

# Complaints Policy

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Approval by:	Council	Responsible Officer:	Manager Customer and Communications
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## 1. Purpose

The purpose of this policy is to provide customers with a clear understanding of how complaints will be handled and to assist Council staff in managing and processing customer complaints in an efficient and transparent manner.

This policy aims to:

- Put in place an open and transparent complaints handling system.
- Establish our timeframes for resolving complaints.
- Clarify roles and responsibilities.
- Give customers confidence Council will listen and be responsive to their concerns.
- Ensure staff handle complaints fairly and objectively.
- Set out how staff record and analyse complaint data to identify opportunities to improve our services.

## 2. Context

Council is committed to sound decision-making processes to ensure fair and reasonable outcomes for the Knox community. Council also recognises a customer’s right to make a complaint and that they give Council:

- vital information about its services;
- a valuable opportunity to make things right; and
- insights to learn from complaints to improve our services.

This policy provides Council with an organisational approach to complaint handling and supports and empowers staff in the facilitation and resolution of complaints in an efficient and transparent manner. It also ensures that Council is accountable both internally and externally for its decision-making and complaint handling performance. This policy is based on the Victorian Ombudsman’s ‘Councils and Complaints – A good practice guide’ (July 2021), and the New South Wales Ombudsman’s ‘Unreasonable Complainant Conduct Model Policy’ (2013).

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## 4. Scope

This policy applies to all complaints from members of the public, except the following, which will be managed through other processes:

- Requests for service or maintenance to an asset for which Council has responsibility, or reports of a fault with, or damage to, an asset for which Council has responsibility, within the relevant service standard (refer Appendix 1)
- Request for investigation and/or action of local amenity, nuisance or compliance matters, within relevant service standard
- Dissatisfaction expressed when providing feedback to a community consultation exercise (refer Appendix 2)
- Complaints involving an allegation of fraud or corrupt conduct (refer section 8.4.1)
- Complaints about Councillors (refer section 8.4.2)
- Complaints about Chief Executive Officer conduct (refer section 8.4.3)
- Claims against Council for personal injury or property damage or other loss or damage
- Complaints lodged by Council staff, volunteers or contractors which allege a breach of the Staff Code of Conduct or other internal policy.

Requests to review/appeal an infringement or to review a statutory decision have separate established processes and may not be considered as a complaint for the purposes of this policy, including decisions and processes related to:

- Infringements subject to a statutory appeal process that may be appealed to the Magistrates Court. This includes parking infringements and a range of other infringements or legal action issued under Council's local laws or legislation such as the:
  - Building Act 1993
  - Domestic Animals Act 1994
  - Environment Protection Act 2017
  - Food Act 1994
  - Planning and Environment Act 1987
- Decisions to issue or refuse planning permits that may be appealed to the Victorian Civil and Administrative Appeal Tribunal (VCAT).
- Certain decisions on building permits or requests for consent made under the Building Act 1993 that may be referred to the Building Appeals Board.

A request to review an infringement, or a complaint about a statutory decision may be deemed outside the scope of this policy for reasons including but not limited to:

- There being a statutory review process which is already underway.
- It is reasonable in the circumstances to expect the complainant to go through the statutory review process.
- A tribunal or court will settle or determine the matter faster.
- The complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect).

However, where such a request relates not to the merits of the infringement, or statutory decision, but addresses issues regarding the adequacy, fairness or reasonableness of the decision-making process or the conduct of the staff members involved, then the request may also be considered according to the principles and processes set out in this policy.

