

1. Scope

Dealing with complaints is a core part of Macedon Ranges Shire 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 Macedon Ranges Shire 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, volunteers, and decisions made at Council meetings.

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

This policy does not apply to complaints about individual Councillors. Complaints about individual Councillors is covered by the *Councillor Code of Conduct*, published on mrsc.vic.gov.au

2. What is a complaint?

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

- an action, decision or service provided by Council staff, a Council contractor or a volunteer
- a delay by Council staff, a Council contractor or a volunteer in taking an action, making a decision or delivering a service
- a policy or decision made at a Council Meeting.

In this policy:

- 'Council' means Macedon Ranges Shire Council.
- 'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's Chief Executive Officer (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.
- 'business day' is a day when the Council is normally open for business; Monday to Friday, excluding public holidays.
- 'business hours' are Council's normal hours of business, as specified at mrsc.vic.gov.au/contact-us
- 'Councillor Conduct Officer' is the person appointed in writing by the CEO to perform the duties set out in section 150 of the *Local Government Act 2020*, such as assisting in the implementation and conduct of the Council's internal resolution procedure.
- 'child' is a child, children and young people up to the age of 18 years.
- 'complainant' is a person or organisation that makes a complaint.

- 'complaints process' is the way in which Council deals with complaints, including policy and procedures, electronic systems and reporting mechanisms.
- 'Principal Officer' is the CEO of Council, pursuant to Section 3 of the *Independent Broad-based Anti-corruption Commission Act 2011*.
- 'response officer' is the Council staff member who is responsible for assessing and responding to complaints in their area of responsibility.
- 'unreasonable complainant conduct' is any behaviour of a current or former customer which, because of its nature, raises substantial health, safety, resource or equity issues for the parties to a request.
- 'volunteer' is a person who undertakes duties for Council but does not receive remuneration or token remuneration from Council, including members of the public appointed by Council to a Council committee or other group.

3. How to make a complaint

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

Telephone:	03 5422 0333
Online:	mrsc.vic.gov.au/contact-us
Email:	mrsc@mrsc.vic.gov.au
Post:	Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444
In person:	Kyneton Administration Centre – 129 Mollison St, Kyneton Gisborne Administration Centre – 40 Robertson St, Gisborne Romsey Community Hub – 96-100 Main Rd, Romsey Woodend Service Centre – corner High and Forest streets, Woodend

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:

- Talking with you if you have trouble reading or writing.
- Communicating with another person who is authorised to act on your behalf if you cannot make the request yourself.
- Using an assistance service, such as the free National Rely Service:
 - TTY users phone 133 677 then ask for 03 5422 0333
 - Speak and Listen (Speech-to-Speech Relay) users phone 1300 555 727 and ask for 03 5422 0333
 - Internet relay users connect to the NRS (www.relayservice.com.au) and ask for 03 5422 0333.

To assist us deal with your complaint as best we can, it is helpful to provide the following to Council when making a complaint:

- 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
- Whether you have any communication needs.

4. Our complaints process

When you complain to us, we will record and acknowledge your complaint within three (3) 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.

Written complaints, or those that cannot be resolved at the time of the complaint being made, will be allocated to the appropriate response officer for processing.

The response officer will:

- Assess the request to determine how it should be processed.
- If necessary, contact you to clarify details of your complaint and/or the outcome you are seeking.
- Formally respond to – and attempt to resolve – all complaints promptly; no later than 10 business days after receipt. If the complaint is expected to take longer than 28 business days to resolve, for example if an investigation is required, the response officer will, no later than 10 business days after receipt, contact you to explain why and to provide a revised timeframe. If an investigation is required, we will, as part of our investigation:
 - update you every 28 business days about progress until the investigation is completed;
 - assess the information against relevant legislation, policies and procedures;
 - refer to Council documents and records;
 - meet affected parties to consider possible solutions.
- Contact you in writing to advise you of the outcome of your complaint and explain our reasons.

5. Our process for complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer (CEO) are to be 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, by an external body (e.g., The Independent Broad-based Anti-corruption Commission, the Local Government Inspectorate etc.) or may engage an external consultant to investigate and report on the complaint
- Professional external advice and suggestions will be sought on the engagement of an appropriately qualified external consultant.
- The external consultant must be acceptable to the complainant and the CEO; and
- 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
- The Director Corporate will discuss the report, including any 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 will be advised in writing of the outcome of the investigation and any further steps they can take if necessary

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 the Deputy Mayor and/or another Director.

6. How to request an internal review

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 of the date of your request for an internal review.

7. 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
Actions or decisions of a Council, Council staff and contractors 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 (Vic)</i>	Victorian Ombudsman ombudsman.vic.gov.au
Actions related to Council-managed kindergartens	Department of Education and Training education.vic.gov.au
Actions related to Council-managed services for older people	Aged Care Quality and Safety Commission agedcarequality.gov.au
Breach of privacy Complaint about a freedom of information application	Office of the Victorian Information Commission ovic.vic.gov.au
Breaches of the Local Government Act	Local Government Inspectorate lgi.vic.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission ibac.vic.gov.au
Council elections	Victorian Electoral Commission vec.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission humanrights.vic.gov.au

8. How we handle unreasonable complainant conduct

Unreasonable complainant conduct is any conduct of a current or former customer which, because of its nature, raises substantial health, safety, resource or equity issues for the parties to a complaint.

Unreasonable complainant conduct can be divided into five categories of conduct:

1. unreasonable persistence,
2. unreasonable demands,
3. unreasonable lack of cooperation,
4. unreasonable arguments, and
5. unreasonable behaviours.

Some types of behaviour are never acceptable and include:

- verbal abuse,
- offensive behaviour,
- threats, and
- violence.

Council requires Council staff to be respectful and responsive in all their engagement and communications with members of the public, and expect the same when members of the public are engaging and communicating with Council staff.

Council may change the way communication is provided or the process is managed if a complainant's conduct is deemed to raise health, safety, resource or equity issues for Council staff involved in the complaints process.

9. When we are required to report to an external organisation

Victoria has a Reportable Conduct Scheme to oversee allegations of child abuse and misconduct. The scheme:

- requires Council to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, and to notify the Commission for Children and Young People (CCYP) of any allegations
- enables CCYP to independently oversee those responses
- facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulation's Working With Children Check Unit and CCYP.

10. 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 develop solutions that 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 complaints data, including in our annual report.

11. Your privacy

When gathering information to action and respond to a complaint, Council will only collect personal information (including sensitive information) that is deemed necessary.

Information collected will only be used to respond to your complaint and undertake analysis, for the purpose of addressing any identified issues and improving Council services. Collected information may also be shared with Council staff on a need-to-know basis only.

Where we publish complaints data, it is in a de-identified format, with all personal information removed.

Council is committed to protecting personal information in accordance with our *Privacy Policy*. This policy is published on mrsc.vic.gov.au