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**CENTRAL  
GOLDFIELDS  
SHIRE  
COUNCIL**

# Complaint Resolution Policy and Procedure

22 NOLAN STREET  
MARYBOROUGH VIC 3465



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## 1. Foreword

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Council's activities are diverse and extensive. Council is responsible for the maintenance of significant infrastructure, provides more than 100 different services and enforces various laws for the community.

Infrastructure maintained by Council includes roads, bridges, drains, town halls, libraries, recreation facilities, parks and gardens. Services provided by Council are also diverse - they include property, economic, human, recreational and cultural services. Council also enforces State and local laws relating to such matters as land use planning, environment protection, public health, traffic and parking and animal management.

Council is committed to working in partnership with its community to deliver excellent service through dedication, innovation and continuous improvement. We welcome and encourage feedback on any of Council's services as it helps us to continually improve our service.

## 2. About Central Goldfields Shire

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Located at the geographical centre of Victoria, Central Goldfields Shire covers 1,532 square kilometres and has an estimated residential population of just over 12,500 people.

Maryborough is the shire's major business centre with a population of around 7,500. Maryborough has gained recognition in recent years as having some of the finest sporting facilities in regional Victoria, together with significant historical buildings dating back to the goldmining era of the 1850's.

Other towns in the municipality include Bealiba, Carisbrook, Dunolly, Majorca, Talbot, Bowenvale-Timor and the rural districts surrounding these centres. All are famous for their heritage architecture and significant agricultural heritage.

The State government's commitment to the region has seen recent investments in the areas of health, education, and law and order, together with assistance to economic development activities initiated by Council.

The Shire is located within one hour's drive from the main provincial centres of Ballarat and Bendigo and just two hours from Melbourne.

## 3. Purpose

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This policy aims to;

- Put in place an open and transparent complaint handling system
- Specify the key performance indicators to which we will hold ourselves accountable
- Establish our timeframes for resolving complaints
- Clarify the roles and responsibilities of council staff
- Ensure staff handle complaints fairly and objectively
- Set out how staff record and analyse complaint data to identify where we can improve our services.



## 4. Scope

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This policy and procedure applies to all Council staff. It also applies to third party contractors carrying out services on the council's behalf.

## 5. Guiding principles

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This policy is based on seven principles, as outlined in the Victorian Ombudsman's *Councils and complaints – A good practice guide*.

1. **Commitment** – we are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.
2. **Accessibility** – People can easily find out how to complain to us, and we actively assist them with the complaint process.
3. **Transparency** – The complaint handling system clearly sets out 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.
4. **Objectivity and fairness** – Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.
5. **Confidentiality** – The complaint handling system protects the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis.
6. **Accountability** – We are accountable, both 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.
7. **Continuous improvement** – We regularly analyse complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.

## 6. Operation and review

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The service standards set out in this policy and procedure reflect Council's commitment to provide high quality customer service, with a view to improving our performance over time. The policy and procedure will be reviewed every 2 years.

## 7. What is a complaint?

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A complaint is an expression of dissatisfaction with –

- The quality of an action taken, decision made, or service provided by a council or its contractor
- A delay or failure in providing a service, taking an action, or making a decision by a council or its contractor



## 8. What is not a complaint?

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- A request for service (unless there was no response to a first request for service)
- A request for information or an explanation of a policy or procedure.
- Disagreement with a policy of the Council
- An appeal or request for internal or external review of a decision for which a structured process applies, other than that made as the result of a complaint
- An expression concerning the general direction and performance of Council or its Councillors
- An expression of dissatisfaction with the behaviour of a Councillor
- Reports of damaged or faulty infrastructure
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of our service.

Many of the issues above are called 'complaints' when a customer contacts us. They are called complaints because a customer is unhappy about a situation and wants something done. The actions we take to resolve many 'complaints' are an everyday part of organisational life for us due to the nature of services we provide and will be dealt with as part of our normal approach to customer service, not as part of our complaints management process.

## 9. Roles and responsibilities of council staff and contractors

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### Council Staff:

- Receive and assess complaints and where possible resolve the complaint at the point of contact, within the scope of their role.
- Where a staff member requires the assistance of the supervisor, the supervisor will assist and investigate to enable the complaint to be resolved at this point of contact.
- Complaints that cannot be managed at this first point of contact are to be referred to the appropriate officer for investigation and management of the complaint.

### Supervisors, Managers and General Managers:

- Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the scope of their role.
- Receive, investigate and manage any referred complaints through to resolution at this stage.
- Where a complainant request a review of the decision made, refer to an appropriate Manager, General Manager or Chief Executive Officer for internal investigation.
- Conduct any allocated internal reviews through to completion at this stage.

### Chief Executive Officer:

- Receives and manages any escalated complaints that cannot be resolved at the Manager or General Manager level.