## 5. References

### 5.1. Council Plan 2021-25

- Civic Engagement and Integrity - Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

### 5.2. Related Legislation

- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Freedom of Information Act 1982
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Interest Disclosure Act 2012

### 5.3. Related Council Policies

- Child Safe Policy
- (CEO) Conduct Complaints Policy and Procedure
- Councillor Code of Conduct
- Health and Safety Policy
- Privacy and Data Protection Policy and Guidelines
- Protected Disclosures Policy
- Records Management Policy
- Staff Code of Conduct
- Unreasonable Complainant Conduct Procedure

## 6. Definitions

Complainant	A person or organisation that makes a complaint.
Complaint	An expression of dissatisfaction with: <ul style="list-style-type: none"> <li>a) the quality of an action taken, decision made or service provided by a member of Council staff, contractor or volunteer engaged by the Council; or</li> <li>b) the delay by a member of Council staff, contractor or volunteer engaged by the Council in taking an action, making a decision or providing a service; or</li> <li>c) a policy or decision made by a Council or a member of Council staff or a contractor.</li> </ul>
Contractor	A person, company or other entity that provides materials or labour to perform a service or do a job on behalf of Knox City Council.
Council	Knox City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020, whether constituted before or after the commencement of this Policy.
Council staff	Any employee of Council whether permanent, temporary or casual.
Councillor	A person who holds the office of member of a Council. 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).
Customer Request System	The platform used to record, track and store complaints.
First point of contact	The staff member who initially receives the complaint.
Investigation	The examination of information against relevant legislation, policies and procedures, Council documents and records. May include meeting with relevant parties to consider possible solutions before making an evidence-based decision.
Request for service	Contact with the Council to seek assistance, advice, information, access to a new service or to inform/make a report about something for which the Council has responsibility. A request for service may become a complaint if the request is not properly dealt with within the relevant service standard.
Resolved complaint	A complaint that has been: <ul style="list-style-type: none"> <li>• addressed to the satisfaction of the resident or complainant; or</li> <li>• addressed by Council (or a contractor), in alignment with the Complaints Policy, and the complainant has been notified of the outcome. This may include circumstances where the complainant is not necessarily satisfied with the outcome.</li> </ul>
Statutory decision	A statutory decision which includes a specific statutory appeal mechanism and includes but is not limited to a decision under the Planning and Environment Act 1987 or the Building Act 1993 to issue or refuse a permit, with or without conditions, for which there is a routine appeal or review mechanism at the Victorian Civil and Administrative Tribunal or Building Appeals Board.

Subject Matter Expert	A staff member that has special skills or knowledge on a particular topic or function of Council.
Unreasonable Complainant	A person or organisation who makes a complaint to Council and whose conduct would be deemed unreasonable.
Unreasonable Complainant Conduct	Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, Council staff, other service users and complainants or the complainant themselves.
We	Knox City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020, whether constituted before or after the commencement of this Policy.

## 7. Complaints Policy

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.

### 7.1. What is a complaint

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

- a) the quality of an action taken, decision made or service provided by a member of Council staff, a contractor or volunteer engaged by the Council; or
- b) the delay by a member of Council staff, a contractor or volunteer 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.

Accurately differentiating between a complaint and a request for service is important. One way to do so is to look at whether a person is:

- requesting something additional or new (a request for service)
- reporting what they believe to be a failing or a shortfall (a complaint)
- complaining about a Council's response to a service request (a complaint).

Examples of the difference between a complaint and a request for service are included in Appendix 1.

## 7.2. How to make a complaint

Any member of the public can make a complaint. You can make a complaint via any of the following customer contact channels.

Channel	Details
Website	<a href="http://www.knox.vic.gov.au/contact-us/complaints-compliments-or-suggestions">www.knox.vic.gov.au/contact-us/complaints-compliments-or-suggestions</a>
Phone	9298 8000 <i>Phone lines staffed from 8:30am – 5pm, Monday to Friday</i>
Email	knoxcc@knox.vic.gov.au
Social media	Direct message via Knox City Council Facebook
In person	Knox City Council Civic Centre 511 Burwood Highway, Wantirna South VIC 3152 <i>Counter staffed from 8:30am – 5pm, Monday to Friday</i>
Mail	Knox City Council Civic Centre 511 Burwood Highway, Wantirna South VIC 3152
National Relay Service	Contact the National Relay Service and ask them to call 03 9298 8000 Voice Relay users can call 1300 555 727 TTY users can call 133 677
Translating and Interpreting Service	Contact the Translating and Interpreting Service (TIS) on 131 450 or via <a href="http://www.tisnational.gov.au">www.tisnational.gov.au</a> and ask them to call Knox City Council on 03 9298 8000

### 7.2.1. Accessibility

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers so we can better assist you by:

- using an assistance service, such an interpreter or relay service (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.

