

LatrobeCity

Complaints Handling

Policy | 2021



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Background

The purpose of the Complaints Handling Policy (the Policy) is to ensure that all complaints are handled in a systematic, responsive and fair manner. It is based on seven guiding principles that set out Council's approach to the management of complaints.

Latrobe City Council (Council) is committed to responsive complaint handling and creating a culture that encourages feedback and complaints in order for the organisation to mature, learn and improve services.

Council recognises that members of the public have the right to complain and have complaints handled objectively.

Pursuant to Section 107 of the *Local Government Act 2020* Council is required to develop and maintain a complaints policy that includes processes outlined in the Act. This Policy satisfies that requirement.

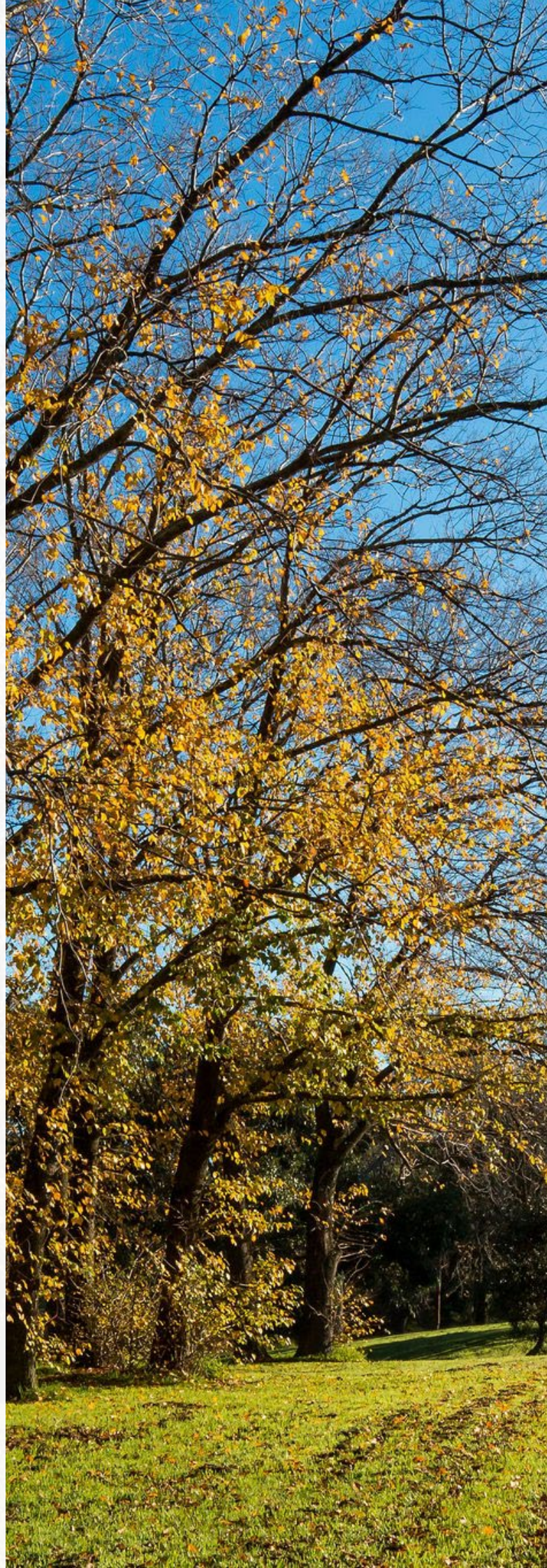




Objectives

This Policy aims to:

- Implement an open and transparent complaint handling system.
- Enhance the relationship between Council and its customers and members of the public.
- Establish our timeframes for resolving complaints.
- Clarify the roles and responsibilities of Council staff.
- Ensure there are appropriate pathways for dealing with challenging or unreasonable behaviour.
- Provide a safe and secure environment to conduct business in a respectful and professional manner.





Scope

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a concern with our services, actions, decisions, and policies. We are committed to:

- Enabling members of the public to make complaints.
- Responding to complaints by taking action to resolve complaints as quickly as possible, wherever practicable.
- Learning from complaints to improve our services.

We treat every complaint received on its individual merits through clear and consistent processes.

Our Policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings. This Policy does not apply to complaints about individual Councillors.

What is a complaint?

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 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.

This is defined in the *Local Government Act 2020*. For the purposes of this Policy, routine requests for service are not treated as complaints.

Guiding Principles

This Policy is based on seven principles.

- **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 actively assist them to navigate the complaints process.

