



Yarra Ranges Shire Council

Complaint Policy

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Complaint Policy

1. Overview

The Yarra Ranges Complaint Policy (the Policy) defines and outlines how we enable, respond to and learn from complaints, feedback and compliments. The Policy reinforces our commitment to delivering great customer experience throughout all interactions with our organisation, in particular through the handling of complaints.

The Policy is modelled on Victorian Ombudsman best practice and complies with the Local Government Act 2020.

2. Purpose and Objective

The primary purpose of the Policy is to outline how we manage complaints.

Whilst we always aim to meet our community's expectations, we recognise that sometimes this is not achieved.

When this happens, we want to ensure we facilitate a consistent, fair and equitable resolution process.

The Policy aims to:

- ensure that the community's right to provide feedback, a compliment or make a complaint is protected and promoted;
- ensure that complaints are investigated and responded to in an appropriate, consistent and effective manner;
- inform the community of the internal and external procedures for managing feedback and complaints;
- demonstrate our commitment to protecting and promoting the human rights of all people involved in complaints, and ensure that proper consideration of relevant human rights issues occurs throughout the complaint handling process; and
- demonstrate our commitment to effective management of and learning from complaints.

The Policy provides a guide for how we will:

- enable complaints to be made;
- respond to complaints; and
- learn and improve from complaints.

The Policy helps us to:

- improve standards of service to the community;
- raise standards of investigation and decision making;
- ensure a fair and equitable approach and improve internal complaint handling; and
- reduce recurring complaints.



The Policy and associated documents are modelled on:

- Victorian Ombudsman ‘Councils and complaints – A good practice guide 2nd edition July 2021’;
- Victorian Ombudsman “Good Practice Guide to Dealing with Challenging Behaviour May 2018”; and
- Victorian Governments ‘Good Practice Guide to Managing Complaints Involving Human Rights, May 2017’.

3. Definitions and abbreviations

Term	Definition
Act	Local Government Act 2020 https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/
Complaint	A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about: <ul style="list-style-type: none">• the quality of an action, decision or service provided by Council staff or a Council contractor;• a delay by Council staff or a contractor in taking an action, decision or delivering a service; or• a policy or decision made by the Council, Council staff or a Council contractor. A complaint implicitly or explicitly implies an expectation of action and/or response by the complainant
Complainant	The person, organisation or representative making the complaint.
Council	Yarra Ranges Council.
Councillors	Council’s elected representatives (the Mayor and Councillors) or administrator(s) (as the case may be) appointed to act in this capacity.
Council staff	Any person employed by the Council to carry out the functions of the Council, and the Council’s CEO.
Council contractor	Any third-party engaged by the Council to carry out functions on the Council’s behalf.
Senior Officer	Includes Department Managers, Directors and the CEO of Council.
Complaint handling process	The way individual complaints are dealt with by Council including the policy, procedures, practices and technology.
Compliment	An expression of praise for staff, processes or services provided and the experience of the interaction.
Feedback	Feedback may take the form of positive and negative comments about a service, product, experience or process of Council. The feedback may not require corrective action, change of services, formal decision

	review, or a response to the provider. Like complaints, feedback provides valuable insight into what matters to the community.
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Term	Definition
Public interest disclosure	A Public interest disclosure is a complaint of corrupt or improper conduct made against a public officer or public body.
Unreasonable complainant conduct (UCC)	<p>Unreasonable complainant conduct (UCC) as defined by the Victorian Ombudsman 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:</p> <ul style="list-style-type: none"> • Council; • Councillors; • Council officers; • Contractors; or • agents or volunteers, and/or other service users. <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> • unreasonable persistence; • unreasonable demands; • unreasonable lack of cooperation; • unreasonable arguments; and • unreasonable behaviours. <p>Some types of behaviour are never acceptable. They include verbal abuse, offensive behaviour, threats and violence.</p>
Customer management strategy	A strategy put in place to manage UCC. The strategy will be appropriate and proportionate to the type of behaviour.
Unreasonable complaint	<p>A complaint is considered unreasonable when it:</p> <ul style="list-style-type: none"> • is considered frivolous or not made in good faith; • involves a matter where an adequate remedy or right of appeal already exists (whether or not the complainant utilises that remedy or right of appeal); • relates to a matter before a court or tribunal; • relates to the appointment or dismissal of an employee or an industrial or disciplinary issue; • relates to a matter awaiting determination to be made at a Council or Committee meeting; or • is not possible to process due to insufficient information provided.

