

Complaint and Unreasonable Behaviour Policy

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CEO Signature			Date 29/5/24
Responsible Officer and Unit	Manager Community Strengthening		
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Last Endorsement Date	15 December 2021 (Complaints Policy)		
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Macedon Ranges Shire Council acknowledges the Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

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1. Overview

Council's Complaint and Unreasonable Behaviour Policy (the Policy) describes how we enable, respond to and learn from complaints, feedback and compliments from our customers.

The Policy describes how Council will handle and manage unreasonable behaviour, noting that unreasonable behaviour does not necessarily stem from a complaint, and that a complaint is not considered unreasonable behaviour.

The Policy reinforces our commitment to providing a high standard of customer service and developing a good relationship with our customers, whilst maintaining and delivering a great customer service experience across all interactions with our organisation.

The Policy is modelled on the Victorian Ombudsman best practice and complies with the *Local Government Act 2020*.

In accordance with the Occupational Health and Safety Act Victoria 2004, Council has a duty to provide and maintain a safe working environment for its employees; Council has a zero tolerance of violence, intimidation or threats (veiled or overt), abuse or aggression (either verbally or in written form) towards employees or Councillors.

2. Purpose and objectives

The purpose of the Policy is to outline:

- how Council manages complaints from our customers. Whilst we always strive to meet our customer's expectations, sometimes we may not. When this happens, we want to use a consistent, fair, and equitable resolution process and work with our community to understand and improve; and
- Council's process to address and manage unreasonable behaviour by customers, including deliberate attempts to disrupt Council business and operations.

The Policy will:

- protect and promote the customer's right to provide feedback, a compliment or make a complaint;
- ensure that complaints are investigated and responded to in an appropriate, consistent, and effective manner;

- inform the customer of the internal and external procedures for managing feedback and complaints;
- commit to effective management of and learning from complaints;
- outline strategies to ensure the health, safety and wellbeing of all parties; and
- protect and promote the human rights of all people involved in complaints, and ensure that proper consideration of relevant human rights issues occurs throughout the complaint handling process.
- protect and promote the health, safety and wellbeing of its employees.

The Policy shows how we will:

- define a complaint;
- enable complaints to be made;
- respond to complaints we receive;
- learn and improve from complaints; and
- handle and manage unreasonable behaviour.

The Policy helps us to:

- improve standards of service to our customers;
- raise standards of investigation and decision making through clear processes;
- ensure a fair and equitable approach and improve internal complaint handling; and
- reduce recurring complaints.

3. Scope

The Policy applies to all Council staff, Council contractors, agents and volunteers of Council.

The Policy relates to complaints made by customers in relation to Council operations other than those subject to separate statutory or other legislative appeal processes (**Appendix 1**). We

recognise that complaints referred to in **Appendix 1** may still be valid, however, these are managed outside of this Policy.

Where a complaint is outside of Council responsibility, we will assist by providing guidance to the appropriate agency, authority or service provider.

Complaints regarding staff behaviour will be managed through Council's internal people management processes.

The Policy does not apply to complaints from Council staff about another Council staff member (including the Chief Executive Officer).

4. Guiding principles

We will apply the following best practice principles to every complaint:

- **Accessibility**

We will make it easy for anyone in our community to lodge a complaint, including people of all genders, ages, abilities, cultural backgrounds, religions and people who are indigenous and/or LGBTIQ+. Our employees will actively assist everyone to navigate the complaint process.

- **Commitment**

We take complaints seriously. Council is committed to resolving complaints and view them as a valuable source of feedback that will help us to improve our services.

- **Accountability**

When a complaint is lodged, we will advise who will be taking ownership for reviewing the complaint.

- **Consistency**

We will ensure that complaints are reviewed, followed up and responded to. We will follow through on any agreed actions and provide explanations and reasons for decisions.

- **Objective and fair**

Our people value our customers. Complaints are handled with professionalism, empathy and impartiality.

- **Transparency**

We make 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.

- **Privacy**

We are committed to fulfilling our obligations under the *Privacy and Data Collection Act 2014*, *Health Records Act 2001*, and Information Privacy Principles. We provide clear information about how we handle personal information. Complaint data is de-identified if reported more widely. Please refer to our Privacy Policy for further information.

