

# SCS-032 Complaint Handling Policy

TRIM Reference: D23/150504 Due for Review: November 2027  
Responsible Officer: Coordinator Customer Experience

## Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

## Policy

The policy commits Surf Coast Shire Council to deal effectively with complaints and guides how complaints handling procedures are implemented.

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

We are committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

The policy is maintained in accordance with section 107 of the Local Government Act 2020 and includes best practice recommendations made to local government by the Victorian Ombudsman.

## Scope

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

This policy is not applicable to:

- Complaints about third parties (unless it involves contractors carrying out work on Council's behalf), except when Council has a legal responsibility to report complaints, for example Child Safe Standards.
- A request for service or reporting infrastructure damage in the first instance.
- Comments or submissions received during formal consultation, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures and legislation, or otherwise subject to statutory review, examples include:
  - complaints/objections relating to a planning application decision
  - complaints/appeals relating to parking infringements
- A petition to Council about a certain matter.
- Complaints that have already been reviewed by an external agency.
- Complaints considered frivolous, vexatious or not made in good faith.
- Complaints that relate to a decision awaiting determination by Council.
- Complaints relating to the appointment or dismissal of any employee or an industrial or disciplinary issue.

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

For the purposes of this policy, an issue that is resolved at the first point of contact is not recorded as a complaint.

### **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 the Council staff (including volunteers) 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.

### **How to make a complaint**

Any person can make a complaint. Council will deal with all complaints it receives. Complaints can be made by:

- Telephone: 03 5261 0600
- Online: [www.surfcoast.vic.gov.au/complaint](http://www.surfcoast.vic.gov.au/complaint)
- Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)
- Post: PO Box 350, Torquay, 3228
- In person: Customer Service Desk 1 Merrijig Drive, Torquay or a council satellite office

The complaint form on our website is designed to make it easy for customers to lodge complaints by collecting the necessary information required to resolve matters. We understand that not everyone has access to or is able to use digital technology. For this reason, customers can contact us by telephone to make a complaint.

It is helpful if customers provide the following information when making a complaint:

- name and contact details (phone and email preferred). You can complain anonymously, but this may limit how Council can investigate the matter
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- give us relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted you previously and documents that support your complaint
- the outcome you are seeking from making your complaint
- whether you have any particular communication needs.

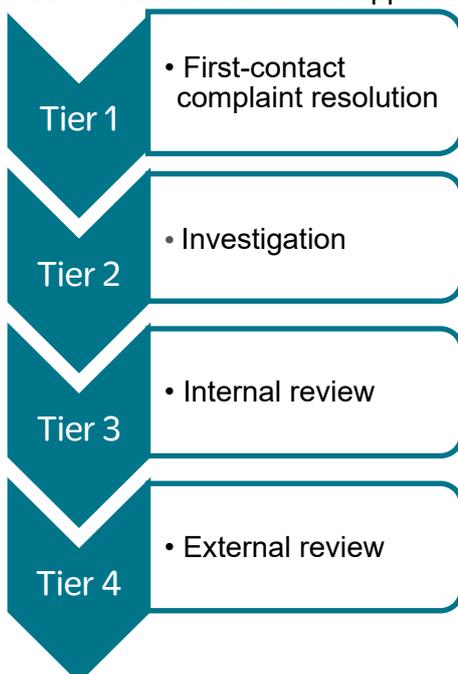
We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such an interpreter (refer to website for language services) or Teletypewriter (call National Relay Service 133 677) 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.

Staff may escalate a matter of customer dissatisfaction with a service, outcome or decision of council to a complaint. The complaint will in turn provide the customer with a way forward to review the matter.

## Our Complaints Process

Council uses a four-tiered approach to investigating and resolving complaints.



### Initial assessment and first actions (Tier one)

When you complain to us, we will record and acknowledge your complaint within five business days.

We will initially assess your complaint to decide how we will handle it. After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT)
- decline to investigate complaints that are considered frivolous, vexatious, concern a trivial matter or are not made in good faith.

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Early resolution of a complaint may involve providing advice or explaining why we are not going to take action on your complaint.

Timelines of resolution will vary depending on what service(s) or resolution is required for rectification.

It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration, investigation by a particular team or employee or must follow a statutory process.

### **Investigation (Tier two)**

If we have not been able to resolve the complaint when you first contact us, or your complaint is about the conduct of an employee, we will refer your complaint to a team, a manager or a specialist complaint handler to investigate and resolve. The investigative actions taken will depend on the nature of the complaint.

A complaint investigation may include speaking with other council employees, contractors, external agencies, inspecting case notes and documents, conducting site inspections, assessment of relevant legislation, policies and procedures and allocating investigative tasks to employees.

We aim to complete investigations of Tier two complaints within 20 working days, and will tell you if the investigation will take longer. We will update you every 20 working days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

### **Internal Review (Tier three)**

If you remain dissatisfied with our decision or how we responded to your complaint, you can request an internal review.

