

# Complaint Handling Policy



<b>Policy Type:</b>	Organisational
<b>Version:</b>	3.0
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<b>Service Unit</b>	Democratic Support and Corporate Governance
<b>Directorate:</b>	CEO's Office
<b>Review Date:</b>	October 2026

## 1. Purpose

Moorabool Shire Council is committed to designing and delivering services that are consistent, inclusive, easy to use and meet the needs of our community and customers.

We know we don't always get it right and that 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.

This policy provides a framework to make it easy for customers to raise their concerns with Council and have confidence that Council will listen to their concerns, be responsive and handle their complaints fairly, objectively and in a timely manner.

This policy aims to:

- Ensure a consistent and transparent process for the management of complaints.
- Clarify the types of complaints covered by this policy.
- Provide a process for reviewing actions and decisions made in regards to complaints.
- Establish a framework and escalation process for resolving complaints.
- Ensure staff handle complaints fairly and objectively.
- Increase the level of community satisfaction with the design and delivery Council's services.

## 2. Definitions

Customer	Includes residents, ratepayers, members of the public or groups, visitors and businesses within the Shire.
Complaint	A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about: <ul style="list-style-type: none"><li>• The quality of an action, decision or service provided by Council staff or a Council contractor.</li><li>• A delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service.</li><li>• A policy or decision made by the Council, Council staff or a Council contractor.</li></ul>
Complainant	The person(s) or group or organisational making the complaint.

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**Service Request** A service request is when a customer is requesting something additional or new.

**Issue Resolution Officer** The Issue Resolution Officer is responsible for managing the complaint process on behalf of the complainant, when a complaint has been referred for an Internal Review because it cannot be resolved by the relevant department at the operational level.

NOTE: The role of Issue Resolution Officer is held by the Council's Executive Manager Governance and Civic Support.

**Customer Request Management System (CRMS)** System used to record and track verbal customer requests, comments and complaints.

**Electronic Document Management System** Electronic document management system to record all written correspondence including complaints.

## 3. Scope

This policy applies to all Council employees, volunteers and third-party contractors that provide or manage services on behalf of Council.

Some complaints are governed by specific statutory and/or regulatory processes which fall outside the scope of this policy. Where this is the case, the complainant will be referred to the appropriate process or authority. This includes decisions and processes relating to:

Type of Complaint	Responsibility
Breach of the Local Government Act	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy	Council's Privacy Officer (Governance & Civic Support), then Office of the Victorian Information Commissioner (OVIC) <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Building related complaints subject to statutory review	Victorian Building Authority <a href="http://www.vba.vic.gov.au">www.vba.vic.gov.au</a>
Freedom of Information	Governance & Civic Support or Office of the Victorian Information Commission (OVIC) <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Discrimination complaints	Victorian Human Rights and Equal Opportunity Commission (VHREOC) <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Complaints about Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

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<p>Infringements (following the Statutory Internal Review process under the Infringements Act 2006)</p>	<p>Magistrates' Court of Victoria <a href="http://www.mcv.vic.gov.au">www.mcv.vic.gov.au</a></p>
<p>Planning Application decisions</p>	<p>Victorian Civil &amp; Administrative Tribunal (VCAT) <a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a></p>
<p>Complaints about Council that are received from external agencies such as the Victorian Inspectorate, Independent Broad-based Anti-Corruption Commission (IBAC), Victorian Ombudsman and Office of the Victorian Information Commissioner</p>	<p>These complaints will be managed by the Manager Governance &amp; Civic Support and the CEOs Office</p>
<p>Councillor conduct</p>	<p>Complaints about Councillors by members of the public will be managed in accordance with this Policy. Councillor Code of Conduct does not extend to members of the community.</p>
<p>Employee conduct</p>	<p>Where a complaint involves an employee disciplinary or behavioural issue, it will be handled in accordance with the Staff Code of Conduct and any relevant legislative requirements.</p>
<p>Child Safety</p>	<p>Concerns relating to child safety in Council programs or staff/volunteer/Councillor conduct will be handled in accordance with Council's Child Safety Policy, Reportable Conduct Policy, Working with Children Check Policy and relevant legislation.</p>
<p>Public Interest Disclosure (formally known as Protected Disclosures or Whistleblowers)</p>	<p>Public Interest Disclosures are made defined within the Public Disclosures Act 2012 and relate to disclosures of improper conduct and detrimental action by public officers and public bodies. Disclosures of this nature can be made to Council, IBAC and the Ombudsman in accordance with Council's Public Interest Disclosures Procedures. Council's Public Interest Disclosure Coordinator is the Manager Governance &amp; Civic Support.</p>