Complainants are entitled to access information necessary to resolve their complaint meaningfully but are not entitled to information that breaches the privacy obligations Council owes to any other person.

- **Continuous improvement**

Acting on and learning from complaints helps us identify problems and improve services.


- **Child Focused Complaints Processes**

Council complies with the *Victorian Child Wellbeing and Safety Act 2015* and Victorian Child Safe Standards. Council is committed to ensuring “*Processes for complaints and concerns are child focused*” (Standard 7 - 2022). These processes include supporting children/young people to speak up and report inappropriate behaviour (related to abuse, harm, or neglect), by Council staff, volunteers, contractors and Councillors.

5. How to make a complaint, provide feedback or compliments

Complaints, feedback and compliments can be made via:

In person	<ul style="list-style-type: none">● Kyneton Administration Centre 129 Mollison Street, Kyneton● Gisborne Administration Centre 40 Robertson Street, Gisborne● Romsey Community Hub 96 – 100 Main Road, Romsey
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	<ul style="list-style-type: none"> Woodend Community Centre Corner High and Forest Streets, Woodend <p>Opening hours are posted at all customer service centres and online at mrsc.vic.gov.au/contact</p>
Telephone (24 hours)	03 5422 0333 or 1300 656 577
Fax	03 5422 3623
Mail	PO Box 151, Kyneton Vic 3444
Email	mrsc@mrsc.vic.gov.au
Website	mrsc.vic.gov.au/Contact-Us/Report-an-issue
QR code	
National Relay Service	<p>TTY users phone 133 677 then ask for 03 5422 0333</p> <p>Speak and Listen (speech-to-speech relay) users phone 1300 565 727 then ask for 03 5422 0333</p> <p>Internet relay users connect to the NRS (relayservice.com.au) and then ask for 03 5422 0333</p>
Translating and Interpreting Service	Call TIS National on 131 450 or visit tisnational.gov.au

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers and Council will work with you to facilitate your complaint.

Information that will help to resolve a complaint

When lodging a complaint, the following information is required:

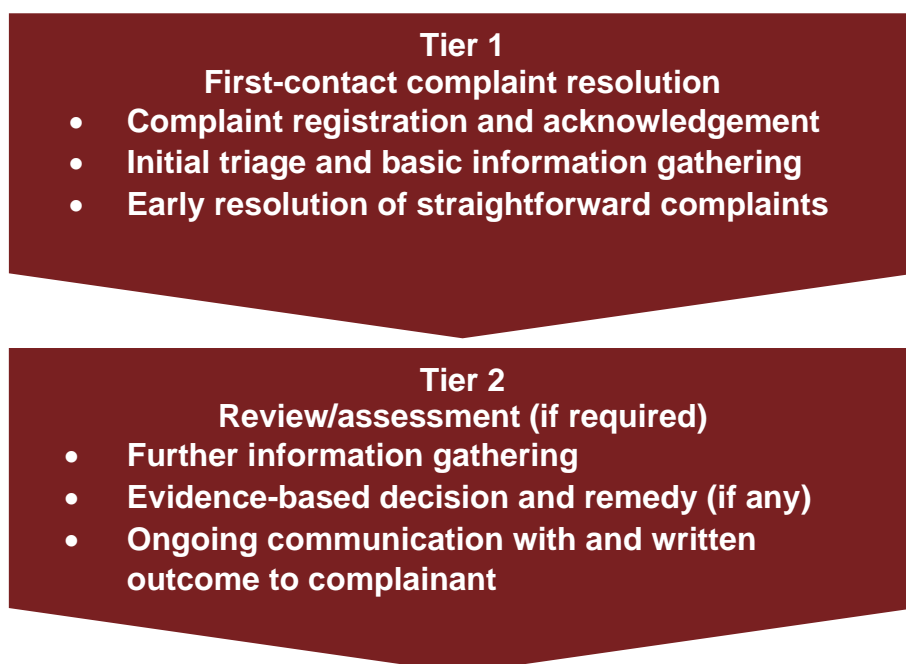
- Name and contact details. Complaints can be made anonymously, but this will limit our ability to respond, and may limit our ability to act.

