

COMPLAINTS MANAGEMENT POLICY

1.0 Purpose

This policy has been developed to provide a systematic framework for assessing and responding to complaints lodged by members of the public in relation to City of Ballarat decisions and services.

The purpose of this policy is to:

- Put in place an open and transparent system for dealing with complaints made to City of Ballarat.
- Provide a process for reviewing any action, decision or service in respect to which the complaint is made.
- Provide a process for internal review of complaints made to City of Ballarat, which is independent of any person who took the action, made the decision, or provided the service about which the complaint is made.
- Clarify the roles and responsibilities of City of Ballarat officers in managing complaints.
- Ensure staff, contractors and consultants handle complaints fairly and objectively.

This policy is developed and maintained in accordance with section 107 of the *Local Government Act 2020* (the Act).

2.0 Scope

This complaints management policy applies to all City of Ballarat staff. It also applies to contractors and consultants carrying out services on behalf of City of Ballarat.

In accordance with section 107 of the Act, this policy applies to complaints, which includes the communication, whether orally or in writing, to the City of Ballarat by a person, of their dissatisfaction with:

- a) the quality of an action taken, decision made or service provided by a member of City of Ballarat staff or a contractor or consultant engaged by the City of Ballarat; or
- b) the delay by a member of City of Ballarat staff or a contractor or consultant engaged by the City of Ballarat in taking an action, making a decision or providing a service; or
- c) a policy or decision made by Council or a member of City of Ballarat staff or a contractor or consultant.

Some matters are not considered complaints or do not fall within the scope of this policy. They include:

- Contact with City of Ballarat to seek assistance, access to a new service, or advice about a matter for which City of Ballarat has responsibility;
- Reports of a hazard (for example, a fallen tree);
- Reports concerning neighbours that are dealt with under legislation, local laws or other regulations administered or enforced by City of Ballarat to be enacted (for example, dog barking, noise issues);
- Requests for information or an explanation of a policy or procedure;
- Decisions made under legislation which provides for separate avenues of appeal or review (for example, *Building Act 1993* decisions and Local Law prosecutions);
- Complaints about individual Councillors, which are dealt with under the Councillor Code of Conduct;
- Comments and messages on social media which have not been submitted to City of Ballarat in accordance with section 3.2 of this policy.

3.0 Policy Statement

City of Ballarat reserves the right to manage and investigate complaints in any way they deem is

appropriate depending on the circumstances, however, in most cases, will follow the process outlined in this policy.

Whilst most matters can be resolved through initial communication with City of Ballarat officers, there may be occasions where members of the public wish to make a formal complaint. Formal complaints lodged with City of Ballarat will be assessed in accordance with this policy.

Complaints should not be trivial in nature and should contain enough information to ensure the complaint can be investigated in full and in a timely fashion. If the complaint is trivial in nature or insufficient information is provided, this may impact City of Ballarat's ability to investigate and respond to the complaint. The complaint must relate to matters that City of Ballarat has a jurisdiction to resolve.

A response to a complaint may:

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

3.1 Complaint management principles

City of Ballarat will apply the following guiding principles in managing complaints under this policy, in alignment with the Victorian Ombudsman's Complaint Handling Good Practice Guide:

3.1.1 Commitment

City of Ballarat is committed to resolving complaints and has a culture that recognises an individual's right to complain. City of Ballarat values complaints and recognises them as being part of its business of serving the Ballarat community and improving service delivery.

3.1.2 Accessibility

People with a range of needs can easily complain and City of Ballarat actively assists them to navigate the complaints process.

3.1.3 Transparency

City of Ballarat makes 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.

3.1.4 Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

3.1.5 Privacy

Complaint information is handled according to privacy laws and other relevant legislation. City of Ballarat provide clear information about how personal information will be handled. Complaint data is de-identified if reported on more widely.

3.1.6 Accountability

City of Ballarat staff, contractors and consultants are accountable internally and externally for their decision making and complaint handling performance. City of Ballarat provides explanations and reasons for decisions and ensures that decisions are subject to appropriate review processes.

3.1.7 Continuous improvement

Acting on, learning from and using complaint data helps City of Ballarat to identify problems and improve services.