4. Scope

The Policy applies to all employees, Councillors, contractors, agents and volunteers of Council.

The Policy relates to all complaints made by customers in relation to Council operations other than those subject to separate statutory or other legislative appeal processes.

Examples of service areas in which there are separate legislative or statutory appeal processes include but are not limited to:
<ul style="list-style-type: none">• Complaints relating to a planning application decision.
<ul style="list-style-type: none">• Complaints already reviewed by an external agency.
<ul style="list-style-type: none">• Freedom of Information (FOI) requests.
<ul style="list-style-type: none">• Complaints relating to a Councillor outside their role as a Councillor.
<ul style="list-style-type: none">• Complaints relating to legal issues.
<ul style="list-style-type: none">• Work-related grievances from Council employees (i.e. complaints relating to their employment).
<ul style="list-style-type: none">• Complaints relating to infringements.
<ul style="list-style-type: none">• Complaints alleging fraud, corruption or other criminal behaviour.
<ul style="list-style-type: none">• Complaints about councillors. The definition of 'complaint' does not include complaints about Councillors. Councillor conduct is dealt with in another part of the Act (Part VI)

We recognise that complaints about the above may still be valid, however these are managed outside of the Policy.

Where a complaint is outside of Council responsibility, we will assist by providing guidance to the appropriate agency, authority or service provider.

5. Guiding Principles

We will apply the following best practice principles to every complaint.

- **Accessibility** We will make it easy for anyone in our community to lodge a complaint and our employees will actively assist them to navigate the complaint process.
- **Commitment** We are committed to resolving complaints; we understand that complaints are a valuable source of feedback and will help us to improve our services.
- **Accountability** When a complaint is lodged, we will advise who will be taking ownership for investigating the complaint.
- **Consistency** We will ensure that all complaints are investigated, followed up and responded to. We will follow through on any agreed actions and provide explanations and reasons for decisions.



- **Objective and fair** Our people value our customers. Complaints are handled with professionalism, empathy and impartiality.
- **Transparency** We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
- **Privacy** We are committed to fulfilling our obligations under the *Information Privacy Act 2000*, *Health Records Act 2001* and Information Privacy Principles. We provide clear information about how we handle personal information. Complaint data is de-identified if reported more widely. Please refer to our *Information Privacy Policy* for further information.
- **Continuous improvement** Acting on, learning from and using complaint data helps us identify problems and improve services.

6. How to make a complaint, provide feedback and compliments

Complaints, feedback and compliments can be made via:

Telephone:	1300 368 333
Online:	Website https://www.yarraranges.vic.gov.au/Home , Facebook https://www.facebook.com/ycouncil/ , Twitter https://twitter.com/ycouncil , or Instagram https://www.instagram.com/ycouncil/
Email:	mail@yarraranges.vic.gov.au
Post:	PO Box 105, Lilydale 3140
In person:	At our community Link sites, to any Council Officer or Councillor

6.1 Accessibility

- We will accept complaints, feedback and compliments by telephone, email, letter, online and in person.
- We offer free access to a translator and/or interpreter service.
- We use the National Relay Service, communication boards and other aids to communicate with people with hearing or speech disabilities.
- We can provide information in accessible formats.
- We will provide support to members of the public to make complaints, if needed e.g.: we can lodge a complaint on your behalf over the phone.
- We will accept complaints from authorised representatives if you are unable to complain yourself.
- We accept and respond to anonymous complaints, provided we have received enough information to do so.



6.2 Information that will help to resolve a complaint

At Yarra Ranges Council we want it to be easy for you to make a complaint. To help with this we have a 4-tiered approach which provides a pathway for complaints.

When lodging a complaint, you will be asked for the following information:

- Name and contact details. Complaints can be made anonymously, but this may limit our ability to respond.
- The action, decision, service or policy the complaint is relating to and the reason for the complaint.
- Relevant details, such as dates, times, location or reference numbers, and documents that support the complaint.
- What outcome you are seeking.
- Whether you have any communication needs and preferences.

We are committed to ensuring the complaint process is accessible to everyone. If you have specific communication needs or barriers, we can assist by:

- using an assistance service, such as an interpreter or TTY (for free);
- providing verbal advice instead of written; or
- communicating with another person acting on your behalf.

7. Our Complaint Process

Council will attempt to resolve a complaint at the time of first contact. If a decision is made not to act on a complaint, we will explain why, and, where possible, inform you about other options.