- **Transparency**

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

- **Objectivity and fairness**

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

- **Privacy**

- 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.

How to make a complaint

A person can make a complaint in several ways, including:

Mail: Latrobe City Council PO Box
264 Morwell Vic 3840

Telephone: 1300 367 700

Email: Latrobe@latrobe.vic.gov.au

Fax: 03 5128 5672

Internet: www.latrobe.vic.gov.au/Other/Contact_Us/Feedback

In person: In appropriate instances, talking directly to a frontline staff member at the following locations:

HQ Service Centre

141 Commercial Road
Morwell VIC 3840

Moe Library Service Centre

1-29 George Street
Moe VIC 3825

Traralgon Library Service Centre

34-38 Kay Street
Traralgon VIC 3844

Churchill Library Service Centre

9-11 Philip Parade
Churchill VIC 3842

Morwell Library Service Centre

63-65 Elgin Street
Morwell VIC 3840

ACCESSIBILITY

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- National relay service (nrs)
- Teletypewriter (tty) users phone 133 677 then ask for 1300 367 700
- Speak and listen users phone 1300 555 727 then ask for 1300 367 700
- Internet relay users connect to the nrs then ask for 1300 367 700
- Tis (translating and interpreting service) on 131 450
- 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

To make the process simpler for community members, there is a Citizen Complaint Form which can be completed and submitted. Copies of the form can be obtained from any Latrobe City Council Service Centre or from the Latrobe City Council website: www.latrobe.vic.gov.au/Feedback

We accept and respond to anonymous complaints, provided we have received enough information to do so. Where possible, at the point of initial contact, Council will inform customers who wish to remain anonymous that should additional information be required to action the complaint, the absence of identifying and contact information may mean action cannot be taken.

Our complaint process

OVERVIEW

We take a four-tiered approach to complaint handling, as follows:

- 1. Frontline resolution:** frontline staff receive the complaint, assess it, and resolve it immediately, if possible.
- 2. Investigation:** if frontline staff cannot resolve the complaint, they will refer it on for investigation.
- 3. Internal review:** if the complainant is aggrieved with the process or outcome of the frontline resolution and corresponding investigation, they can request an internal review.
- 4. Access to external review:** if the complainant is aggrieved with the process or outcome of the internal review, we inform them of any available external review options.



PROCEDURES

Frontline resolution

- When a complaint is received, it will be acknowledged by the frontline staff member who will clarify and attempt to resolve the complaint within five business days.
- If the officer can resolve this complaint, there is no requirement to escalate it further.
- If Council is not the correct organisation to respond to the complaint, the complainant will be referred to an organisation that can help.
- If the Council officer cannot resolve the complaint, they may refer the complaint to another staff member to provide advice and the complaint will be dealt with at operational level.
- The customer will be advised who is dealing with their complaint.

Investigation

- If frontline staff cannot resolve the complaint, it will be assigned to an appropriate officer for investigation.
- The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.
- Complaints that are not resolved within 28 days may be escalated if necessary to ensure that a resolution is expedited.
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.
- The officer handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.

Internal review

- If a complaint cannot be satisfactorily resolved, then the complainant has the right to request an Internal Review. This will then entail an internal review by a senior Council officer who has not had any prior involvement with your complaint. This will be an officer that has not been involved in providing the service subject to the complaint or the original decision, action or investigation in relation to the complaint.
- The officer handling the internal review will advise the complainant who the contact person is and how long it will take to respond.
- Internal review handling staff will aim to complete the review within 28 days.
- If it takes longer than 28 days to review, the contact person will contact the complainant prior to or at this time and explain why.
- The complainant will be notified in writing of the outcome of the Internal Review. If the complaint remains unresolved then the complainant may wish to escalate a complaint further to an appropriate external body.
- An outcome letter signed by the senior Council officer responsible for the Internal Review will be provided to the complainant at the conclusion of every Internal Review.

External Review

- There are external bodies that can deal with different types of complaints about us.
- A complainant can request an external review from the following organisations.



COMPLAINT	ORGANISATION TO CONTACT FOR EXTERNAL REVIEW
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 <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the <i>Local Government Act 2020</i>	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 ('whistleblower') 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
Council elections	Victorian Electoral Commission www.vec.vic.gov.au

COMPLAINTS THAT WILL NOT BE INVESTIGATED

The Chief Executive Officer may determine that a complaint will not be investigated where the matter:

- Is considered frivolous, vexatious or not made in good faith.
- Involves an adequate remedy or right of appeal, whether or not the complainant uses that remedy or right of appeal.
- Relates to a decision awaiting determination by Council.
- Relates to conduct before a court, coroner or tribunal.
- Is under investigation by the Minister for Local Government or any other government department including the Victorian Police Service.
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue.
- Relates to the actions or conduct of a private individual.
- Includes situations where there is insufficient information or the complainant declines or refuses to provide further information.
- Involves threats made against Council or Council staff.