The officer conducting the internal review of your complaint will be independent of the initial investigation.

The internal review is the final part of the internal complaint process. The same matter will not be re-considered once the review is completed.

We aim to complete investigations of Tier three complaints within 20 working days and will tell you if the investigation will take longer.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

**External review (Tier four)**

If you remain dissatisfied with Council’s response, we will inform you of which external agency you can approach to have the matter reviewed.

Resolution timelines will depend on responsible organisation.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

**How to request an external review**

There are external bodies that can deal with different types of complaints about us.

It is likely that the organisation you contact will direct you back to us for an initial complaint investigation before they will consider a complaint.

You can request an external review from the following organisations:

Complaint	Organisation to contact for external review
<p>Actions or decisions of a Council, Council employees and contractors.</p> <p>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</p>	<p>Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a></p>
<p>Breaches of the Local Government Act 2020</p>	<p>Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a></p>
<p>Breach of privacy.</p> <p>Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a></p>
<p>Corruption or public interest disclosure (‘whistleblower’) complaints</p>	<p>Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a></p>
<p>Discrimination</p>	<p>Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a></p>
<p>Council elections</p>	<p>Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a></p>

**Customers whose conduct is unreasonable**

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.

We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

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

Unreasonable persistence

Is 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

Are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.

Unreasonable lack of cooperation

Is an unwillingness and/or inability by a complainant to cooperate with the organisation, staff, or complaints system and processes that result in a disproportionate and unreasonable use of services, time and/or resources.

Unreasonable arguments

Include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the organisation, staff, services, time, and/or resources.

Unreasonable behaviour

Is 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 staff, other service users or the complainant them self.

Surf Coast Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Councillors, staff, contractors or volunteers. Any conduct of this kind will be dealt with under this policy (via management policies and procedures) and in accordance with Council's duty of care and occupational health and safety responsibilities.

**Actions for unreasonable complainant conduct**

- UCC will be identified and the complainant will be notified accordingly

- As a result of the UCC there may be a warning, ban, limit or restriction on the way a complainant can communicate with, or receive services from the council.

### Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	The policy affirms council's commitment to achieve the best outcomes and seek continuous improvement opportunities for the community in our complaint handling management.
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	Adopting the policy in a Council meeting provides transparency about how Council will continue to handle complaints. The Complaint Handling Policy is available on Council's website. Council's complaint handling performance will be reported bi-annually to Council.
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	This policy aligns to the service principles under the <i>Local Government Act 2020</i> to account for council's service performance and provide an avenue of recourse for dissatisfied customers.

### Definitions

In this policy the following definitions apply:

<b>Acknowledgement</b>	Receipt of your complaint. Including a brief explanation of what will happen next and by when, and a reference number for your records.
<b>Complainant</b>	A person, organisation or their representative making a complaint
<b>Complaint</b>	An expression of dissatisfaction with: <ul style="list-style-type: none"> <li>the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or</li> <li>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</li> <li>a policy or decision made by Council or a member of Council staff or a contractor.</li> </ul>
<b>Complaint handling system</b>	The way individual complaints are dealt with by Council, including the policy, procedure, technology, reporting, evaluation and improvement

<b>Council</b>	<p>A Council consists of Councillors who are democratically elected by the residents and ratepayers of a municipality in accordance with the Local Government Act 2020, to set the overall direction for the municipality through long-term planning and decision making.</p> <p>In the context of this Policy, the Council refers to Surf Coast Shire Council</p>
<b>Customer</b>	An individual, business organisation that utilizes a service or asset of the Council.
<b>Days</b>	Any references to days in this document are business days.
<b>Decisions</b>	Are decisions made by the Council, or an officer under delegated authority (on behalf of the Council).
<b>Feedback</b>	<p>Feedback may take the form of positive and negative comments about a service, product, experience or process of Council.</p> <p>The feedback may not require corrective action.</p> <p>Feedback may be used to inform or influence future service reviews and delivery methods.</p>
<b>First Contact staff</b>	Any staff member who takes initial receipt of a complaint.
<b>Request for service</b>	<p>A request for service is when a customer asks the Council to provide something, generally information or a service, or asks for an action to be taken to address a problem.</p> <p>The following are examples of service requests:</p> <ul style="list-style-type: none"> <li>• an insurance claim</li> <li>• a request for information or explanation of policies or procedures</li> <li>• reports of damaged or faulty infrastructure (i.e. potholes)</li> <li>• reports of hazards (e.g. fallen trees)</li> </ul>
<b>Resolved complaints</b>	A resolved complaint refers to a complaint that has been finalised, regardless of the process used to finalise it or the outcome of the process.
<b>Simple complaint</b>	Straight-forward expressions of dissatisfaction which may be managed and resolved at the first point of contact by frontline staff or the subject matter expert. Where possible concerns will be raised directly with the council officer or contactor involved in the first instance to resolve the matter. If the complaint is not resolved, the complaint can be escalated for investigation.
<b>Statutory Review</b>	Means a decision that is able to be reviewed by an independent statutory body set up for that purpose such as the Victorian and Civil Administrative Tribunal (VCAT).