### 7.2.2. Complaints lodged via Councillors

Councillors are not responsible for the response to any operational complaint as the role of Councillor does not include the management of the day-to-day operations of Council. When a complaint is addressed to a Councillor, the information will be forwarded to the organisation to ensure the complaint is officially recorded and managed according to this policy and underlying procedures.

### 7.2.3. Anonymous complaints

We will accept anonymous complaints. Depending on the circumstances, anonymous complaints may limit our ability to investigate and resolve concerns, if we have not received enough information in the complaint. We are unable to provide a response to anonymous complaints.

## 8. Our approach to handling complaints

### 8.1. Overview

We take a four-tiered approach to complaint handling, as follows:

1. **Resolution at first contact** - The staff member who receives the complaint will assess it and seek to resolve it immediately, if possible.
2. **Investigation, if required** - If the complaint can't be resolved at first point of contact, it will be referred to the appropriate Council officer for investigation.
3. **Internal review** - If the complainant is not satisfied with the resolution offered, or the process or outcome of an investigation, they can request an internal review.
4. **Access to external review** - If the complainant is aggrieved with the process or outcome of the internal review, they will be informed of any external avenues through which they may pursue their complaint.

### 8.2. How we will handle your complaint

Where possible, we will attempt to resolve your complaint at the time you first contact us. If that is not possible, we will escalate your complaint.

#### 8.2.1. First-contact resolution

When you make a complaint, we will record it appropriately. We will assess your complaint to determine how it should be dealt with and aim to resolve your complaint at the time you first contact us. If required, we will contact you to clarify the complaint and the outcome you are seeking. For telephone complaints that we can resolve within the same phone call, we will provide you with a reference number, where practicable, and a written acknowledgment/response if requested by you.

In some cases, it may not be possible to resolve your complaint when you first contact us:

- If Council is not the right organisation to respond to the complaint, we will refer you to an organisation that can help.
- If you have a right to a statutory review of your complaint (such as a right of appeal to VCAT), we may decline to deal with your complaint. We will explain why, and, where possible, inform you of your other statutory appeal options.
- If your complaint requires deeper consideration or investigation, we will refer it to the appropriate Council officer who is a subject matter expert. If a substantive response to your complaint is not possible (or likely) within 20 business days, we will provide a prompt written acknowledgement, including a reference number, an estimate of when we expect to contact you with a resolution and, where appropriate, the name and relevant contact details for the investigating officer.



### **8.2.2. Investigation**

If the first point of contact cannot resolve your complaint, it will be assigned to the appropriate Council officer, who is a subject matter expert for investigation and to make an evidence-based decision.

We will provide you with a written response to your complaint, unless agreed otherwise, and will endeavour to provide this within 20 business days of receipt. If we are unable to provide a response within this timeframe, we will contact you and provide a revised timeframe.

The response provided will contain reasons for the decision made and contact information for the responsible officer. The response will include an explanation of your opportunities to request a review, should you be dissatisfied with the handling or resolution of the complaint.

Complaints that are not resolved within 20 business days will be subject to review and staff may need to escalate the complaint if necessary to ensure that a resolution is expedited.

### **8.2.3. First contact resolution and investigation by Council contractors**

If you make a complaint to one of Council's contractors, the contractor will assess and respond to your complaint in accordance with its own complaint handling process. All complaint outcome letters written by contractors will include the name and contact details of the Council officer to whom you may escalate your complaint, should you be dissatisfied with the outcome of a complaint handled by a contractor. The contractor will notify the Council contract manager of the complaint and its resolution.