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## 4. Complaint Versus Service Request

The way we distinguish a service request from a complaint is to look at whether a customer is:

- Requesting something additional or new (a service request);
- Reporting what they believe to be a failing or a shortfall (a complaint); or
- Expressing dissatisfaction about Council's response to a service request (a complaint).

**Table 1: Complaint/Service Request Examples**

Complaint	Service request
My bin was out but wasn't collected this morning. Can you pick it up? (complaining that the Council didn't provide a service).	I forgot to put my bin out, can someone collect it? (requesting a service because of their own mistake).
You haven't sent out my rates notice.	Can you tell me when my next rates payment is due?
The Council shouldn't have approved a development on Main Road.	What is the process for objecting to the development on Main Road?
The Council's website doesn't have enough information about when a planning permit is needed for a pool.	Can you tell me whether a planning permit is required for a backyard pool?
Council's investigation into noise from a business wasn't rigorous, and didn't look at peak times. More investigation is needed.	My neighbour's business is very noisy. Can you make it stop?
A pothole I reported to Council two months ago hasn't been fixed, and is getting worse.	Could Council fill in a pothole in my street?

A complaint may lead to a service request being lodged. For example, a complaint about a missed bin might result in a service request for the bin to be collected, however it should still be counted as a complaint.

## 5. Complaint Handling Procedure

### 5.1. How to Make a Complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: Customer Service: 5366 7100  
National Relay Service: TTY 13 36 77  
Speak and Listen: 1300 555 727

Online: [www.moorabool.vic.gov.au/Forms/Submit-a-request-or-complaint](http://www.moorabool.vic.gov.au/Forms/Submit-a-request-or-complaint)

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Email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)  
Post: PO Box 18, Ballan VIC 3342  
In person: Council Office: 15 Stead Street Ballan  
Civic and Community Hub: 182 Halletts Way Darley  
Lerderderg Library: 215 Main Street Bachus March

Council is committed to ensuring the complaints process is accessible to everyone and will assist those with specific communication needs or barriers by:

- Using an assistance service, such an interpreter or TTY (for free);
- Talking with you if you have trouble reading or writing; and
- Communicating with another person acting on your behalf if you cannot make the complaint yourself.

Complaints can be made in accordance with the type of complaint and responsibility table for those which are not managed directly by Council, refer Section 3 Scope.

## 5.2. Complainant Responsibilities

To assist Council in resolving complaints in a timely and satisfactory manner, complainants are encouraged to:

- Raise their initial concerns directly with the Council staff member or contractor involved in the first instance;
- Provide the necessary information required to review the complaint which may include:
  - Name and contact details. You can complain anonymously, but this may limit how the Council responds to you;
  - 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 and documents that support your complaint;
  - The outcome you are seeking from making your complaint; and
  - Whether you have any communication needs.

## 5.3. Complaints Process

Council will employ a four tier approach to handling and resolving complaints.

### Level 1: Frontline Resolution

- When Council receives a complaint, frontline staff will record it and assess how to handle it.
- Where possible frontline staff will attempt to resolve your complaint the first time you contact us.
- Complaints received by mail or email will be acknowledged within five (5) working days or by phone within one (1) working day.
- The complainant will be advised of the service request number and where possible the:
  - Name of the actioning officer and how they can be contacted; and
  - Expected timeline for completion.

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- If necessary frontline staff will clarify the complaint and the outcome the customer is seeking.
- The complainant will be notified of the outcome and the reasons for the decision.
- If Council is not the right organisation to respond to the complaint, or the nature of the complaint is not within the scope of this policy, the complainant will be advised as to why, and where possible informed about other options.
- Complaints addressed to the CEO and/or Councillors will be forwarded to the relevant department for action and response in accordance with this policy.