3.2 How to make a complaint

Complaints can be made by:

Telephone: (03) 5320 5500

Online: info@ballarat.vic.gov.au or at <https://www.ballarat.vic.gov.au/>

Post: PO Box 655 Ballarat, VIC, AUSTRALIA, 3353

In person: The Phoenix, 25 Armstrong Street South Ballarat, Vic, Australia

It is helpful if customers provide the following information when making a complaint:

- Name and contact details (phone and email preferred). Customers may submit complaints anonymously, but this may limit how and whether City of Ballarat is able to respond to the complaint.
- Identify the action, decision, service or policy being complained about, and why the customer is dissatisfied.
- Provide relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted the customer previously and documents that support the complaint.
- The outcome the customer is seeking from making the complaint.
- Whether the customer has any particular communication needs.

City of Ballarat is committed to ensuring its complaints process is accessible to everyone. If a customer informs City of Ballarat of particular communication needs, officers may assist by:

- Using an assistance service, such as the Translating and Interpreting Service (visit tisonline.gov.au or phone 131 450);
- Talking with the customer if they have trouble reading or writing;
- Communicating with another person acting on the customer's behalf if they cannot make the complaint themselves; or
- Making any other reasonable adjustments where possible.

3.3 Complaint management process

City of Ballarat uses a four-tiered approach to investigating and resolving complaints. The tiers are:

1. Front line resolution
2. Investigation
3. Internal review
4. External review

3.3.1 Front-line resolution (Tier 1)

A front-line City of Ballarat officer will receive the complaint and acknowledge that the complaint has been received within 10 business days. The officer will clarify the details of the complaint and confirm the outcome that the customer is seeking.

Front-line staff, contractors or consultants will assess the complaint to determine how it should be dealt with. Actions that may be taken by front-line staff, contractors or consultants include:

- Resolution of the complaint (Tier 1).
- Where the matter is complex or involves a statutory process, it may be referred to the relevant officer for investigation (Tier 2).
- If City of Ballarat is not the right organisation to respond to the complaint (for example, if a statutory right of review is available), the City of Ballarat officer will advise the customer of the

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organisation that may be able to assist.

- Declining to refer complaints for investigation if it is considered that the complaint is frivolous, vexatious, concerns a trivial matter, or is not made in good faith.

To the extent possible, the complainant will be kept informed throughout the complaint management process.

Complaints addressed to the Chief Executive Officer and/or Councillors will be provided to the relevant department to be managed in accordance with this policy.

3.3.2 Investigation (Tier 2)

If front-line staff, contractors or consultants are unable to resolve the complaint or the matter is considered to be complex, the matter will be referred to the relevant officer for investigation. The investigating officer will provide the customer with City of Ballarat contact details and an estimate of how long a response may take.

Investigating officers will aim to resolve all complaints within 28 business days. If it is likely that a complaint will take longer than 28 days to resolve, the investigating officer will contact the customer prior to or at this time and provide reasons for the longer timeframe.

Following investigation, the investigating officer will contact the customer to advise them of the outcome of the complaint. The outcome letter will contain reasons for the decision made, contact information for the investigating officer and will advise the customer of the internal review process available to them.

City of Ballarat may determine that a complaint will not be investigated in accordance with this tier if the matter:

- Is considered frivolous, vexatious, or not made in good faith;
- Involves an adequate remedy or right of appeal, whether or not the complainant uses that remedy or right of appeal;
- Relates to a decision awaiting determination by Council;
- Relates to conduct before a court, coroner or tribunal;
- Is under investigation by another government department or authority, such as the Victorian Police or Minister for Local Government;
- Relates to the appointment or dismissal of any member of City of Ballarat staff, or any industrial or disciplinary issue;
- Relates to the actions or conduct of a private individual;
- Includes situations where there is insufficient information or the complainant declines or refuses to provide further information;
- Involves threats made against Council, Councillors, City of Ballarat staff, contractor, or consultant.

Where it has been determined that a complaint will not be investigated, the complainant will be advised accordingly in writing.

3.3.3 Internal review (Tier 3)

If the customer is not satisfied with the outcome of the complaint or believe that the complaint was not handled in accordance with this or any other City of Ballarat policy, they may request an internal review (Tier 3).

The internal review will be independent of:

- The person who took the action;
- The person who made the decision;

- The person who provided the service; and
- The person or people involved in the Tier 1 and Tier 2 complaints.

In most circumstances, the internal review will be conducted by a Manager or Coordinator of the relevant City of Ballarat business area, provided that the Manager or Coordinator is independent of the action, decision, or service.

A request for internal review may be made in writing or verbally and the customer must detail the reasons why they believe that the complaint was not appropriately managed and/or which City of Ballarat policies were not adhered to.

