing any remedy. You will be provided with ongoing communication and a written response of the outcome.	Initial Response within 5 days Resolution in 30 days
Level 3 – Internal Review	If you are not satisfied with the outcome, you can request an Internal Review. The Internal Review will be undertaken by a senior officer from a separate area of Council (usually the Manager Customer Service).	Initial Response within 5 days Resolution in 30 days
Level 4 – External Review	You can also request an external review by another agency. Normally, external agencies will expect that you have tried to resolve your complaint with Council prior to their involvement.	Agency dependant

External Review

The following table outlines the external bodies who can handle complaints about us.

Complaint	Agency
Actions or decisions of a Council, Council staff and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic)	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act 2020	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy. Complaint about a freedom of information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Corruption or public interest disclosure complaints	Independent Broad-based Anti-corruption Commission www.ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au

Discretion to Refuse Complaint

In some circumstances it may be appropriate for Council to decline to deal with a complaint and instead refer it to an appropriate external body in accordance with section 107 of the *Local Government Act 2020*.

Some of the situations where Council may refuse to deal with a complaint which is otherwise subject to statutory review include:

- the statutory review process is already underway.
- it is reasonable in the circumstances to expect the complainant to go through that review process.
- a tribunal or court will settle or determine the matter faster.
- the complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect).

Where this discretion to refuse these complaints is exercised, Council will clearly explain the reasoning to the complainant.

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Unreasonable Conduct

We are committed to being accessible and responsive to people who lodge a complaint. On occasion, the timeliness of our response depends on our ability to perform our functions in the most effective and efficient ways possible to allocate our resources fairly across all the requests for service and complaints we receive.

We acknowledge that, in some cases, unreasonable conduct may be a symptom or manifestation of a disability. In these cases, Council will consider its obligations under the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010* and will make reasonable adjustments to our service so that all people may have their concerns addressed equitably.

The above notwithstanding, we will act to manage any conduct that negatively and unreasonably affects us, in a fair, ethical and reasonable way, and will support our staff to do the same.

We have no tolerance towards any harm, abuse or threats directed towards our staff, Councillors, or other customers.

Unreasonable conduct will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to persons by restricting who they have contact with, what they can raise with Council when they can have contact, where they can make contact or how they can make contact. In extreme cases, and as a last resort and only when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely terminate all contact with an individual.

In applying restrictions to customers, we recognise that discretion will need to be used to adapt them to suit each individual circumstance and also recognise that more than one strategy may need to be used.

Refer to the Unreasonable Complainant Conduct guide for further clarity.

Complaints involving young people or children

Baw Baw Shire Council is committed to upholding the rights, safety, and wellbeing of children. Children are encouraged to speak up and know that no one will be penalised or suffer adverse consequences for making a complaint. Council has developed specific processes and procedures for investigating, responding to, and managing complaints involving children and young people.

The Child Focused Complaints Handling process provides additional guidance to facilitate the prompt, thorough and fair handling of child related complaints.

The Child Safety Reporting Procedure outlines reporting requirements for suspected or actual abuse. This procedure includes information on how to report child abuse and/or neglect concerns within the organisation and to external authorities.

Complaints during Emergencies/Crises

Council recognises that complaints about service delivery during emergency situations are inevitable due to the complex nature of emergency response and the distressing circumstances that may impact on residents and customers.

The Victorian Ombudsman *Good Practice Guide for Complaint Handling in a Crisis* articulates several strategies for effectively responding to these complaints, including having a clear process for managing complaints during times of crisis.

In these situations Council will utilise its existing Complaint Management Processes and Procedures when responding to complaints raised during emergencies but may implement revised timeframes and triage methodologies where appropriate, depending on the context of the emergency and its impact on residents, customers, and organisational capacity.

Your privacy

We keep your personal information secure. We use your information to respond to your complaint and may also use the information to improve our services.

Where we publish complaint data, personal information is removed.

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