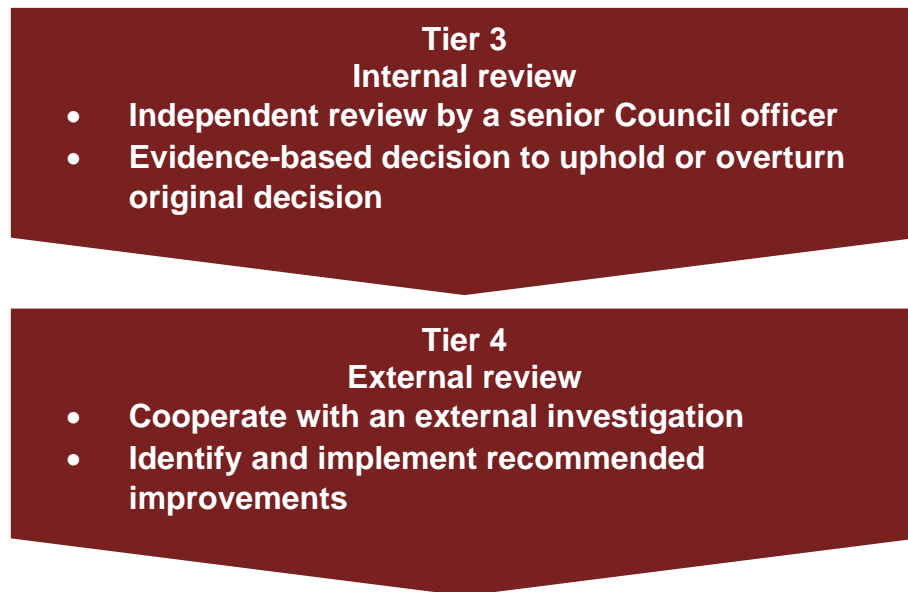
- The action, decision, service or policy the complaint is relating to and the reason for the complaint.
- If the complaint relates to a health or safety issue and/or someone is at risk of harm or injury. Please note: Emergencies should be directed to 000.
- Relevant details, such as dates, times, location and reference numbers, and documents that support the complaint.
- The outcome the customer is seeking from making the complaint.
- Whether the customer has any communication needs and preferences.

6. Our complaint process

Council will always try to resolve a complaint at the time of first contact. If a decision is made not to act on a complaint, we will explain why, and, where possible, inform the customer about other options.

In line with the Victorian Ombudsman's recommendation and best practice, Council has adopted a four-tiered approach to managing complaints. This approach provides a pathway for a complaint, with each tier representing an escalation point. For complaints outside of Council's jurisdiction, refer to **Appendix 1**.





Tier 1: First-contact complaint resolution

The aim of Tier 1 is to resolve most complaints at initial contact. These complaints are resolved by identifying quick and mutually acceptable solutions. It is important that we understand the complaint and any specific needs of the complainant, then identify the ability and approach to find a workable solution. If a solution cannot be immediately found, then the Council officer will explain what will happen next and why.

First contact resolution may include:

- raising a request for action.
- providing advice or information to the customer; and/or
- providing advice on why we may not be able to act on the complaint (e.g. another agency or police matter – **Appendix 1**).

It may not be possible to resolve the complaint when contact is first made. The complaint may require further investigation by a team or Council officer or may need to follow a statutory process.

If the complaint cannot be immediately resolved, it will be referred to the relevant team or manager to review. Details of who to contact about the review will be provided.

Tier 2: Review/assessment (if required)

If a complaint needs further consideration, it moves to Tier 2.

A review is usually carried out by a Council officer with specialist expertise. Under Tier 2, additional information is gathered, and an evidence-based decision is made. These specialist Council officers will communicate with the customer throughout the review and provide a verbal and written outcome that explains our decision.

We aim to complete reviews within 28 working days and will let the customer know if we need more time. We will update the customer on the progress at least once per month until the investigation is completed. We will inform the customer of the outcome of the complaint and explain the reasons why.

