

POLICY NUMBER:	64 (C)
NAME OF POLICY:	COMPLAINTS POLICY
DATE OF NEXT REVIEW:	October 2025
DATE APPROVED:	19 October 2021
RESPONSIBLE OFFICER:	Director Organisational Services
REFERENCES:	Local Government Act 2020 (Vic) Privacy and Data Protection Act 2014 (Vic) Public Interest Disclosures Act 2012 (Vic) Gender Equality Act 2020 (Vic) Charter of Human Rights and Responsibilities Act 2006 (Vic) Equal Opportunity Act 2010 (Vic) Local Government Regulations Other Federal and State Legislation Other Council or Management policies and procedures

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. This policy does not apply to complaints about individual Councillors.

WHAT IS A COMPLAINT

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- 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.

In this policy:

- 'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
- 'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.
- 'the Council' means the body of elected Councillors.

A complaint is not a:

1. Insurance claim;
2. Protected Disclosure (i.e. complaints about fraud and corrupt conduct, such complaints are managed by the Protected Disclosure process, see Council's Protected Disclosure Policy for more details);
3. Planning objection (planning objections have an existing process for review and appeal details are available on Council's website);
4. Local-laws dispute;

5. Disputes about decisions to impose special rates or charges or the validity of an election;
6. Feedback related to proposals for public comment (e.g. proposals for comment made under section 223 of the Victorian Local Government Act 1989); or
7. Matters over which Council has no jurisdiction or is not empowered to resolve.

A complaint can however be submitted about how Council has handled any of the above matters, except something that is not Council's responsibility.

HOW TO MAKE A COMPLAINT

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

Online: www.hepburn.vic.gov.au

Email: shire@hepburn.vic.gov.au

Post: P.O Box 21, Daylesford Victoria 3460

In person: at one of the Council's customer service points

Phone: (03) 5348 2306 (where you will be assisted to complete the form)

When you make a complaint, please try to include:

- Your name and how to contact you. You can complain anonymously, but this may limit how the Council responds to you or our ability to resolve your complaint;
- the action, decision, service or policy you are complaining about, and why you are dissatisfied;
- Any 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;
- whether you have any communication needs.

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

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.

After our initial assessment, we may:

- take direct action to resolve your complaint;
- refer your complaint to the relevant team or manager for investigation;
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Early resolution of a complaint may involve arranging for the Council to give you advice or explaining why we are not going to take action on your complaint.

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, or needs to follow a statutory process or cannot be resolved satisfactorily.

If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation.

We aim to complete investigations within 30 calendar days, and will tell you if the investigation will take longer. We will update you regarding the progress of your complaint until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

As part of our investigation we will:

- assess the information against relevant legislation, policies and procedures
- refer to Council documents and records
- meet affected parties to consider possible solutions
- advise you in writing of the outcome and our reasons

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.

WHO IS RESPONSIBLE FOR CONSIDERING AND RESPONDING TO COMPLAINTS

- Complaints about an action, decision or service provided by CEO will be referred to the Mayor;
- Complaints about an action, decision or service provided by a Director will be referred to the CEO;
- Complaints about an action, decision or service provided by a Manager will be referred to the relevant Director;
- Complaints about an action, decision or service provided by any other officer, or a Council contractor, will be referred to the relevant Manager or Director;
- Complaint about a decision made at a Council Meeting will be referred to the Mayor.

WHAT IF I AM NOT SATISFIED WITH THE OUTCOME?

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days.

HOW TO REQUEST AN EXTERNAL REVIEW

There are 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
<p>Actions or decisions of a Council, Council staff and contractors.</p> <p>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)</p>	<p>Victorian Ombudsman</p> <p>www.ombudsman.vic.gov.au</p>
<p>Breaches of the Local Government Act</p>	<p>Local Government Inspectorate</p> <p>www.lgi.vic.gov.au</p>
<p>Breach of privacy.</p> <p>Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission</p> <p>www.ovic.vic.gov.au</p>

Corruption or public interest disclosure
(‘whistleblower’) 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

HOW WE LEARN 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 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.

When you complain to us we ask you to provide and will record:

- your name and contact details;
- whether you have any communication or assistance needs that can be reasonably accommodated;
- demographic information to help us understand the needs of our community (if you consent to giving us this information);
- what you are complaining about;
- what outcome you are seeking.

Where we publish complaint data, personal information is removed.