### **8.2.4. Internal review**

If you are not satisfied that the complaint has been resolved or was handled correctly, you can request an internal review. To request an internal review, you can contact us via any of the customer contact channels noted in *Section 7.2* and detail the reason(s) why you feel the handling of the complaint or the resolution provided was unsatisfactory and/or unreasonable.

We will apply the following principles to the internal review process:

- The reviewing officer must not have been involved in the original decision, action or investigation.
- All reviewers must recognise and avoid conflicts of interest and perceptions of bias.

We will refer your request for an internal review to the relevant area Manager or Director. If the area Manager or Director was involved in the original decision, action or investigation they will not be involved in the review. In this instance, the Manager Governance and Risk, Director Customer and Performance or the Chief Executive Officer will select another reviewer. Subsequent internal reviews will be conducted at the discretion of the Chief Executive Officer or a Council officer as selected by the Chief Executive Officer.

The relevant area Manager or Director will conduct an independent internal review and will consider:

- The history of the matter, including any findings from any previous investigations (or internal review) and any responses and information provided to the complainant.
- Whether the original decision action or investigation met legal, policy, and procedural requirements.
- Whether the handling and resolution of the complaint (or previous internal review) appears to have been reasonable, fair and objective.

We aim to complete internal reviews within 20 business days of receipt. If we are unable to provide a response within this timeframe, we will contact you and provide a revised timeframe.

Internal reviews may not be available for certain decisions and processes where you have access to a separate statutory or other legislative appeal process such as planning decisions, local laws offences, parking infringements, certain building and health services decisions.

### 8.2.5. External review

If you are not satisfied with Council’s final response to your complaint, you can contact the Victorian Ombudsman’s Office and/or other external agencies to request an independent review or make a complaint.

There are several regulatory bodies that can deal with different complaints about us. Contact information for a variety of relevant regulatory bodies is included in Appendix 3.

## 8.3. Roles and responsibilities

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> <li>• Refer complaints to the organisation through a customer contact channel to ensure the complaint is officially recorded and managed in accordance with this policy and our processes.</li> <li>• The role of Councillors in relation to complaints about operational matters is limited under the Local Government Act. The Mayor and Councillors are prohibited from managing or directing staff in relation to the handling of complaints, and are unable individually to make or overturn operational decisions. Councillors may assist however by providing guidance or assistance to complainants when navigating the complaint process with the organisation.</li> <li>• The role of a Councillor does include participation in the decision-making of the Council. When a complaint arises regarding a Council decision, Councillors can participate in the resolution process by offering insights into their involvement in the decision-making process, as well as their individual or Council's collective reasoning behind a decision.</li> </ul>
Chief Executive Officer	<ul style="list-style-type: none"> <li>• Foster a complaint handling culture that actively adheres to this policy and ensures:               <ul style="list-style-type: none"> <li>○ complaints are resolved within established time frames</li> <li>○ complaints are handled courteously, impartially and assessed on their individual merits and facts</li> <li>○ complaint data is used as the basis for improving services and preventing future complaints.</li> </ul> </li> <li>• Receive and manage escalated complaints and certain complaints received under other policies (e.g. Protected Disclosures).</li> </ul>

Role	Responsibilities
Directors, Managers, Coordinators and Team Leaders	<ul style="list-style-type: none"> <li>• Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the scope of their role.</li> </ul>
All Council staff	<ul style="list-style-type: none"> <li>• Record complaints in accordance with Council’s Records Management Policy.</li> <li>• Receive, investigate, and manage any referred complaints or allocated internal reviews in accordance with this policy.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Assess and respond to complaints in accordance with contractor’s own complaint handling process, ensuring all outcome letters written by contractors in relation to complaints include the name and contact details of the Knox City Council staff member to whom the complainant may escalate their complaint.</li> <li>• Inform the Council contract manager of complaints received in relation to services provided to Council. Where appropriate, complaints may be escalated to the Council contract manager for investigation and management.</li> </ul>

## 8.4. Procedures for specific complaints

### 8.4.1. Complaints alleging corrupt conduct

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

### 8.4.2. Complaints about Councillors

We will acknowledge complaints about Councillors in writing. Complaints about Councillors that relate to routine business or operational matters, will be managed by staff in accordance with this policy, in consultation with the Mayor and Councillors as appropriate.