As part of our review, we will:

- assess the information in the complaint against relevant legislation, policies, and procedures.
- refer to Council documents and records.
- speak with or meet affected parties to consider possible solutions; and
- advise the customer verbally and in writing of the outcome and our reasons.

A Tier 2 review does not necessarily constitute a detailed written report.

Tier 3: Internal review

If the customer believes Council officers have made the wrong decision in a complaint review or are dissatisfied with how we responded to the complaint, the customer can request an internal review. This review moves the complaint to Tier 3 and will be initially referred to a senior Council officer who has not had any prior involvement with the complaint.

The senior Council officer will review the request and seek further information if required and will consider whether the complaint should have been dealt with differently. The senior Council officer will make an evidence-based decision to uphold or overturn the original decision. Council may engage an external consultant at Tier 3.

We will inform the customer of the internal review outcome and explain our reasons within 28 working days of receiving the internal review request. If further time is required, the customer will be updated at least once per month about the progress of the internal review until it is completed.

To request an internal review please send a request to:

- **Mail:** PO Box 151, Kyneton Vic 3444
- **Email:** mrsc@mrsc.vic.gov.au

When requesting an internal review please:

- advise why the initial decision is considered to be incorrect; and
- supply any additional information or evidence (including images) considered to be important to the review.

A Tier 3 internal review does not necessarily constitute a detailed written report.

An internal review may involve Council engaging an external consultant to investigate and report on a complaint.

If this occurs:

- Professional external advice and suggestions will be sought on the engagement of an appropriately qualified external consultant.
- The CEO may choose an external consultant; and
- The complainant and CEO will be advised of the external consultant.

Tier 4: External review

- If the customer remains dissatisfied with a decision made or processes followed via Tier 3 complaint, we will provide the customer with information on how to seek an external review.
- Tier 4 complaints are escalated to external bodies such as the Victorian Ombudsman. Council will contribute to Tier 4 complaints by participating in, and cooperating with, the external review process.

How to request an external review

There are external bodies that can deal with different types of complaints about councils (see **Appendix 2**).

Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer (CEO) are referred to the Director Corporate. The role of the Director Corporate is one of facilitation, not investigation.

- The Director Corporate will notify the Mayor and the CEO of the complaint.
- Where warranted, the Director Corporate may, upon discussion with the Mayor, refer the complaint to be dealt with via an internal investigation or may engage an external consultant to investigate and report on the complaint.
- The CEO will be able to make representations to the external consultant.

The report of the external consultant:

- The draft consultant's report (including any recommendations) will be provided to the Director Corporate for consideration.
- The final report and recommendations (if any) will then be submitted to the Director Corporate who will discuss the report, including recommendations with the Mayor. If the matter is resolved at this point and no further action required, the CEO and complainant will be advised accordingly.
- If the complaint is upheld and further action required, the Mayor may seek advice and guidance from the external consultant on implementing the report recommendations. The Director Corporate may also be requested to provide advice on process.
- The complainant and the CEO will be advised in writing of the outcome of the investigation and any further steps they can take if necessary.
- The CEO may request the Employee Remuneration Committee to review the outcome of the report.

If the Mayor and/or the Director Corporate have an actual or perceived conflict of interest in a complaint regarding the CEO, the person or persons with the conflict of interest will be removed from the process. They will be replaced with another person or persons, such as an alternative Director or Manager.

Complaints lodged via Councillors

Councillors are not responsible for the response to any operational complaint, as the role of Councillors does not include the management of day-to-day operations of Council. Councillors will

request a complainant to make their complaint to Council via the various contact channels outlined in the policy – ‘How to make a complaint, provide feedback or compliments’ section.

Complaints about Councillors

The Councillor Code of Conduct outlines the expected and required behaviour of Councillors in the exercise of power, duties and functions. Complaints about Councillors are covered within the Macedon Ranges Shire Council Councillor Code of Conduct.

Refer to Councillor Code of Conduct.