Where the Chief Executive Officer determines that a complaint will not be investigated, the complainant will be advised accordingly in writing.

Unreasonable complaint conduct

Council is committed to balancing the right of individuals to make a complaint with:

- The right of councillors and officers to carry out their roles in an environment where their health, safety and security is protected and prioritised; and
- The equitable, effective and proportionate allocation of resources across all requests for service and complaints received by council.

It is acknowledged that unreasonable complaint conduct does not necessarily preclude there being a valid underlying issue to be addressed. Council will continue to assess all complaints based on their merits, in an impartial and equitable manner.

WHAT IS UNREASONABLE COMPLAINT CONDUCT?

Unreasonable complaint conduct for the purposes of this Policy is behaviour by an external customer that, because of its intensity, nature or frequency, impacts negatively on the health, safety or security of councillors and staff, and/or requires substantial and disproportionate allocation of council resources.

Unreasonable complaint conduct can be divided into five categories of conduct:

- Unreasonable persistence: continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.
- Unreasonable demands: demands (express or implied) made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.
- Unreasonable lack of cooperation: unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes, that results in a disproportionate and unreasonable use of our services, time and/or resources.
- Unreasonable arguments: arguments not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.

- Unreasonable behaviours: conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant.

RESPONDING TO UNREASONABLE COMPLAINT CONDUCT

Where a person is deemed to have engaged in unreasonable complaint conduct under this Policy, it may be necessary for limitations to be placed on their contact with council.

A determination to limit contact with council will:

- Be made by the chief executive officer or a general manager.
- Take into account the guidelines for such determinations contained in the Victorian ombudsman good practice guide to dealing with challenging behaviour, or such other document as may be released as a replacement for that guide in future.
- Be notified to the affected person in writing (unless another form of communication is more appropriate) and will explain the reasons for the decision, set a timeframe for reviewing the limitations and explain the person's options for complaining about the decision.

Examples of possible responses to unreasonable complaint conduct include but are not limited to:

- A written warning regarding the unreasonable complaint conduct.
- Restricting the method, frequency or location of contact, or restricting contact to an individual council officer.
- Advising no further communication will be entered into on an issue for a specified period of time or that further correspondence will be received and assessed but only acknowledged or responded to if, in the view of council, it raises a new matter or additional information warranting a review or further action.

How we learn from complaints

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing. We may analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.





Privacy

We keep your personal information secure. We use your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information or details that may identify an individual or group are removed.

Evaluation and Review

This Policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the Policy or, in any other case, during each Council term (generally four years).





Definitions

COMPLAINT: (as set out in sub-section 107(3) of the *Local Government Act 2020*) is 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 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.

COUNCIL STAFF: is any person employed by the council to carry out the functions of the council, and the council's chief executive officer.

COUNCIL CONTRACTOR: a third-party engaged by the council to carry out functions on the council's behalf.

FRONTLINE STAFF: means any council officer or anyone representing or contracted by Latrobe City Council who has direct contact with customers. This is not limited to the function of customer service.

Related Documents

Citizen Confidentiality and Privacy Policy

Councillor Code of Conduct

Customer Service Charter

Staff Code of Conduct



DOCUMENT CONTROL

Responsible GM	Executive Manager, Office of the Chief Executive	
Division	Office of the Chief Executive	
Last Updated (who & when)	Manager Governance	2021

DOCUMENT HISTORY

AUTHORITY	DATE	DESCRIPTION OF CHANGE
Council	06 December 2021	Policy adopted
References	Refer to body of Policy	
Next Review Date	December 2025	
Published on website	Yes	



References

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Freedom of Information Act 1982 (Vic)

Independent Broad-based Anti-corruption Commission Act 2011 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Public Interest Disclosure Act 2012 (Vic)

Victorian Ombudsman: Good Practice Guide for Public Sector Agencies (September 2016)

Victorian Ombudsman: Good Practice Guide to Dealing with Challenging Behaviour (May 2018)

Victorian Ombudsman: Councils and Complaints- A good practice guide (February 2015)

Councils and complaints – A good practice guide 2nd edition (July 2021)



CONTACT US

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Traralgon Service Centre
34/38 Kay Street

Churchill and District Community Hub
9/11 Philip Parade