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<p>Essentials</p>  <p>Read me first</p>	<p>The City of Ballarat (Council) recognises the importance of complaints management as part of its quality customer service and its core business of serving the community and improving service delivery. Members of the public have various avenues to raise issues with Council and will be actively supported during the complaint process.</p> <p>Whilst most problems can be resolved through initial communication with Council officers, there may be occasions where members of the public wish to make a formal complaint. Formal complaints lodged with Council will be assessed in accordance with this procedure.</p> <p>Complaints should not be trivial in nature and should contain sufficient information to ensure the complaint can be investigated in full and in a timely fashion. The complaint must relate to matters that Council has a jurisdiction to resolve.</p> <p>A complaint is an expression of dissatisfaction with:</p> <ul style="list-style-type: none"> • the quality of an action taken, decision made, or service provided by Council or its contractors; or • a delay or failure in providing a service, taking an action, or making a decision by Council or its contractors. <p>What is not considered a complaint?</p> <ul style="list-style-type: none"> • Contact with the council to seek assistance, access to a new service, advice or to inform/make a report about something for which council has responsibility; • Reports of a hazard (eg. fallen tree); • Reports concerning neighbours that are dealt with under legislation, local laws or other regulations administered or enforced by Council to be enacted (eg dog barking, noise issues); • A request for information or an explanation of a policy or procedure; • Decisions made under legislation which provides for separate avenues of appeal (eg Building Act decisions and General Local Law prosecutions); • An alleged breach under the Councillor Code of Conduct; or • Decisions of Council's Insurance department related to Requests for Compensation which have their own appeals process.
<p>Context</p> 	<p>A complaint is an expression of dissatisfaction with the level and quality of service provided by City of Ballarat staff, Councillor/s, and/or contractors, or as a result of the City of Ballarat's systems, policies or procedures. The complaint must relate to matters that the City of Ballarat has the jurisdiction to resolve.</p> <p>If initial communication with the City of Ballarat does not resolve the problem, a formal approach may be considered.</p>

<p>Purpose</p> 	<p>This procedure has been developed to provide a systematic framework to consistently assess complaints lodged by members of the public in relation to Council decisions and undertakings.</p>
<p>Requirements</p> 	<p>Administrative Complaints</p> <p>All administrative complaints must be lodged via the appropriate avenue in order for the complaint to be accepted. To make a complaint to Council, members of the public can:</p> <ul style="list-style-type: none"> • Contact Council directly through Customer Service on 5320 5500. Staff will discuss the concerns with the member of the public. If the matter cannot immediately be resolved, the complaint will be referred to a relevant Council Officer. • Put the complaint in writing to assist Council understand the details of the complaint. Email: info@ballarat.vic.gov.au or PO Box 655 Ballarat, Victoria 3353. <p>Interpreter services are available for non-English speaking customers by phoning the Translating & Interpreting Service on 13 14 50.</p> <p>A Council Officer will acknowledge the complaint within 5 business days and will endeavour to resolve the complaint at the earliest opportunity or at most within one month. Where the matter is more complex this time period may be extended, and the complainant will be kept informed throughout the process.</p> <p>The investigation process is as follows:</p> <p>An administrative complaint will be investigated by the service area that provided the service. If it is a complaint about a staff member, that person's Manager/Coordinator will investigate the complaint.</p> <ol style="list-style-type: none"> 1. If the complainant is not satisfied that the complaint was handled appropriately or in accordance with relevant Council policies, they may ask for a Stage 2 review. This request for review may be made in writing or verbally and the complainant must detail the reasons why they felt that the complaint was not appropriately managed and/or which Council policies were not adhered to. 2. If the complaint reaches Stage 2, it is to be investigated by the Executive Manager of the relevant service area and a response provided as soon as possible. If the complainant believes that the complaint was handled inappropriately or not in accordance with relevant Council policies, they may ask for a Stage 3 review to the Director of the relevant service area. This request for review must be made in writing and the complainant must detail the reasons why they felt that the complaint was not appropriately managed and/or which Council policies were not adhered to. 3. The Director of the relevant service area will review the complaint and provide a response at the earliest opportunity. 4. If the complainant is still not satisfied with the outcome of an investigation, they may choose to make contact with an external organisation that can consider matters relating to Local Government as detailed below.

All complaints start at stage 1. Where an initial complaint is directed to the CEO it may be allocated to the relevant department to enable stage 1 of the process to be conducted.

Written Complaints about the conduct of the Chief Executive Officer

In accordance with Division 4 of the *Local Government Act 1989* complaints regarding the conduct of the Chief Executive Officer must be in writing. Conduct is defined as any action or behaviour of the Chief Executive Officer of a Council involving bullying, victimisation or harassment, including sexual harassment, of—

- a Councillor of that Council; or
- a member of Council staff of that Council; or
- any other person in the course of the Chief Executive Officer performing his or her role as the Chief Executive Officer of that Council.

If the Chief Executive Officer becomes aware of a complaint regarding his or her conduct, the Chief Executive Officer must—

- immediately advise the Mayor about the complaint; and
- at the next meeting of the Council, advise the Council about the complaint when the meeting is closed to members of the public.