Complaints alleging corrupt conduct

We will handle complaints involving allegations of corrupt conduct in accordance with Council’s Public Interest Disclosures Policy. Complaints alleging corrupt conduct may also be made to the Independent Broad-based Anti-corruption Commission (IBAC).

Unreasonable complaints

A complaint is considered unreasonable when it:

- is considered frivolous or not made in good faith.
- involves a matter where an adequate remedy or right of appeal already exists (regardless of whether the complainant utilises that remedy or right of appeal);
- relates to a matter before a court or tribunal.
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue.
- relates to a matter awaiting determination to be made at a Council or Committee meeting.
- relates to a matter where a response has already been provided.
- is not possible to process due to insufficient information provided; or
- is made in an offensive, voluminous, or otherwise unreasonable manner.

Such complaints will be dealt with in accordance with the **Unreasonable behaviour** section of this policy.

7. How we learn from complaints

Complaints from customers who use or who are affected by our services provide us with valuable feedback about how we are performing and where we can do better.

We regularly analyse our complaint and customer satisfaction survey data to understand trends and potential issues that deserve further attention. We use this information to identify solutions about how we can improve our systems and services.

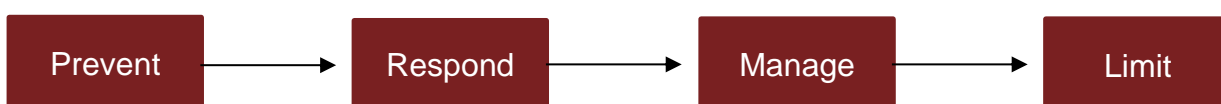
Where required under legislation, Council will report any information identified in a complaints process to external third parties for consideration.

8. Unreasonable behaviour

We are committed to providing a safe and healthy workplace for all Council employees. We expect our officers to treat people with courtesy and respect, and we expect the same in return. We do not tolerate occupational violence and aggression or behaviour which consumes disproportionate time or resources. This includes deliberate efforts to disrupt Council business/operations, including Council meetings, and unreasonable, offensive, or defamatory arguments with Council officers and Councillors.

The following information sets out how we deal with unreasonable and complex behaviour in a way that is fair and balances the interest of customers, Council officers, Councillors, our organisation, and the community.

We recognise that people who demonstrate unreasonable and complex behaviour may have a legitimate grievance. In line with the best practice outlined by the Victorian Ombudsman, we will manage unreasonable and complex behaviour in the following way:



Council officers who have determined a complainant's behaviour is unreasonable will refer the matter to a relevant senior officer.

Unreasonable behaviour as defined by the Victorian Ombudsman

Behaviour	Examples
Unreasonable persistence	<ul style="list-style-type: none"> • Bombarding with calls, visits or information when not warranted. • Contacting different Council officers seeking a different response. • Reframing an old complaint so it looks like there are new issues. • Refusing to accept the decision after the complaint has been thoroughly investigated, the outcome has been explained and any questions answered. • Questioning the skills or competence of the complaint handler.
Unreasonable Demands	<ul style="list-style-type: none"> • Insisting on an immediate response or priority that is not warranted. • Insisting on a response to every point, no matter how minor. • Demanding information they are not entitled to e.g. staff contact details. • Insisting that the head of our organisation, or a senior officer, handle the complaint in preference to the officer responsible. • Instructing Council officers how to investigate a complaint.
Unreasonable lack of cooperation	<ul style="list-style-type: none"> • Sending voluminous amounts of information. • Providing little or no information about the complaint. • Presenting fragmented information. • Refusing to comply with reasonable requests for information.

Behaviour	Examples
Unreasonable arguments	<ul style="list-style-type: none"> Insisting on the importance of minor issues. Making unsubstantiated allegations e.g. bias or corruption. Insisting on cause and effect without evidence, i.e. insisting that one thing makes something else happen.
Unreasonable behaviour	<ul style="list-style-type: none"> Verbal or written abuse to staff, Councillors or their immediate family members, including discriminatory or demeaning language or shouting. Aggressive behaviour to staff, Councillors or their immediate family members (verbal or written). Harassment of staff, Councillors or their-immediate family members (verbal or written). Making threats to staff, Councillors or their immediate family members (verbal, written, veiled or overt). Intimidation to staff, Councillors or their immediate family members (verbal, written, veiled or overt). Physical assault of staff, Councillors or their immediate family members. Damaging Council or staff personal equipment or property. Disruptive behaviour.