Recognising the Mayor’s statutory role to promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct, complaints about Councillors that relate to Councillor conduct will be referred to the Mayor. Complaints that relate to the conduct of the Mayor will be referred to the Deputy Mayor. The Mayor or Deputy Mayor will notify the Chief Executive Officer of the complaint.

The Councillor(s) who are the subject of the complaint will be notified by the Mayor or Chief Executive Officer as appropriate, having regard to the circumstances and details of the complaint. The complaint will be recorded in writing and all interactions with the complainant will be documented. Under certain circumstances complaints may be referred to the Local Government Inspectorate.

### **8.4.3. Complaints about the Chief Executive Officer**

Complaints about the Chief Executive Officer conduct are outside the scope of this policy and are to be handled in accordance with the (CEO) Conduct Complaints Policy and Procedure.

Complaints related to alleged improper or fraudulent activity of the Chief Executive Officer are to be referred directly to the Independent Broad-based Anti-Corruption Commission (IBAC).

## **8.5. Remedies**

Where we find we have made an error, we will take steps to redress the situation. Possible remedies available at our discretion, include, but are not limited to:

- An apology.
- An explanation of why the error occurred and the steps taken to prevent it happening again.
- A reversal of a decision.
- Counselling or disciplinary action taken with a staff member.
- Another means of redress requested by the complainant.

## **8.6. Privacy**

We will handle all records in accordance with the Privacy & Data Protection Act 2013 and Council's Privacy and Data Protection Policy and Guidelines. When you make a complaint, we will handle and investigate it in confidence, to the extent possible. All complaints lodged with Council are subject to the Freedom of Information Act, 1982 and therefore confidentiality cannot be guaranteed under the provisions of that legislation.

## **8.7. Record keeping**

We will record all complaints in accordance with Council's Records Management Policy. Complaints within the scope of this policy will be recorded, tracked, and stored in Council's Customer Request System. Some complaint material may also be stored within Council's Document Management System.

Wherever possible, we will keep the following records in relation to all complaints and reviews:

- complainant details
- how and when the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)
- details of the officer(s) responsible for handling the complaint
- details of any action taken and/or how the matter has been investigated, including key dates, contact with the complainant, notes of discussions, investigation response times, copies of correspondence, and the outcome (including the reasoning for the decision)
- when the complaint was finalised
- relevant demographic or other statistical information that could help improve services
- any recommendations for improvement, and who is responsible for implementing them.

## 8.8. Analysing and reporting on performance

The Executive Management Team will be responsible for monitoring and improving the timeliness and efficiency of Council's complaint handling, as well as monitoring trends and patterns in complaints that may identify areas where improvements can be made in Council's service delivery.

## 8.9. Unreasonable complainant conduct

Most complainants act reasonably and appropriately when dealing with Council. However, in the minority of cases some complainants may behave in ways that are considered unacceptable.

When complainants behave in this way, we consider their conduct to be unreasonable. Unreasonable behaviour is that which because of its frequency and/or nature raises substantial health, safety, resource or equity issues for Council, that impacts on staff, volunteers, contractors or Councillors, other service users and/or the complainant themselves.

Our management of unreasonable complainant conduct is informed by the following principles:

- Every complainant deserves to be treated with respect.
- Every staff member, contractor, volunteer and Councillor deserves to be treated with respect.
- Every complainant should have their complaint properly and reasonably considered.
- A complainant whose conduct is unreasonable may still have a legitimate complaint.
- The substance of a complaint dictates the level of resources allocated to it, not the seniority of the person receiving the complaint, or the complainant's identity, wishes, demands or behaviour.