### Third party contractors:

- As per the contracted agreement.
- Keep the Council contract manager informed of any trends and/or major issues.



## 10. How to make a complaint

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A person may make a complaint in a number of ways.

**Mail:**

Complaints  
Central Goldfields Shire Council  
PO Box 194  
Maryborough Vic 3465

**Telephone:**

Customer Service 03 5461 0610

**Email:**

[mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au)

**In person:**

Business hours 8:30am-5:00pm Monday to Friday  
22 Nolan Street  
Maryborough Vic 3465

**Fax:**

03 5461 0666

**Website:**

[www.centralgoldfields.com.au/contact](http://www.centralgoldfields.com.au/contact)

## 11. Accessibility

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Anyone who has been affected by an action or inaction of council can make a complaint.

Complainants who require assistance to prepare their complaint are invited to contact the Manager Governance by telephoning 03 5461 0670, or emailing [mail@cgoldshire.vic.gov.au](mailto:mail@cgoldshire.vic.gov.au).

We accept and respond to anonymous complaints, provided we have enough information to do so.

## 12. Complaint handling procedure

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### 12.1 Overview

Central Goldfields Shire Council takes a four-tiered approach to complaint handling, as follows;

1. Frontline resolution: Council staff receive the complaint and resolve it immediately, if possible.
2. Investigation, if required: if staff cannot resolve the complaint, it is referred to another officer, supervisor, manager or general manager for investigation.
3. Internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review.
4. Access to external review: if the complainant is not satisfied with the process or outcome of the internal review, we inform them of any external avenues through which they can pursue their complaint.



## 12.2 Frontline resolution

Staff will;

- Receive the complaint and register it
- Acknowledge all complaints within 10 business days of receipt
- Clarify the complaint and the outcome the complainant is seeking
- Assess the complaint to determine how it should be dealt with

The following assessment criteria may be used to assist Council officers in determining the type of complaint and the best process to use to resolve the matter.

a) Is the matter a complaint?

See the definitions of what is and what is not a complaint as determined in Sections 7 and 8 in this document.

b) Is the complainant personally affected by the complaint?

The complainant should be personally affected by the issue, or have authority and a sound reason to complain on another person's behalf.

c) What type of complaint is being made?

Some complaints may be able to be dealt with by the Council officer who receives the complaint, however depending on the nature of the complaint, it may need to be referred to other areas of Council for resolution.

Consideration will also be given to the severity, safety implications, complexity, impact and the possibility of immediate action needed.

If Council is not the right organisation to respond to the complaint, staff will refer the complainant to the appropriate organisation.

## 12.3 Investigation

The following steps will be followed once a complaint has been received;

- If staff cannot resolve the complaint, it will be assigned to a Council 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.
- Compliant 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 to or at this time and explain why.
- Complaints that are not resolved within 28 days will be subject to review and staff may need to escalate the complaint 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.
- Where possible, the officer handling the complaint will contact the complainant via telephone to discuss the outcome of their complaint prior to sending the outcome letter.

## 12.4 Internal review

The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or handled correctly.



When allocating a matter for internal review, the reviewing officer must not be involved in the original decision, action or investigation, or be from the same work area. The reviewing officer may be another Manager, General Manager or the Chief Executive Officer. The allocation of the review will be guided by the nature and complexity of the complaint.

The officer reviewing the complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the complainant.

The complainant will be provided with a written acknowledgement of their request for a review within 10 business days of its receipt. This acknowledgement will include the contact details of the officer, how the complaint will be handled and how long it will take to resolve.

A complainant may withdraw a complaint at any point during its review.

A written outcome letter signed by the senior officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

Where available, the outcome letter will advise the complainant of any avenues of external review available in relation to the matter.

### **12.5 Complaints received by Councillors**

When a Councillor receives a complaint from a member of the public, he or she will refer it to the Chief Executive Officer or General Manager.

Council staff will then respond to the complaint in accordance with this policy.

A council officer may sign the outcome letter.

### **12.6 Complaints about contractors**

Council retains a level of responsibility for services carried out by contractors on its behalf.

Contract managers will ensure that all contractors are made aware of their obligations under this policy and contract managers will review any complaint handling during any regular meetings.

Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance.

If a complainant is not satisfied with the outcome of the complaint, he or she can ask the Council to review the decision.

All outcome letters written by contractors in relation to complaints will include the name and contact details of a Council staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

## **13. Complaints about specific matters—alternative procedures**

In some circumstances, a complaint may be more appropriately handled outside of this complaint handling policy. Should this be the case, it will be explained to the complainant at the earliest opportunity.

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

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with Council's Protected Disclosure procedure.

### **13.2 Complaints about Councillors**

Complaints about Councillors will be dealt with in accordance with the Councillor Code of Conduct and the Protected Disclosure procedure.