Managing unreasonable behaviour

If we consider that a customer's behaviour is unreasonable, we will seek to apply appropriate and proportionate strategies for managing their behaviour in line with our duties under the Occupational Health and Safety Act Victoria 2004. The strategies will depend on the behaviour and may include setting limits on how future interactions can occur. The actions chosen will be commensurate with our assessment of the behaviour and its impact upon:

- The health, safety, and wellbeing of our staff and/or Councillors.

- The efficient use of our resources; and
- Our ability to maintain equitable levels of service for other members of the community.

Strategies available

Depending on the circumstances, the strategies may include, but are not limited to, one or more of the following:

Unreasonable persistence – asking for the behaviour to stop

We will:

- Ask that contact ceases regarding the matter(s) raised, to enable us a reasonable opportunity to respond; and/or
- Set time limits on any discussions; and/or
- Refer the matter back to the original staff member who was handling the matter or their manager; and/or
- Decline to consider new issues that are not supported with relevant information or evidence.

Unreasonable demands – setting limits on our involvement

We will:

- Advise when demands will not be met and explain why, and/or
- Explain how and to what extent the matters raised will be responded to and why, and then limit our response to that.

Unreasonable lack of cooperation and/or unreasonable arguments – setting conditions and/or declining or discontinuing our involvement

We will:

- Require appropriate evidence before engaging further on any matter; and/or

- Not continue or revisit matters where we consider there is no practical outcome or we believe the matters have been appropriately dealt with previously; and/or
- Provide the contact details of external parties who may perform an external review of how we handled the matter(s).

Unreasonable behaviour – setting limits and conditions

We will:

- Identify the unreasonable behaviour and ask that it stop.
- Provide a warning.

If the strategies outlined above have not worked and unreasonable conduct towards our staff and/or Councillors continues, the CEO may consider limiting the following:

- Contact by the customer to a specific staff member (or staff members).
- What issues we will respond to, e.g. not responding to issues that have already been the subject of an assessment and explanation unless legitimate new issues that warrant attention are raised.
- When contact can be made with us, e.g. times of the day or a day of the week.
- Where contact can be made with us, e.g. limiting locations of face-to-face meetings to secure areas.
- How contact can be made with us, e.g. confining contact to being in writing only.

When managing unreasonable behaviour, Council will use discretion to adapt to the customer's personal circumstances, level of competency, literacy skills, etc. In this regard, Council also recognises that more than one strategy may need to be used in individual cases to ensure appropriateness and efficiency.

Exceptional circumstances

Notwithstanding any other provisions of the Policy, where the unreasonable behaviour has included verbal abuse, aggressive behaviour, threats and/or harassment to an extent where the CEO, or staff, deems it to be impacting the ongoing health and safety of any staff and/or

Councillors, the CEO may intervene at any point and authorise the immediate implementation of any and all strategies deemed necessary to address this.

In such instances, the CEO will provide the reasons for doing so as soon as possible following written notice being issued to the relevant member of the public of the strategies so implemented.

Nothing in this provision is intended to prevent a customer from seeking a review of the CEO's decision by an external authority listed in **Appendix 2**.

Decision making authority (in non-exceptional circumstances)

In instances involving unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviour decisions regarding appropriate strategies will be made by the relevant Director of the department(s) involved.

If the strategies implemented by a Director in response to such behaviours are considered ineffective, the relevant Director may refer the matter to the CEO.

The CEO may decide to further limit the relevant member of the public's access to Council services in response to the continued unreasonable customer behaviour.

In coming to such a decision, the CEO will take into account all of the information provided about the matter and the strategies implemented to date.

Final opportunity to stop unreasonable behaviour

Except in circumstances deemed exceptional by the CEO, before a decision is made to limit access to Council's services, the CEO or relevant Director will provide a final written warning of the proposed action and give the customer an opportunity to stop the unreasonable behaviour.