We will manage instances of unreasonable complainant conduct in accordance with our Unreasonable Complainant Conduct Procedures, which include appropriate opportunities for review, and appeal by affected complainants. An explanation of categories of unreasonable complainant conduct and our approach to managing this is included in Appendix 4.

## 9. Administrative updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

## Appendix 1      Difference between a complaint and a request for service

Accurately differentiating between a ‘complaint’ and ‘service request’ is important. One way to do so is to look at whether a person is:

- requesting something additional or new (a request for service)
- reporting what they believe to be a failing or a shortfall (a complaint)
- complaining about a Council’s response to a service request (a complaint).

It should be noted that even if a complaint leads to a service request being lodged, it should still be considered a complaint. Following are some examples of that differentiation:

### Request for Service

### Complaint

My neighbour’s dog keeps barking and I can’t sleep. Can Council do something about it?	Council said my neighbour’s barking dog isn’t breaching the law, but Council is wrong because staff haven’t investigated properly.
There is a pothole on Lewis Road. Can you send someone to fix it?	I reported a pothole on Lewis Road to Council weeks ago and nothing has been done
The same car parks illegally in a no stopping zone in my street every day. Can you send someone to investigate?	I reported an illegally parked car three weeks ago. The same car is still parking illegally every day and no one has been out to investigate.
Can Council mow the lawn at my local reserve?	Council has refused to mow the grass at my local reserve more often. Council is not providing a good enough service.
The branches from the tree on my nature strip need to be pruned as they’re hanging too low over the footpath.	Council doesn’t trim the nature strip trees in my street often enough. I shouldn’t have to call every year and ask for the branches hanging over the footpath to be pruned.
I forgot to put my bin out, can someone come and empty it?	My bin was out but wasn’t collected this morning. Can someone come and empty it?
Can you tell me when my next rates payment is due?	You haven’t sent out my rates notice and they are due for payment next week.
Can you tell me whether a planning permit is required for a pool?	Council’s website doesn’t have enough information about when a planning permit is needed for a pool.
What is the process for objecting to the development application on Burwood Highway?	The Council should not have approved that development on Burwood Highway. <i>Note – refer Section 8.2.3 – if this complaint becomes an “appeal” against that statutory decision, it may fall out of scope.</i>

## Appendix 2      Difference between a complaint and feedback received via a community consultation exercise

Council undertakes a range of community engagement activities facilitating community input into Council decision-making. Such consultation will typically generate a diversity of views. An expression of dissatisfaction received during an engagement process prior to a decision being made does not meet the definition of complaint.

### Stakeholder Feedback during consultation

I am opposed to the proposal to install floodlights at my local sports oval. If you do this the lights will shine into my windows at night.

I am opposed to the proposed budget as the rate rise is too high.

### Complaint

Council has just installed floodlights at my local oval. The engagement process for this decision was inadequate and did not give neighbouring residents an opportunity to have a say before this decision was made.

Council has made a terrible decision by approving this budget. Our rates are too high and Council should be tightening its belt.

## Appendix 3 Regulatory bodies for external appeals

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 <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)</p>	<p>Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a></p>
<p>Breaches of the Local Government Act</p>	<p>Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a></p>
<p>Breach of privacy.</p> <p>Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a></p>
<p>Corruption or public interest disclosure complaints</p>	<p>Independent Broad-based Anti-Corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a></p>
<p>Collection, use and disclosure of information</p>	<p>Office of the Victorian Information Commissioner <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a></p>
<p>Planning or building disputes</p>	<p>Victorian Civil and Administrative Tribunal (VCAT) <a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a></p>
<p>Discrimination</p>	<p>Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a></p>
<p>Disability</p>	<p>Disability Services Commissioner <a href="http://www.odsc.vic.gov.au">www.odsc.vic.gov.au</a></p> <p>Office of the Public Advocate <a href="http://www.publicadvocate.vic.gov.au">www.publicadvocate.vic.gov.au</a></p>
<p>Council elections</p>	<p>Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a></p>
<p>Commonwealth Home Support Program</p>	<p>Aged Care Quality and Safety Commission <a href="http://www.agedcarequality.gov.au">www.agedcarequality.gov.au</a></p>
<p>Home and Community Care Program for Younger People</p>	<p>Victorian Department of Health and Human Services <a href="http://www.health.vic.gov.au">www.health.vic.gov.au</a></p>



