

# Complaints Policy

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<b>Related strategic documents, policies, or procedures:</b>	Customer Service Policy Complaint handling procedure Records Management Policy Public Interest Disclosure Procedure Privacy and Data Protection Policy Public Transparency Policy Staff Code of Conduct		

Date	Version Number	Details of Version	Modified by
21/05/2019	1	New policy	Principal Governance Officer
17/11/2021	2	Updated for LG Act 2020 requirements	Governance Support Officer/Executive Manager People and Culture

# Complaints Policy

## 1. Purpose

The purpose of this policy is to ensure that Mount Alexander Shire Council (the Council) handles complaints fairly, efficiently and effectively. It sets out the key principles and concepts of complaint management to ensure that any person who wishes to make a complaint has the matter dealt with in an approved and consistent manner.

## 2. Scope

This policy applies to all complaints from members of the public about Council staff and Council contractors.

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

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

Exclusions to this policy:

- Any matter that is subject to statutory review, and with the approval of the CEO, may be excluded from consideration under this policy.
- Complaints about Councillors or the Chief Executive Officer.
- Staff grievances and/or internal staff code of conduct complaints.

## 3. Policy

Mount Alexander Shire Council is committed to being accessible and responsive to all people who approach us with feedback or complaints.

We are committed to:

- Enabling members of the public to make complaints.
- Responding to complaints and taking action to resolve them as quickly as possible.
- Learning from complaints to improve our services.

### 3.1 Our complaints process

Our complaints process follows a tiered approach and the timelines for response will take into consideration factors such as:

- What the complaint is about.
- Whether there is an immediate risk to the safety of a person or property.
- The seriousness and complexity of the complaint.
- Whether there are statutory processes to follow.

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## Tiered Approach

### **Tier 1: First-contact complaint resolution**

At Tier 1 the complaint is acknowledged and referred to a Council officer for response. Information will be gathered as required to resolve the complaint.

If a solution cannot be immediately found, then the officer will explain what will happen next, and why.

### **Tier 2: Investigation**

The investigation will be carried out by a nominated officer with specialist expertise who will:

- Explain the investigation process, including the timelines, what it will and will not look at, and the possible outcomes.
- Provide the complainant and any other parties with an opportunity to present their case.
- Provide a written outcome, together with reasons, and detail any remedies if necessary.

### **Tier 3: Internal review**

If you disagree with the outcome of the investigation, you can request an independent internal review.

The review will be independent of:

- a) The person or group who took the action.
- b) The person or group who made the decision.
- c) The person or group who provided the service.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint and will review both the original complaint and the process undertaken to investigate and respond to your complaint.

A written response of the outcome will be provided. Details of the options for seeking an external review will be provided as part of this written response.

On a quarterly basis the Executive Team will review the findings of all internal reviews to consider what organisational improvements could be implemented.

### **Tier 4: External review**

Tier 4 generally involves a complaint being escalated to an oversight body such as the Ombudsman or the Local Government Inspectorate, or to a tribunal or court. Relevant officers will participate in and cooperate with such bodies as required by them.

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The following external bodies and the nature of the complaints that they handle will be referenced in Tier 3 responses as relevant to the complaint.

Complaint	Organisation to contact for external review
Actions or decisions of Council staff and contractors. This includes, but is not limited to, failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic).	Victorian Ombudsman: <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the Local Government Act	Local Government Inspectorate: <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy. This includes, but is not limited to, complaints about a freedom of information application.	Office of the Victorian Information Commission: <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints.	Independent Broad-based Anti-corruption Commission: <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission: <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council Elections	Victorian Electoral Commission: <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

## 4. How to make a Complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: (03) 5471 1700

Online: Visit our website at: [www.mountalexander.vic.gov.au](http://www.mountalexander.vic.gov.au)

Click on 'Contact us', then go to 'Feedback form'

Email: [info@mountalexander.vic.gov.au](mailto:info@mountalexander.vic.gov.au)

Post: PO BOX 185, CASTLEMAINE, VIC 3450

In person: Civic Centre, Corner Lyttleton Street and Lloyd Street

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When making a complaint, providing as much detail as possible will assist Council in trying to resolve the matter. Such information can include:

- Identify the action, decision, service or policy you are complaining about, and why you are dissatisfied.
- Name and contact details. You can complain anonymously, but this may limit how we can respond to you.
- Give us relevant details, such as dates, times, location or reference numbers, and documents that support your complaint.
- The outcome you are seeking from making your complaint.

We are committed to ensuring our complaints process is accessible to everyone and we will assist you by:

- Providing an assistance service, such as an interpreter or TTY (for free).
- Talking with you if you have trouble reading or writing.
- Communicating with another person acting on your behalf if you cannot make the complaint yourself.

## 5. Confidentiality and Privacy

Personal information gathered from a complainant during complaint handling will only be:

- Used to deal with the complaint or for a reasonable secondary purpose, such as monitoring complaint trends.
- Disclosed in a de-identified format where data is publicly released.
- Accessed by staff where necessary to deal with the complaint, or for a related secondary purpose.

## 6. Definitions

A table of terms and their definitions as they relate to the policy

Term	Definition
Council Staff	Any person appointed by the Chief Executive Officer.
Council Contractor	Any third-party engaged by the Council to carry out functions on the Council's behalf.
Councillor	The individuals holding the office of a member of Mount Alexander Shire Council.

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## 7. Commitment Statements

### Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

### Gender Equity

It is considered that this policy goes towards promoting gender equity principles as outlined in the gender equity act 2020 and does not contribute in the promotion of inequalities. Mount Alexander Shire Council is committed to meeting its obligations as stated in the Act and to further promote the right to equality as set out in the Charter of Human Rights.

### Child Safety

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. The organisation recognises the legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests. All children who come in contact with Councillors, employees, contractors and volunteers from the organisation have a right to be and feel safe. We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve those commitments. We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.