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*' has 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;
- 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 considers 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** is an express or implied communication, made verbally or in writing, that conveys dissatisfaction with Council or its contractors, where a response is sought, reasonably expected, or legally required. A complaint may relate to:

- the quality of a service, action or decision provided or made by Council or a Council contractor
- a delay or failure by Council or a Council contractor to take an action, make a decision or deliver a service
- a Council policy, process or decision.

Communications where a response is not sought, or it's not reasonable to expect a response, are treated as **feedback** rather than complaints.

Complaint Handler is the Council officer responsible for managing and responding to a complaint. This may be a team member, contract manager, leader, or other staff member depending on the nature and subject of the complaint. The role does not imply a specific position title or level of seniority.

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

Council contractor means any third-party engaged by the Council to carry out functions on the Council's behalf. For the purposes of this policy, complaints about contractor actions or decisions are considered complaints about Council.

The Council means the body of elected Councillors

Feedback is a compliment, criticism, comment or suggestion where a response is not sought or reasonable to expect.

Scope

Our complaints policy applies to all complaints from members of the public about Council operations, 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; these are addressed in the Councillor code of conduct.
- 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.

Complaints About Contractors

Council remains ultimately responsible for all services delivered on its behalf, including those provided by third-party contractors. This includes responsibility for managing complaints related to contractor performance, conduct, or service quality.

In practice:

- Where appropriate, Council may refer the complaint to the contractor for direct management and resolution. This allows for timely handling by those closest to the issue.
- Even when a complaint is referred, Council retains oversight of the matter, ensuring that it is handled appropriately, fairly, and in accordance with Council standards.
- Council may step in to provide a direct response if:
    - The complainant is dissatisfied with the contractor's handling;
    - The issue has broader implications (e.g. systemic risk, contract non-compliance);
    - The contractor's complaint process is not adequate; or
    - The matter involves legal, reputational, or safety risks.

To support this:

- Contractors are required to notify complainants of their right to escalate concerns to Council.
- Contractors must cooperate with any investigations or information requests made by Council.
- Council will review contractor complaint trends and may audit contractor complaint handling processes as part of its oversight.

This approach ensures complaints are managed by the most appropriate party while maintaining accountability and alignment with community expectations.

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
- Unreasonable Complainant Conduct 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.

Anonymous Complaints

Council accepts anonymous complaints. We recognise that some individuals may wish to withhold their identity when raising concerns, particularly where they fear reprisal or are reporting sensitive matters.
However, it is important to note that:

- Anonymous complaints may limit our ability to fully investigate the issue or seek clarification.
- We may be unable to provide updates on the outcome or progress of the matter.
- In some cases, the lack of identifying information may mean that a resolution is not possible.

Despite these limitations, all anonymous complaints will be reviewed and assessed on their merits, and action will be taken where appropriate.

Policy principles

Complaints handling will be based on the following principles:

Resolution

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.

Accessibility
We aim to make it easy for people 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 our service centres.

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

Accountability
We will aim to tell customers the reasons we have made decisions and ensure that our decisions are subject to appropriate review processes. Complainants will be advised of their options for review of decisions or contact details for oversight bodies.

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

Human Rights
Council is committed to ensuring that all complaints are assessed and responded to in a manner that upholds the *Charter of Human Rights and Responsibilities Act 2006*. We will consider whether a complaint raises issues of liberty, equality, privacy, or other protected rights. Where a right may have been limited, we will assess whether that limitation was lawful, reasonable, and proportionate to Council's objectives.

Policy detail
Complaints Handling Process
Council takes a four-tier approach to complaints handling.

Tier	Process	Timeline	Outcome Communication
Level 1 – Frontline Resolution	Most complaints are resolved by frontline staff. If they cannot resolve it, the matter is formally lodged and escalated to the relevant Complaint Handler.	Immediate	**Can be verbal, but written responses provided if requested or appropriate.** Officers will explain the outcome and any actions taken.
Level 2 – Investigation	The Complaint Handler will undertake further fact finding and investigation, including determining appropriate remedy.	Initial Response within 5 days Resolution in 30 days	**Written or verbal response depending on complexity/context and if requested or appropriate.** Response outlines the key issues, findings, outcome, reasons for the decision, and any next steps.