Unlike a complaint, a service request is raised when a customer wants Council to provide something, generally information or a service, or similarly report a fault by a maintenance request.

A complaint, on the other hand, deals with a failure (in the eyes of the customer) to satisfactorily respond to a request or expectation that a service will be provided.

### **Roles and Responsibilities**

<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"> <li>• Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</li> </ul>
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	<ul style="list-style-type: none"> <li>Supporting service improvements that arise from complaints.</li> <li>Reviewing and publishing complaint data.</li> <li>Manages complaints about Councillors in accordance with the Councillor Code of Conduct.</li> <li>Manages complaints about General Managers.</li> <li>Legislation requires the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct.</li> <li>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</li> </ul>
<b>Councillors</b>	<ul style="list-style-type: none"> <li>Familiarising themselves with this policy and Council's complaint process.</li> <li>Guide customers to lodge complaints directly with Council.</li> <li>Councillors may be contacted as part of an investigation.</li> <li>In some instances Councillors will be advised of the outcome of the complaint, if it is not a personnel related matter.</li> </ul>
<b>General Managers</b>	<ul style="list-style-type: none"> <li>Deal with complaints escalated to them, generally complex in nature and unable to be resolved by others.</li> <li>For complex complaints across multiple departments will determine the most appropriate officer to take the lead investigation role.</li> <li>Responsible for internal review of complaints, provided they do not have a significant connection to the subject matter of the complaint.</li> <li>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</li> <li>Will consider requests from investigating officers to extend a complaint investigation beyond 20 days in extenuating circumstances.</li> <li>Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).</li> <li>Reporting on and identifying improvements from complaint data.</li> <li>Supporting staff who deal with complaints</li> </ul>
<b>Managers (or delegated Officers)</b>	<ul style="list-style-type: none"> <li>Investigate complaints referred to them.</li> <li>Identify, implement and report on improvement opportunities from handling complaints.</li> <li>Support staff who deal with complaints.</li> </ul>
<b>First Contact staff</b>	<ul style="list-style-type: none"> <li>Assist people make a complaint, if needed</li> <li>Assess complaints</li> <li>Resolve immediately if possible.</li> <li>If more information is required, and customer is on the telephone make every effort to connect with subject matter expert (SME).</li> <li>If not possible to connect to SME, or SME not able to resolve in the first instance First Contact staff will record the complaint in Customer Request Management system as a complaint for investigation.</li> </ul>
<b>Coordinator Customer Experience</b>	<ul style="list-style-type: none"> <li>Responsible for overseeing implementation of the policy</li> <li>Ensure staff are adequately trained to handle complaints</li> <li>Providing assistance to other staff in the handling of complaints</li> <li>Undertake internal reviews of complaints as required</li> <li>Analyse data, monitor performance and prepare reports relating to customer experience.</li> <li>Identify and implement improvement opportunities on Council's complaint handling systems.</li> </ul>
<b>Staff, Volunteers &amp; Council Contractors</b>	<ul style="list-style-type: none"> <li>Treat all people with respect, including people who make complaints.</li> <li>Familiarising themselves with this policy and Council's complaint process.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Referring complaints to Council staff to be dealt with in accordance with our processes.</li></ul> |
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### **Non-specific complaints**

Correspondence received that is non-specific in nature, or not relevant to the operations of Council will be received and recorded, but not always via the complaint handling process. Reasons for the determination will be filed along with the correspondence.

### **Complaints about allegations of corrupt conduct**

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Independent Broad-based Anti-corruption Commission (IBAC) complaints process.

The Chief Executive Officer has legislated obligations in respect of mandatory reporting of suspected corruption that operate outside of this policy.

### **How we learn from complaints**

Complaints from people who use or are affected by our services provide us with valuable feedback about how we are performing.

We regularly 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.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data bi-annually.

### **Your 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 is removed.

When you complain to us we ask you to provide and will record:

- your name and contact details
- gender
- demographic information to help us understand the needs of our community (if you consent to giving us this information)
- what you are complaining about
- what outcome you are seeking

### **Related Policy & Procedure**

Complaints Handling Procedure

Unreasonable Complainant Behaviour Management Policy & Procedure

Staff Code of Conduct

## References

<b>Victorian Ombudsman</b>	<b>Councils and complaints – A good practice guide 2<sup>nd</sup> Edition; April 2023</b>
AS/NZS 10002:2014	Guidelines for complaint handling in organisations
	Privacy and Data Protection Act 2014
	Equal Opportunity Act 2010 (Vic)
	Infringements Act 2006 (Vic)
	Charter of Human Rights and Responsibilities
	Health Records Act 2001
	Local Government Act 2020
	Public Interest Disclosures 2012 (Vic)
	FOI Solutions Complaints Training Guidelines

## Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 23 July 2019</i>
2	<i>Amended</i>	<i>Council Resolution – 23 October 2021</i>