In line with the Victorian Ombudsman's recommendation and best practice, Yarra Ranges Council has adopted a 4-tiered approach to managing complaints. This approach provides a pathway for a complaint with each tier representing an escalation point.

7.1 Tier 1: First-contact complaint resolution

The aim of Tier 1 is to resolve most complaints at initial contact. These complaints are resolved by completing quick and mutually acceptable solutions. It is important that we understand the complaint and that we have the power to find a workable solution. If a solution cannot be immediately found, then the Council officer will explain what will happen next, and why.

First contact resolution may include:

- raising a request for action;
- providing advice or information to the customer; and/or
- providing advice on why we may not be able to act on the complaint (e.g. another agency or police matter).

It may not be possible to resolve your complaint when you first contact us. Your complaint may require further investigation by a team, Council officer or may need to follow a statutory process.



If we cannot immediately resolve your complaint, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation.

7.2 Tier 2: Investigation

If a complaint needs further consideration, it moves to Tier 2.

An investigation is usually carried out by a Council officer with specialist expertise. Under Tier 2, additional information is gathered, and an evidence-based decision is made. These specialist Council officers will communicate with you throughout the investigation and provide a written outcome that explains our decision.

We aim to complete investigations within 15 business days and will let you know if we need more time. We will update you on the progress until the investigation is completed. We will inform you of the outcome of your complaint and explain the reasons why.

As part of our investigation we will:

- assess the information in your complaint against relevant legislation, policies and procedures;
- refer to Council documents and records;
- speak with or meet affected parties to consider possible solutions; and
- advise you verbally or in writing of the outcome and our reasons.

7.3 Tier 3: Internal Review

If you believe Council officers make the wrong decision in a complaint investigation, you can request an internal review. This moves the complaint to Tier 3. A Senior Officer conducts an independent internal review to consider whether the complaint could have been dealt with differently. This can lead to the original decision being upheld or overturned.

The internal review will be referred to our Customer Liaison Team who will work with a Senior Officer who has not had any prior involvement with your complaint.

The Senior Officer or Customer Liaison Team will conduct further investigation and will make an evidence-based decision to uphold or overturn the original decision.

We will inform you of the outcome of the internal review and explain our reasons within 15 business days of the date the internal review is initiated.

To request an internal review please send your request via email to:

mail@yarraranges.vic.gov.au for the attention of the Customer Liaison Team.

When requesting an internal review please:

- advise why you believe the initial decision is incorrect; and
- supply any additional information or evidence (including images) that you believe will be important to the review.

7.4 Tier 4: External Review

If you remain dissatisfied with a decision made or processes followed via Tier 3 complaint, we will provide you with information on how to seek an external review.

Tier 4 complaints are generally escalated to an oversight body such as the Victorian Ombudsman or the Local Government Inspectorate, or to a tribunal or court. Council will



contribute to Tier 4 complaints by participating in, and cooperating with, the external review process.

7.5 How to request an external review

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

You 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</i> (Vic)	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act	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

8. How we learn from complaints

Complaints from our customers provide us with valuable feedback about how we are performing.

We regularly analyse our complaint and customer satisfaction survey data to understand trends and potential issues that deserve further attention. We use this information to identify 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. Council's complaint data is published in our Annual Report along with the Victorian Ombudsman's Investigation report into how Council manage complaints.

9. 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.

The Privacy and Data Protection Act 2014 and the Health Records Act 2001 outline our obligations in relation to how we collect, store, use and access the information we hold about you. All information collected is held securely and used solely by Council for a specific and/or directly related purpose. Council may disclose the information collected to other organisations if required or as permitted by legislation.

When you make a complaint to us, we ask you to provide and will record:

- your name and contact details;
- whether you have any communication or assistance needs that can be reasonably accommodated; and
- what you are complaining about.

10. Unreasonable Complainant Conduct

We are committed to providing a safe and healthy workplace for all Council employees. We expect our officers to treat people with courtesy and respect, and we expect the same in return. We do not tolerate behaviour that is offensive, abusive or threatening or consumes disproportionate time or resources.

The following information sets out how we deal with challenging behaviour in a way that is fair and balances the interest of all complainants, Council officers, our organisation and the public.

We recognise that people who demonstrate challenging behaviour often have a legitimate grievance, and our officers will continue to deal with complaints on their merits.