Complaints in relation to the conduct of the Chief Executive Officer will be managed in accordance with the provisions of Division 4 of the *Local Government Act 1989*

Formal Council decisions

Council decisions are made in line with the *Local Government Act 1989* during Council meetings. These decisions are published in the Council minutes and include the precise wording of the Council decision. The Public Council Agenda also includes the Council Officer report upon which decisions have been made. Some reports are confidential in nature and heard in closed Council meetings in accordance with the Act and are not publicly available. In these instances, only the decision will be published. Minutes and Agendas for the previous 12 months are available for public inspection via City of Ballarat Customer Service at The Phoenix Building, 25 Armstrong Street South, or online at <http://www.ballarat.vic.gov.au>

In some circumstances, the process of making formal Council decisions involves public consultation and Council employees will be able to advise if there is a public consultation process where members of the public can participate.

Possible ways for members of the public to raise a concern with formal Council decisions include:

- Speaking with or writing to Councillors (Councillor email details are available on the Council website);
- Requesting to speak on a matter at a meeting of the Council or committee; (Contact Council's Statutory Compliance Unit on 5320 875)
- Raising the matter during public question time at a Council meeting

Outcomes

A response to a complaint may:

- Lead to a resolution of the complaint;
- Result in an alternative solution that partly resolves the complaint; and/or
- Provide an explanation about why the complaint cannot be resolved

Unreasonable Complainant Conduct

What can be termed 'unreasonable' will vary depending on a number of factors.

Unreasonable complainant conduct can, in most cases, be grouped into five categories:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable argument
- unreasonable behaviour

When instances of unreasonable conduct are apparent, the Complainant will be informed in writing that the conduct is deemed unreasonable and that any further correspondence to Council regarding the matter, unless it includes new and relevant information, will be read and filed but not responded to.

Unreasonable complainant conduct may also result in some circumstances to a limitation of access to Council staff and buildings. Steps to limit access to Council will be taken with careful thought and consideration. They are only justified if there are safety concerns for staff or to ensure that other meritorious cases are not deprived of the resources to which they are entitled.

Anonymous Complaints

Although anonymous complaints will not be rejected, this may limit Council's ability to fully investigate the matter depending on the specifics of information supplied. Due to the anonymity, Council will be unable to provide reasons for any decisions or actions taken in writing.

Protected Disclosure complaints

Complainants of corrupt or improper conduct by a public officer or body may make a Protected Disclosure Complaint. More information can be found on Council website. <http://www.ballarat.vic.gov.au/ac/protected-disclosure.aspx>

Neighbourhood Disputes




Occasionally Council will receive a complaint involving neighbours which in many instances cannot be resolved by Council. On these occasions Council may direct complainants to other resources including: Dispute Settlement Centre on 1300 372 888; the Law Handbook www.lawhandbook.org.au; and Reaching Agreement www.disputes.vic.gov.au.

Complaints to an external organisation

If a complainant is still unable to resolve their complaint with Council, there are a number of organisations that can consider matters relating to Local Government. Each of these organisations have specific roles and limitations.

Generally, complainants should only take their concern to another organisation if they have been unable to resolve their complaint with Council.

Other organisations which may be able to assist with Council complaints are:

	<ul style="list-style-type: none"> • Dispute Settlement Centre (Dept of Justice) • Equal Opportunity Commission Victoria • Human Rights Commission • Independent Broad-Based Anti-Corruption (IBAC) • Local Government Investigations and Compliance Inspectorate • Victorian Civil and Administrative Tribunal (VCAT) • Victorian Ombudsman • Victorian Small Business Commission
<p>Supporting Definitions</p> 	<p>Administrative complaints</p> <p>Complaints about matters that relate to an action or decision made by Council staff.</p> <p>Council complaints</p> <p>Complaints about a formal Council decision made by the Councillors.</p>
<p>Accountability</p> 	<p>When assessing complaints from members of the public, Council staff shall:</p> <ul style="list-style-type: none"> • Deal with complaints professionally, promptly and impartially; • Provide information requested by the complainant which is relevant to their complaint where permissible; • Provide any information about the complaint process including any timelines for a response; • Document all complaints and identify the steps taken to redress the complaint; • Provide assistance to the complainant to enable the complaint to be dealt with in an effective manner; • Ensure all staff understand the complaints process; • Respond to all complaints, including verbal complaints where appropriate, in writing; • Provide information to affected people as to their rights of appeal or review if they are not satisfied with the outcome of the general complaints process; • Handle personal information in accordance with privacy laws. <p>Council staff will not:</p> <ul style="list-style-type: none"> • Investigate any complaint if the Complainant abuses, harasses or threatens the safety or welfare of Council staff; • Investigate any complaint if the Complainant is derogatory of Council staff or Councillors; • Investigate any complaints that fall outside of Council's jurisdiction; • Be able to provide correspondence relevant to the assessment of complaints if the complaint is made anonymously.
<p>Supporting Documents and References</p> 	<p>Acts and Regulations</p> <p>Charter of Human Rights and Responsibilities Act 2006 Competition and Consumer Act 2010 Environment Protection Act 1974 Equal Opportunity Act 2010</p>

Food Act 1984
Freedom of Information Act 1982

Independent Broad-based Anti-Corruption Commission Act 2011
Information Privacy Act 2000
Local Government Act 1989
Privacy and Data Protection Act 2014
Protected Disclosure Act 2012
Public Health and Wellbeing Act 2008
Public Records Act 1973

Standards and Guidelines

Victorian Ombudsman Complaint Handling Good Practice Guide

Council Related Documents

Protected Disclosure Procedure
BS-06 Privacy Policy
HR-07 Code of Conduct
HR-10 Discipline and Termination Policy
SRC -01 Councillor Code of Conduct

APPENDIX A

