Complaints Policy

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| Title | Cardinia Shire Council Complaints Policy | | |
| Effective date | TBC | Next review date | TBC |
| Record reference | TBC | | |
| Responsible officer | TBC | | |
| Date of approval | TBC | Approved by | TBC |

# Scope

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. Our complaints policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings, except those related to:

* individual Councillors, or
* law enforcement decisions, or
* workplace grievances, lodged by Council staff, volunteers or contractors.

*Complaints about law enforcement decisions will be dealt with in line with Council’s Compliance and Enforcement Policy.*

Council reserves the right to exercise discretion to refuse to deal with complaints that are otherwise subject to statutory processes. Complaints of this nature may be referred to the appropriate process or authority, including decisions and processes related to:

* Legislation which provides for separate avenues of appeal, including those made under the:
  + Building Act
  + Planning and Environment Act
  + Infringement Act
  + Valuation of Land Act
  + Country Fire Authority Act
* Freedom of Information Act
* Public Interest Disclosures Act
* Health Records Act
* Privacy and Data Protection Act
* Any other enabling legislation provides for an independent review, appeal, or process to challenge the decision.

# What is a complaint

A complaint is a written or oral expression to the Council by a person of their dissatisfaction with:

* 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.

# How to make a complaint

## Established channels

Any member of the public can make a complaint. You can make a complaint via any of the following established channels:

| Channel | Details |
| --- | --- |
| In person | Cardinia Shire Council Civic Centre  20 Siding Avenue  Officer VIC 3809  *Counter staffed from 8:30am - 5pm on weekdays*  Any site where Council staff are present |
| Phone | 1300 787 624  *Phone lines staffed from 8:30am - 5pm on weekdays* |
| Website | Cardinia.vic.gov.au |
| Mail | Cardinia Shire Council  PO Box 7  Pakenham VIC 3810 |
| Email | mail@cardinia.vic.gov.au  Any Council corporate email address |

## Complaint details

To assist Council in effectively resolving your complaint, we encourage you to provide specific details of the issue, which may include the following:

* your name and contact details
* the action, decision, service, or policy you are complaining about
* the reason(s) why you are dissatisfied
* relevant dates, times, locations, or reference numbers
* any documents that support your complaint
* the outcome you are seeking from making your complaint.

## Anonymous complaints

We accept anonymous complaints, and where possible, we will action and respond to anonymous complaints. In some circumstances, it may not be possible to action or respond to an anonymous complaint. Where possible, we will inform you of this possibility at the time of you making a complaint.

## 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:

* using an assistance service, such 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.

# Our complaints process

## A tiered approach to managing complaints

Council applies a four-tiered approach to managing complaints. Where possible, we will attempt to resolve your complaint at the time you first contact us. If that is not possible, we will escalate your complaint to the relevant tier.

### Tier 1: First-contact complaint resolution

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. This may happen while we are

talking with you. We aim to resolve your complaint when you first contact us, through quick, direct, and mutually acceptable solutions.

In some cases, it may not be possible to resolve your complaint when you first contact us. If your complaint requires deeper consideration or investigation by a particular team or officer, we will refer it to the relevant team or manager for investigation. If you have a right to a statutory review of your complaint (such as a right of appeal to VCAT), we may decline to deal with your complaint. We will explain why, and, where possible, inform you about other options.

### Tier 2: Investigation (if required)

If your complaint needs further consideration, we will refer it to the relevant team or manager for investigation. We will tell you who you can contact about the investigation. The investigating officer will assess the information against relevant legislation, policies, and procedures, and will gather additional information as required. They will refer to Council documents and records, and may meet with relevant parties to consider possible solutions, before making an evidence-based decision.

We aim to complete investigations within 25 business days, and will tell you if the investigation will take longer. We will inform you of the outcome of your complaint in writing and will explain our reasons.

### Tier 3: Internal review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review. We will refer your complaint to a senior officer for review, and we will tell you who you can contact about the review. The senior officer will conduct an independent internal review and will consider whether the complaint should have been dealt with differently. This can lead to the original decision being upheld or overturned. We aim to complete internal reviews within 25 business days, and will tell you if the review will take longer. We will inform you of the outcome of the internal review in writing and will explain our reasons.