In line with the best practice outlined by the Victorian Ombudsman, we will manage challenging behaviour in the following way:

1. Prevent where possible
2. Respond to challenging behaviour
3. Manage behaviour that is, or becomes, unreasonable
4. Limit access as a last resort.



Council Officers who have determined a complainant's behaviour is unreasonable should refer the matter to a relevant Senior Officer or to the Customer Insights Coordinator.

10.1 Unreasonable behaviour as defined by the Victorian Ombudsman

Behaviour	Examples
Unreasonable persistence	<ul style="list-style-type: none"> Bombarding with calls, visits or information when not warranted. Contacting different officers seeking a different response. Reframing an old complaint so it looks like there are new issues. Refusing to accept the decision after the complaint has been thoroughly investigated and the outcome has been explained and any questions answered. Questioning the skills or competence of the complaint handler.
Unreasonable lack of cooperation	<ul style="list-style-type: none"> Sending voluminous amounts of information. Providing little or no information about the complaint. Presenting fragmented information. Refusing to comply with reasonable requests for information.
Unreasonable arguments	<ul style="list-style-type: none"> Insisting on the importance of minor issues. Making unsubstantiated allegations e.g. bias or corruption. Insisting on 'cause and effect' without evidence.
Unreasonable behaviour	<ul style="list-style-type: none"> Verbal abuse. Aggressive behaviour. Harassment. Making threats.

The Senior Officer and/or the Customer Insights Coordinator will review the particulars of the behaviour and determine whether it should be dealt with as unreasonable complainant conduct. If the conduct is deemed unreasonable, the relevant Senior Officer will determine whether the complaint will be further investigated and will advise the complainant accordingly.

10.2 Customer Management Strategies

In instances of unreasonable complainant conduct, a Senior Officer may recommend the implementation of a Customer Management Strategy (CMS). The CMS will only be applied in exceptional cases, where it is necessary to ensure the safety of Council officers and equity in the use of resources. These strategies can be applied to an individual customer or a group.

The Policy does not limit legislative access or service rights but seeks to guide the management of future contact between Council and the person(s) displaying unreasonable complainant conduct.

The Customer Insights Coordinator, under the supervision of the Director Corporate Services, will oversee documentation of all instances of a CMS being imposed. The responsible Senior

Officer will inform complainants in writing of the requirements under the relevant CMS and the reasons for taking such steps.

10.3 Strategies available

Depending on the circumstances, the CMS may include, but is not limited to, one or more of the following:

- limiting how the complainant may contact Council (e.g. only communicate with Council in writing);
- assigning a specific Council officer who will handle all communications with the complainant;
- limiting contact and responses on the same or similar issues where the complainant does not provide significant or substantial new information (this may also include Council declining to respond to ongoing correspondence from a complainant);
- limiting the number of issues we will address in any given period;
- limiting the types of issues Council will address (e.g. we will only address significant or serious-risk issues); and/or
- limiting the times and days that contact will be accepted.

When a CMS with limitations is implemented, further contact will be registered but only responded to if the complainant provides new information that we deem requires attention.

Limitations on the provision of information will not occur if Council officers are required to provide information under a statutory responsibility to provide such information.

10.4 Review of Customer Management Strategies

We will review all CMS's that limit access to our services regularly. This will happen at least once every 12 months.

Should a customer be dissatisfied with the implementation or extension of a CMS, the customer may request a review. If the complainant is dissatisfied with the review, they may contact the Victorian Ombudsman's Office.

11. Policy Modelling and Support Materials

There are ranges of supporting materials, which are referred to within this policy. These include:

- Victorian Ombudsman - Councils and complaints – A good practice guide 2nd edition July 2021 (this includes model complaints policy for Councils)
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/councils-and-complaints-a-good-practice-guide-2nd-edition/>
- Victorian Ombudsman - Good Practice Guide to Dealing with Challenging Behaviour May 2018
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/dealing-with-challenging-behaviours/>

- Victorian Governments 'Good Practice Guide to Managing Complaints Involving Human Rights, May 2017'
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/how-to-manage-complaints-involving-human-rights/>
- Yarra Ranges Council Customer Service Charter
<https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Customer-Charter#:~:text=Yarra%20Ranges%20Council%20aims%20to,has%20a%20strong%20customer%20focus.>
- Victorian Ombudsman 'Good Practice Guide for Public Sector Agencies, September 2016'
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/>
- Equal Opportunity Act 2010
<https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/equal-opportunity-act/>
- Charter of Human Rights and Responsibilities Act 2006
<https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014>