## Appendix 4 Categories and our approach to unreasonable complainant conduct

Unreasonable Complainant Conduct can be grouped into five categories:

- 1. Unreasonable behaviour** - conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, volunteers, contractors or Councillors, other service users or the complainant themselves. Some examples include:
  - Acts of aggression, verbal abuse, derogatory, racist, discriminatory or grossly defamatory remarks.
  - Harassment, intimidation or physical violence.
  - Offensive, abusive, confronting and threatening correspondence or behaviour.
  - Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
  - Stalking (in person or online).
  - Emotional manipulation.
  
- 2. Unreasonable persistence** – continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, volunteers, contractors or Councillors, our services, time and/or resources. Some examples include:
  - An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
  - Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
  - Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
  - Reframing a complaint in an effort to get it taken up again.
  - Repeatedly calling, visiting, writing to or emailing (including cc'd correspondence) our staff/organisation/councillors after being asked not to do so.
  - Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.
  
- 3. Unreasonable demands** – are express or implied demands made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, volunteers, contractors or Councillors, services, time and/or resources. Some examples include:
  - Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
  - Insisting on talking to the CEO, Director, or a senior manager personally when it is not appropriate or warranted.
  - Emotional blackmail and manipulation with the intention to generate guilt, to intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
  - Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this.

- Demanding services that are of a nature or scale that Council cannot or does not provide when this has been explained to them repeatedly.
- 4. Unreasonable lack of cooperation** - an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, volunteers, contractors or Councillors, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples include:
- Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this.
  - Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.
  - Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
  - Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
  - Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.
- 5. Unreasonable arguments** - are arguments that aren't based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, volunteers, contractors or Councillors, services, time, and/or resources. Arguments are unreasonable when they:
- fail to follow a logical sequence
  - are not supported by any evidence and/or are based on conspiracy theories or personal belief
  - lead a complainant to reject all other valid and contrary arguments
  - are trivial when compared to the amount of time, resources and attention that the complainant demands
  - are false, inflammatory or defamatory

## Managing Unreasonable Complainant Conduct

In managing unreasonable behaviour we try to ensure that:

- The complainant understands that unreasonable complainant behaviour is a health and safety issue for our staff volunteers, contractors or Councillors, and Council will not tolerate behaviour which unreasonably impacts upon their physical and emotional safety and wellbeing.
- The complainant's expectations are clear and realistic, something which can be determined when contact is made after receiving a complaint.
- Our communication, whether in writing or verbally, is firm and clear.
- The complainant understands what Council can do in relation to their complaint.
- We provide clear reasons for our decisions.
- We avoid unnecessary delays.
- We provide clear guidance and procedures for staff, volunteers and contractors to deal with complaints.

## **Strategies for managing Unreasonable Complainant Conduct**

Strategies for managing Unreasonable Complainant Conduct may include limiting or adapting the ways that the organisation interacts with and/or deliver services to complainants by restricting:

- 1. Who they contact** – e.g. limiting a complainant to a sole contact person/staff member in our organisation.
- 2. What they can raise** – e.g. restricting the subject matter of communications that we will consider and respond to.
- 3. When they can contact us** – e.g. limiting a complainant’s contact with our organisation to particular times, days, or length of time, or curbing the frequency of their contact with us.
- 4. Where they can contact us** – e.g. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
- 5. How they can contact us** – e.g. limiting or modifying the forms of contact that the complainant can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

Any such strategies or protocols will be employed and reviewed in accordance with Council’s Unreasonable Complainant Conduct Procedures, which include appropriate opportunities for review, and appeal by affected complainants.