## Level 2: Investigation

If frontline staff are unable to resolve the complaint, or if the complainant is not satisfied with the outcome, it may be referred to the relevant manager or their delegate for investigation. The investigation will be conducted in a fair, objective, and timely manner.

Investigations will be completed as soon as possible and typically within 30 calendar days. Where the nature of the investigation is such that it will take longer than 30 days the complainant will be advised and provided with an update every 30 days until the investigation is completed. Once the investigation is completed the complainant will be notified of the outcome and the reasons for the decision.

## Level 3: Internal Review

If the complainant is not satisfied with the outcome of the investigation, they may request a review by the Issue Resolution Officer (Manager Governance & Civic Support). To request an internal review, the complainant must clearly state the grounds on which they believe a review is justified.

The internal review will be conducted by the Issue Resolution Officer or their delegate who has not had any prior involvement with the complaint. The Council officer conducting the review will undertake the investigation in a fair, objective and timely manner.

The complainant will be notified of the outcome of the internal review and the reasons for the decision within 30 calendar days. If Council decides not to take any further action on the complaint, it will be explained to the complainant as to why, and where possible the complainant will be informed about other options for complaint escalation external to Council.

## Level 4 - External Review

If the complainant's concerns cannot be resolved to their satisfaction through Council's Complaint Handling Process they may refer the matter to the Victorian Ombudsman, who can be contacted on (03) 9613 6222 or via <https://www.ombudsman.vic.gov.au/> or other agencies as appropriate.

## **5.4. Anonymous Complaints**

Council will accept and respond to anonymous complaints, provided we have received enough information to do so.

Council's ability to fully investigate a problem is dependent on the amount of detail provided. If insufficient information is deemed to have been supplied, Council reserves the right to take no further action on that matter.

If the complaint appears to relate to public safety, then an investigation will commence and rectification undertaken if necessary. Due to the complainant's anonymity, Council will be unable to provide reasons for any decisions or actions taken.

## 5.5. Complaints about Decisions of the Elected Council

You may make a complaint about decisions made by the democratically elected Council, such as a resolution in a Council or Committee meeting. Such complaints will be referred to the Mayor, with administrative support from Governance & Civic Support or the CEOs Office.

## 6. Privacy and Confidentiality

Moorabool Shire Council respects the privacy of individuals and is committed to protecting the personal and health information that is provided in accordance with the Privacy and Data Protection Act 2014, the Health Records Act 2001 and other applicable legislation.

All complaints lodged with Council are subject to the Freedom of information Act 1982 and confidentiality cannot be guaranteed under the provisions of that legislation.

## 7. Human Rights Review and Statement

The Complaint Handling Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights. The Policy provides the framework for how people can raise complaints with Council and have them responded to. It is considered the Policy supports the principles contained within the Charter.

## 8. Related Documents

### 8.1. Relevant Legislation includes but is not limited to:

- Building Act 1993
- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Freedom of information Act 1982
- Health Records Act 2001
- Independent Broad-Based Anti-Corruption Act 2011
- Infringement Act 2006
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Public Interest Disclosures Act 2012
- Public Health and Wellbeing Act 2008
- Childrens Services Regulations and National Quality Standards

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## 8.2. Related Council policies and procedures include but are not limited to:

- Customer Charter
- Complaint Handling Procedures
- Unreasonable Customer Conduct Procedures
- Workplace Behaviours Policy
- Working with Children Check Policy
- Reportable Conduct Policy,
- Child Safety Policy
- Records Management Policy
- Councillor Code of Conduct
- Staff Code of Conduct
- Child Safety Policy
- Privacy Policy
- Public Interest Disclosures Policy
- Public Interest Disclosures Procedure
- Transparency Policy

## 8.3. Related supporting documents include but are not limited to:

- Victorian Ombudsman Councils and Complaints – A Good Practice Guide February 2nd edition, July 2021.
- Victorian Ombudsman Good Practice Guide to Dealing with Challenging Behaviour May 2018.

## 9. Review

As a minimum, this policy will be reviewed every two (2) years.

## 10. Approval

This policy will come in effect once signed by the CEO.



**Derek Madden**  
Chief Executive Officer

**Date: 25 October 2024**