### 13.3 Complaints about the Chief Executive Officer

Where the complaint regards the Chief Executive Officer, is in written form and is not frivolous or vexatious, it will be managed in accordance with Part 4 Division 4 of the Local Government Act 1989.

The complainant will receive a letter acknowledging receipt of the complaint within 10 business days of its receipt, and an outcome letter at the conclusion of the investigation.

## 14. Remedies

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Where we have found that we have made an error, we will take steps to redress the situation. Possible remedies include, but are not limited to;

- An explanation of why the error occurred and the steps taken to prevent it happening again
- A reversal of a decision
- A correction of misleading records
- A change in policy, procedure or practice
- Disciplinary action taken against a staff member
- Providing the means of redress requested by the complainant

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

## 15. Privacy and confidentiality

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When gathering information to respond to a complaint, we will only;

- Use it to deal with the complaint or to address systemic issues arising from the complaint
- Disclose it in a de-identified format when disclosing data to the public
- Share it with council staff on a need to know basis.

## 16. Recording complaints

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All complaints are recorded in Council's electronic document management system.

We will analyse our complaint data and provide annual reports to Council on how we can reduce complaints and improve services. Senior management is responsible for acting on the recommendations in these reports.

We record the following for each complaint;

- The complainant's details
- How the complaint was received
- A description of the complaint
- The complainant's desired outcome (if known)
- The Council officer responsible for handling the complaint



- Any action taken, including contact with the complainant, response times and the outcome
- Any recommendations for improvement, and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to Council's Records Coordinator.

## 17. Reporting on performance

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To measure our performance, we have the following key performance indicators;

- Complaints upheld, partially upheld, not upheld
- Number of complaints managed at the first level
- Performance against timelines set by Council, i.e., average time to respond
- Number of changes made to services as a result of complaints
- Customer satisfaction with the complaint handling system
- Complaints escalated to the Victorian Ombudsman's office where Council's original decision has been overturned and/or proposals for action have been made by the Ombudsman.

We will report against our complaint handling key performance indicators annually in our annual report, where we will also detail any service improvements made as a result of complaints received.

## 18. What if you are not satisfied?

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Customers should always direct complaints to Central Goldfields Shire Council in the first instance. If a complaint cannot be resolved by Council, customers are entitled to contact an external dispute resolution agency including the following:

### **Victorian Ombudsman**

Level 2 570 Bourke Street Melbourne 3000, Telephone: 9613 6222 or [www.ombudsman.vic.gov.au/Contact-Us](http://www.ombudsman.vic.gov.au/Contact-Us)

### **The Equal Opportunity and Human Rights Commission**

Level 3 204 Lygon Street Carlton 3053, Telephone: 1300 292 153 or [www.humanrightscommission.vic.gov.au/contact-us](http://www.humanrightscommission.vic.gov.au/contact-us)

### **Victorian Civil and Administrative Tribunal**

55 King Street Melbourne 3000, Telephone 1300 018 228 or [www.vcat.vic.gov.au/contact-us](http://www.vcat.vic.gov.au/contact-us)

### **Office of the Victorian Information Commissioner – Privacy and Data Protection**

GPO Box 24014 Melbourne 3001 Telephone: 1300 666 444 Email: [enquiries@cpdp.vic.gov.au](mailto:enquiries@cpdp.vic.gov.au)

### **Local Government Investigations and Compliance Inspectorate**

Level 27 1 Spring Street Melbourne 3000, Telephone 1800 469 359 or [www.vic.gov.au/lgici/contact-us](http://www.vic.gov.au/lgici/contact-us)



## 19. Vexatious complaints

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All complaints received by Council will be treated with the utmost seriousness, however if a complaint is found to be malicious, frivolous or vexatious, no further action will be taken on that complaint. The complainant will be informed of this decision in writing by the relevant Manager, following consultation with the division's General Manager.

Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict access to a single officer (a sole contact point). This officer will exclusively case manage that customer's interactions with Council. This will ensure that the customer is dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

To ensure the health and safety of its staff, Central Goldfields Shire Council will not tolerate any abuse, threats or harm directed towards its employees, under any circumstances.

## 20. Related Documents and References

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### 20.1 Legislation and guidelines

- Local Government Act 1989
- Freedom of Information Act 1982
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Records Act 1973
- Charter of Human Rights and Responsibilities Act 2006
- Victorian Ombudsman Council and Complaints – A good practice guide
- Local Government Victoria – Guide to Local Government – What Councils do
- Human Rights and Responsibilities Guidelines

### 20.2 Policies

Central Goldfields Shire Council's

- Customer Service Charter
- Customer Complaint and Compliment Form
- Councillor Code of Conduct
- Employee Code of Conduct
- Protected Disclosure Procedure
- Privacy Policy