### Tier 4: External review

If you are still dissatisfied with our decision and how we responded to your complaint, you can request an external review from a relevant oversight body. There are several external bodies that can deal with different types of complaints about us. 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 *Charter of Human Rights and Responsibilities Act 2006* (Vic) | Victorian Ombudsman  *www.ombudsman.vic.gov.au* |
| Breaches of the Local Government Act | Local Government Inspectorate  *www.lgi.vic.gov.au* |
| Breaches of privacy or freedom of information applications | Office of the Victorian Information Commission  *www.ovic.vic.gov.au* |
| Corruption or public interest disclosure 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 about Council’s contractors

We will manage complaints about Council’s contractors in line with the processes outlined in *Section 4.1 – A tiered approach to managing complaints*.

## Complaints about the Chief Executive Officer

We will refer complaints about the Chief Executive Officer to the elected Mayor for investigation. The Mayor, with assistance from the senior executive, may assess the information against relevant legislation, policies, and procedures, and may gather additional information as required. They may refer to Council documents and records, and may meet with relevant parties to consider possible solutions, before making an evidence-based decision. The Mayor, with assistance from the senior executive, will aim to complete investigations within 25 business days, and will tell you if the investigation will take longer. They will inform you of the outcome of your complaint in writing and will explain their reasons.

## Managing complaints respectfully

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.

## Recording complaints

We will record all complaints made via the established channels listed in *Section 3 – How to make a complaint*. Wherever possible, we will record the following complaint information:

* complainant contact details
* date received
* nature and detail of complaint
* complainant’s desired outcome
* detail of any action taken to investigate the complaint
* detail of any action taken in response to the complaint
* detail of any contact with the complainant
* complaint outcome.

## Learning 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 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 publicly, including in our annual report.

## 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 to the community, we will take all reasonable steps to not disclose any data or information that may be identifiable to any individual, matter, or complaint.

# Responsibilities

All Council staff, Councillors and Council contractors are responsible for contributing to our complaints process.

| Role | Responsibilities |
| --- | --- |
| Chief Executive Officer | * Ensuring that an effective complaint management system is in place. * Promoting positive behaviours and practices relating to enabling, responding to, and learning from complaints. * Supporting service improvements that arise from complaints. * Reviewing and publishing complaint data. |
| Senior leaders and managers | * Recruiting, training and empowering staff to resolve complaints promptly and in accordance with Council’s policies and procedures. * Managing conflicts of interest in the complaint process. * Reporting on and identifying improvements from complaint data. * Supporting staff who deal with complaints. |
| All Council staff | * Familiarising themselves with this policy and Council’s complaint management procedure. * Assisting members of the public to make a complaint. * Treating members of the public respectfully and professionally. |
| Councillors | * Familiarising themselves with this policy and Council’s complaint management procedure. * Referring complaints to Council staff to be dealt with in accordance with our processes. |
| Contractors | * Familiarising themselves with this policy and Council’s complaint management procedure. * Cooperating with Council’s complaint handling processes. |
| Volunteers | * Familiarising themselves with this policy and Council’s complaint management procedure. * Cooperating with Council’s complaint handling processes. |

# Related documents

| Document type | Title |
| --- | --- |
| Commonwealth/  Victorian legislation | *Local Government Act 2020*  *Protected Disclosure Act 2012*  *Privacy and Data Protection Act 2014*  *Charter of Human Rights and Responsibilities Act 2006*  *Equal Opportunity Act 2010* |
| Policies | Customer Service Charter  Councillor Code of Conduct  Employee Code of Conduct |
| Procedures | Complaint Management Procedure |

# Glossary of terms

| Term | Definition |
| --- | --- |
| Anonymous complaint | A complaint that lacks sufficient information to identify the name of the person or entity who made the complaint. |
| Complainant | A person or entity that makes a complaint. |
| Complaint | A written or oral expression to the Council by a person of their dissatisfaction with —   1. the quality of an action taken, decision made or service provided by a Council employee, contractor or volunteer engaged by the Council; or 2. the delay by a Council employee, contractor or volunteer engaged by the Council in taking an action, making a decision or providing a service; or 3. a policy or decision made by a Council employee, contractor or volunteer engaged by the Council. |
| Complaint management system | All policies, procedures, practices, hardware and software used by Council in the management of complaints. |
| Contractor | A person, company or other entity that provides materials or labour to perform a service or do a job on behalf of Cardinia Shire Council. |
| Council | Cardinia Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020. |
| Council staff | Any person employed by the Council to carry out the functions of the Council, and the Council’s CEO. |
| Councillor | An individual holding the office of a member of Cardinia Shire Council. |
| Volunteer | Any person who does unpaid work for Cardinia Shire Council. |