In issuing such a warning, the CEO or Director must be satisfied that:

- The behaviour is unreasonable and poses a sufficient risk to the health and safety of staff and/or Councillors and/or unreasonably impacts on their resources of Council and/or unreasonably impacts on the ability to maintain equitable services to the whole community.
- All relevant factors have been considered including the customer's history in dealing with Council, the nature of the behaviour, their personal circumstances and the impact of limiting access on them.

- The limits are proportionate to the level of risk posed by the behaviour.
- There is sound evidence to support the decision.
- The limits are consistent with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and *Equal Opportunity Act 2010* (Vic).

Legal recourse

If none of the strategies above are effective in managing the unreasonable behaviour, including the measures implemented by the CEO, legal recourse may be sought. Legal recourse may include, but is not limited to, intervention orders against the customer.

Informing the parties

The CEO, or relevant Director, will inform:

- Affected staff and/or Councillors, and those staff or Councillors who are at risk of being affected, about decisions made under this Policy; and
- The customer.

Notification of decisions will be in writing and by another form of communication if appropriate and will include the reasons for the decision(s). It will set a timeframe for reviewing the decisions and explain options for the customer to seek an external review of the decision.

In addition, affected and potentially affected staff and Councillors will be advised that they are authorised to act in accordance with the decision as specified.

Reviewing decisions

The CEO or relevant Director will ensure that any imposed limits on access are reviewed every three months or six months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

The outcome of the review will be provided to the customer in writing and an opportunity to respond offered before a final decision is made.

Should the customer wish to challenge this decision, they will be referred to external agencies such as the Victorian Ombudsman or, if the person claims discrimination, the Victorian Equal Opportunity and Human Rights Commission.

Security – general provisions

Council has a duty under the Occupational Health and Safety Act Victoria 2004 to ensure that our staff, and others, are safe and will implement any security measures deemed necessary, including:

- Monitoring face-to-face meetings, implementing the use of duress alarms, use of secure meeting rooms, and third parties attending meetings.
- Implementing incident response processes.
- Monitoring harassment of staff and Councillors outside of the workplace through means such as social media, and taking action as deemed necessary.

Gender impact assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was undertaken in relation to the subject matter of this Policy.

The assessment found the Policy and Council's complaint handling process to be gender neutral, in that it seeks to ensure a fair and equitable approach to complaint handling and outlines strategies to ensure the health, safety and wellbeing of all parties to complaints.

9. Definitions

Term	Definition
Complex behaviour	Any behaviour that is complex and challenging due to a range of issues including illness, disability or social factors. Behaviours where the reasons behind the behaviour are difficult to understand or that people find hard to accept. The behaviour can vary from person to person and from situation to situation.
Complainant	A person or organisation that makes a complaint.
Complaint	For this Policy, in accordance with the Local Government Act 2020, a complaint is defined as: <p>“...the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with Council delivered services in —</p> <ul style="list-style-type: none"> a) the quality of an action taken, decision made, or service provided by a member of Council staff or a contractor engaged by the Council; or b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or c) a policy or decision made by a Council or a member of Council staff or a contractor.”
Complaint handling process	The way individual complaints are dealt with by Council, including the policy, procedures, practices, and technology.
Compliment	An expression of satisfaction with the quality of action taken or service provided by Council.
Contractor	Any third-party engaged by Council to carry out functions on Council's behalf.
Council	Macedon Ranges Shire Council.

Councillors	<p>A person who holds the office of member of Council.</p> <p>Note: Councillors are not staff members and the role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer (which include the day-to-day operations of Council).</p>
Customer	<p>Person(s) of any age, including children and young people, who access or utilise Council's services, including someone who receives services from Council or communicates with Council in relation to Council services, policies or decisions.</p>
Feedback	<p>Comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.</p> <p>Feedback can also be an idea, suggestion or opinion on how Council could improve its services.</p> <p>For the purpose of performance reporting and data analysis, negative feedback about Council will be recorded as a complaint.</p>
Investigation	<p>The examination of information against relevant legislation, policies and procedures, Council documents and records. It does not necessarily constitute a detailed written report.</p>
Request for service	<p>Contact with Council to seek assistance, to request access to a service, or to inform/make a report about something for which the Council has responsibility.</p>
Senior officer	<p>Includes department Managers, Directors and the CEO of Council.</p>
Staff/Council officer	<p>All employees, contractors and volunteers employed or engaged by Council. Does not include Councillors.</p>
Unreasonable complainant conduct (UCC), also referred to	<p>Unreasonable complainant conduct (UCC), as defined by the Victorian Ombudsman, is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for:</p>