Officers will aim to resolve internal reviews within 28 business days. If it is likely that the internal review will require longer than 28 business days to be resolved, this will be communicated to the customer by the officer conducting the internal review.

An outcome letter signed by the officer responsible for the internal review will be provided to the customer at the conclusion of the review. The outcome letter will provide reasons for the outcome of the internal review and will advise the customer of any avenues of external review available in relation to the matter (for example, referral to the Victorian Ombudsman).

3.3.4 External review (Tier 4)

If the customer remains dissatisfied with City of Ballarat’s response to the complaint, a request for external review may be submitted to the following organisations. Timeframes and processes for resolution will depend on the relevant organisation.

Complaint	Organisation to contact for external review
<p>Actions or decisions of Council, City of Ballarat employees and contractors.</p> <p>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></p>	<p>Victorian Ombudsman www.ombudsman.vic.gov.au</p>
<p>Breaches of the <i>Local Government Act 2020</i></p>	<p>Local Government Inspectorate www.lgi.vic.gov.au</p>
<p>Breach of privacy Complaint about a Freedom of Information application</p>	<p>Office of the Victorian Information Commission www.ovic.vic.gov.au</p>
<p>Corruption or public interest disclosure ('whistleblower') complaints</p>	<p>Independent Broad-based Anti-corruption Commission www.ibac.vic.gov.au</p>
<p>Discrimination</p>	<p>Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au</p>

Complaint	Organisation to contact for external review
Council elections	Victorian Electoral Commission www.vec.vic.gov.au

3.4 Alternative processes

3.4.1 Formal Council decisions

Customers may raise concerns in relation to formal Council decisions by:

- Speaking with or writing to Councillors;
- Requesting to speak on a matter on an agenda at a meeting of the Council; or
- Raising the matter during public question time at a Council meeting.

Councillor contact information and details of how to register to speak at a Council meeting can be found on City of Ballarat’s website.

3.4.2 Complaints lodged via Councillors

When a complaint is addressed to a Councillor from a customer, the information will be forwarded to the Civic Support team to ensure the complaint is officially recorded. The details of the complaint will be provided to the appropriate officer for investigation and management under this policy. Councillors are not responsible for the investigation of or response to any operational complaint.

3.5 Unreasonable complainant conduct

City of Ballarat acknowledges that some customers may be justifiably disappointed, upset, or angry in relation to the matter about which they are complaining, however City of Ballarat does not expect its staff, contractors or consultants to tolerate behaviour that is offensive, abusive, threatening, harassing, or consumes disproportionate resources.

When instances of unreasonable conduct are apparent and City of Ballarat needs to apply limits to protect its staff, contractors, consultants or members of the public, the complainant will be informed in writing that the conduct is deemed unreasonable and any action City of Ballarat will take in response to the unreasonable conduct. This may include, but is not limited to, limits on:

- Who can be contacted (for example, requiring that any contact be restricted to a single officer or email address);
- What matters can be raised (for example, if a customer persists with a matter that has been thoroughly investigated and concluded, any further correspondence on the matter may be read and filed but not responded to);
- When and how contact may be made (for example, if unreasonable behaviour is occurring in person, any future correspondence may be required to be made in writing);
- Which facilities or services can be accessed (for example, access to services or facilities may be limited if a customer’s conduct while accessing those services or facilities causes unacceptable risks to the health and safety of other customers or City of Ballarat staff, contractors or consultants).

4.0 Supporting documents and references

4.1 Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 2020*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Gender Equality Act 2020*

4.2 Associated Documents

- Public Interest Disclosure Procedure
- Privacy Policy
- Employee Code of Conduct
- Councillor Code of Conduct
- Victorian Ombudsman Complaints: Good Practice Guide for Public Sector Agencies (September 2016)

4.3 Definitions

Complaint	Has the meaning provided by section 107 of the <i>Local Government Act 2020</i> .
City of Ballarat	Means the body corporate constituted in accordance with the <i>Local Government Act 2020</i>
Council	Consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the <i>Local Government Act 2020</i> .
Staff	A staff member includes employees, labour hire agency staff, volunteers and work experience students engaged by the City of Ballarat.
Contractor	Any company, firm, organisation, or individual who is contracted to carry out work for the City of Ballarat, including any employees, agents and subcontractors of the contractor.

5.0 Policy owner

Executive Manager Governance and Risk

6.0 Authorisation

Adopted by the Chief Executive Officer on 7 August 2024.