Tier	Process	Timeline	Outcome Communication
Level 3 – Internal Review	A senior officer from a different area conducts an independent review if the complainant is dissatisfied. This if the final part of the internal complaint process.	Initial Response within 5 days Resolution in 30 days	**Written response required.** Summarises previous handling, explains the review process, states the outcome, provides reasons, and outlines next steps or external review options.
Level 4 – External Review	If you remain dissatisfied after the internal review, you may refer your complaint to an appropriate external agency (e.g. Ombudsman, OVIC, IBAC). Normally, external agencies will expect that you have tried to resolve your complaint with Council prior to their involvement.	Agency dependant	External agency will determine how the complaint is handled and responded to. Council will cooperate fully with any investigation or review by an oversight agency.

Council is committed to accessible and inclusive communication.
Officers are encouraged to tailor the way complaint outcomes are communicated to suit the complainant's needs and preferences, while also considering the nature, complexity, and sensitivity of the issue. This may involve providing responses verbally, in writing, or through alternative formats, depending on what is most appropriate.

All responses will be provided in a timely manner, consistent with the timeframes outlined above. Where delays occur, Council will keep the complainant informed and explain the reason for the delay.

External Review

The following table outlines the external bodies who can handle complaints about us, or about our handling of your complaint:

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.

Unreasonable Conduct

We are committed to being accessible and responsive to people who lodge a complaint. Council seeks to balance this commitment with the need to use its resources responsibly and fairly across all complaints and requests for service. In some circumstances, this may influence the way Council manages interactions where conduct places unreasonable demands on those resources.

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, 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 recognise that more than one strategy may need to be used.

Complaints involving young people or children

Baw Baw Shire Council is committed to the rights, safety and wellbeing of children. We support children and young people to speak up and ensure they are not penalised for making a complaint.

Council has specific procedures for managing complaints involving children, including:

- A **Child-Focused Complaints Handling Process** to ensure complaints are managed promptly and fairly.
- A **Child Safety Reporting Procedure** for concerns related to abuse or neglect, including internal and external reporting requirements.

These processes uphold children's rights under the *Charter of Human Rights and Responsibilities Act 2006*, including the right to be heard and protected.

Complaints during Emergencies/Crises

Council acknowledges that complaints may arise during emergencies due to the complexity and disruption of service delivery.

In these situations, Council will continue to use its standard Complaint Management Procedures but may adjust timeframes and triage methods to reflect the emergency context.

These adjustments align with the Victorian Ombudsman's guidance for complaint handling during crises, ensuring continued responsiveness to affected community members.

Your privacy

Council handles personal information in accordance with the *Privacy and Data Protection Act 2014* and Council's Privacy Policy. We are committed to safeguarding the personal information of complainants, staff, and third parties throughout the complaints process.

When managing complaints:

- Only information necessary to handle the complaint will be collected and used.
- Complaint records will be stored securely and in line with Council's privacy and records management policies.
- Where complaint data is used for analysis or public reporting, all personal information will be de-identified.
- Staff who are the subject of a complaint will, where appropriate:
    - Be informed of the complaint.
    - Be given an opportunity to respond.
    - Be supported throughout the process.
    - Have their privacy respected unless disclosure is legally required or justified.

If a complaint relates to a privacy breach, Council will:

- Assess the complaint to determine whether a privacy principle has been breached.
- Notify the affected person of the outcome.
- Take corrective action if necessary (e.g. system change, apology, data handling improvements).
- Report notifiable data breaches in accordance with legislation, where required.
- Inform the complainant of their right to escalate their complaint to the Office of the Victorian Information Commissioner (OVIC) if they are dissatisfied.

Review of Complaint Handling Policy

This policy is formally reviewed every four years, in alignment with the Council term. This ensures that each elected Council can consider and endorse the approach to complaint handling as part of its broader governance responsibilities.
Outside of this cycle, the policy may be reviewed and updated earlier if:

- There are significant legislative or regulatory changes impacting complaint management.
- A Council resolution or direction is issued.
- A review of complaint trends, performance, or external feedback identifies opportunities for improvement.

Operational procedures associated with this policy may be updated more frequently to ensure continued alignment with best practice.
This approach aligns with Council's governance cycle while maintaining flexibility to respond to emerging issues, risks, or reforms affecting public sector complaint handling.

Approval date	24 June 2026
Approval authority	Council
Effective from	24 June 2026
Review term	Council Term
Next review date	June 2029
Responsible position	Manager Customer Service
Responsible Director	Director Governance and Information Services
Version	4