<p>as unreasonable behaviour</p>	<ul style="list-style-type: none"> ● Council ● Councillors ● Council officers ● Contractors; or ● Agents or volunteers, and/or other service users. <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> ● unreasonable persistence ● unreasonable demands ● unreasonable lack of cooperation ● unreasonable arguments; and ● unreasonable behaviours. <p>Some types of behaviour are never acceptable. They include verbal abuse, offensive behaviour, threats, and violence.</p>
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10. References

- > Victorian Ombudsman 2021 – Councils and complaints: A good practice guide 2nd edition July 2021
- > Victorian Ombudsman 2022 – A good practice: Managing complex complainant behaviour February 2022
- > Victorian Government’s Good Guide to Managing Complaints involving Human Rights, May 2017
- > Victorian Ombudsman Good Practice Guide for Public Sector Agencies September 2016
- > Commonwealth Ombudsman 2021 – Better Practice Complaint Handling Guide, February 2023 Guide

- > National Office of Child Safety “Work Related Violence – A guide for employers”. WorkSafe Victoria. October 2020.

11. Related policies / procedures

- > Customer Service Charter
- > Public Interest Disclosures Policy
- > Privacy Policy
- > Councillor Code of Conduct
- > Compliance and Enrolment Policy
- > Risk Management Policy
- > Occupational Health and Safety Policy
- > Occupational Violence and Aggression Procedure
- > Working alone or in Isolation Procedure

12. Related legislation

- > Local Government Act 2020 (Vic)
- > Public Interest Disclosures Act 2012 (Vic)
- > Privacy and Data Protection Act 2014 (Vic)
- > Information Privacy Act 2000
- > Freedom of Information Act 1982
- > Charter of Human Rights and Responsibilities Act 2006 (Vic)
- > Independent Broad-based Anti-corruption Commission Act 2011
- > Equal Opportunity Act 2010

- > Child Safe Standards
- > Occupational Health and Safety Act Victoria 2004.

13. Appendix 1

Examples of service areas in which there are separate legislative or statutory appeal processes include but are not limited to:

- Complaints relating to a planning application decision.
- Complaints already reviewed by an external agency.
- Freedom of Information (FOI) requests.
- Complaints relating to a Councillor outside their role as a Councillor.
- Complaints relating to legal issues.
- Work-related grievances from Council employees (i.e. complaints relating to their employment).
- Complaints relating to infringements.
- Complaints alleging fraud, corruption, or other criminal behaviour.
- Complaints about Councillors. The definition of 'complaint' does not include complaints about Councillors. Councillor conduct is dealt with in the *Local Government Act 2020* – Part 6.
- Complaints, reports or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor.
- Public Interest Disclosure – complaint of corrupt or improper conduct made against a public officer or body.

14. Appendix 2

Complaint	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 <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)</p>	<p>Victorian Ombudsman ombudsman.vic.gov.au</p>
Breaches of the Local Government Act	<p>Local Government Inspectorate 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 ovic.vic.gov.au</p>
Corruption or public interest disclosure ('whistleblower') complaints	<p>Independent Broad-based Anti-Corruption Commission ibac.vic.gov.au</p>
Discrimination	<p>Victorian Human Rights and Equal Opportunity Commission humanrights.vic.gov.au</p>
Council elections	<p>Victorian Electoral Commission vec.vic.gov.au</p>
<p>Breach of <i>Child Wellbeing and Safety Act 2005</i> Reportable Conduct</p> <p>Complaints reports or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor</p>	<p>Commission for Children and Young People ccyp.vic.gov.au</p>

15. Appendix 3

