



# Yarra Ranges Council

## Complaint and Unreasonable Behaviour Policy

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Department:	Customer, Communications & Engagement
Contact Officer:	Customer Insights Coordinator
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# Complaint Policy

## 1. Overview

The Yarra Ranges Complaint and Unreasonable Behaviour Policy (the Policy) describes how we enable, respond to, and learn from complaints, feedback, and compliments from members of the community. The Policy reinforces our commitment to delivering great customer experience across all interactions with our organisation. The Policy is modelled on Victorian Ombudsman best practice and complies with the *Local Government Act 2020*.

## 2. Purpose and objectives

The purpose of the Policy is to:

- i. outline how Council manages complaints from community members. Whilst we always strive to meet our community'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
- ii. outline Council's process to address unreasonable behaviour by community members, including deliberate attempts to disrupt Council business and operations.

### The Policy will:

- protect and promote the community'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 community of the internal and external procedures for managing feedback and complaints;
- 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;
- commit to effective management of and learning from complaints; and
- outline strategies to ensure the health, safety and wellbeing of all parties.

### The Policy shows how we will:

- enable complaints to be made;
- respond to complaints we receive; and
- learn and improve from complaints.

### The Policy helps us to:

- improve standards of services to our community;
- 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.

### The Policy follows the advice of:

- Victorian Ombudsman 'Councils and complaints – A good practice guide 2nd edition July 2021'.
- Victorian Ombudsman 'Good Practice Guide to Dealing with Challenging Behaviour May 2018'.
- Victorian Governments 'Good Practice Guide to Managing Complaints Involving Human Rights, May 2017'.
- Australian Government. National Office of Child Safety. Complaint Handling Guide. Upholding the Rights Children and Young People, 2019.

### 3. Definitions and abbreviations

Term	Definition
<b>Act</b>	<i>Local Government Act 2020</i> <a href="https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/">https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/</a>
<b>Complaint</b>	A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about: <ul style="list-style-type: none"><li>• the quality of an action, decision or service provided by Council staff or a Council contractor;</li><li>• a delay by Council staff or a contractor in taking an action, decision or delivering a service; or</li><li>• a policy or decision made by the Council, Council staff or a Council contractor.</li></ul> A complaint implies an expectation of action and/ or response by the complainant.
<b>Complainant/ Customer</b>	A person or group that interacts with and/or utilises the services of the Council and/or makes a compliment, request for service or complaint.
<b>Council</b>	Yarra Ranges Council.
<b>Councillors</b>	Council's elected representatives (the Mayor and Councillors) or administrator(s) (as the case may be) appointed to act in this capacity.
<b>Council officers</b>	Any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
<b>Council contractor</b>	Any third-party engaged by the Council to carry out functions on the Council's behalf.
<b>Complaint handling process</b>	The way individual complaints are dealt with by Council including the policy, procedures, practices, and technology.
<b>Compliment</b>	An expression of praise for staff, processes or services provided and the experience of the interaction.
<b>Feedback</b>	Feedback may take the form of positive and negative comments about a service, product, experience, or process of Council. The feedback may not require corrective action, change of services, formal decision review, or a response to the provider. Like complaints, feedback provides valuable insight into what matters to the community

Term	Definition
<b>Public interest disclosure</b>	A Public interest disclosure is a complaint of corrupt or improper conduct made against a public officer or public body.
<b>Senior officer</b>	Includes Department Managers, Directors, and the CEO of Council.
<b>Unreasonable complainant conduct (UCC)</b>	<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> <ul style="list-style-type: none"> <li>• Council;</li> <li>• Councillors;</li> <li>• Council officers;</li> <li>• Contractors; or</li> <li>• agents or volunteers, and/or other service users.</li> </ul> <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> <li>• unreasonable persistence;</li> <li>• unreasonable demands;</li> <li>• unreasonable lack of cooperation;</li> <li>• unreasonable arguments; and</li> <li>• unreasonable behaviours.</li> </ul> <p>Some types of behaviour are never acceptable. They include verbal abuse, offensive behaviour, threats, and violence.</p>
<b>Customer management strategy</b>	A strategy put in place to manage UCC. The strategy will be appropriate and proportionate to the type of behaviour.
<b>Unreasonable complaint, also known as Unreasonable Behaviour</b>	<p>A complaint is considered unreasonable when it:</p> <ul style="list-style-type: none"> <li>• is considered frivolous or not made in good faith;</li> <li>• 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);</li> <li>• relates to a matter before a court or tribunal;</li> <li>• relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;</li> <li>• relates to a matter awaiting determination to be made at a Council or Committee meeting;</li> <li>• is not possible to process due to insufficient information provided; or</li> <li>• is made in an offensive, voluminous or otherwise unreasonable manner</li> </ul>

## 4. Scope

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

The Policy relates to all complaints made by customers in relation to Council operations other than those subject to separate statutory or other legislative appeal processes.

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 another part of the Act (Part VI).
- Complaints, reports, or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor

We recognise that complaints about the above 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.

## 5. 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 all 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 investigating the complaint.
- **Consistency** We will ensure that all complaints are investigated, 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 *Information Privacy Act 2000*, *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 *Information 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, learning from, and using complaint data 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 6- 2020). 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.





## 6. How to make a complaint, provide feedback or compliments

Complaints, feedback, and compliments can be made via:

Telephone:	1300 368 333
Online:	<a href="http://www.yarraranges.vic.gov.au">www.yarraranges.vic.gov.au</a> , Facebook <a href="https://www.facebook.com/ycouncil/">https://www.facebook.com/ycouncil/</a> , Twitter <a href="https://twitter.com/ycouncil">https://twitter.com/ycouncil</a> , or Instagram <a href="https://www.instagram.com/ycouncil/">https://www.instagram.com/ycouncil/</a>
Email:	mail@yarraranges.vic.gov.au
Post:	PO Box 105, Lilydale 3140
In person:	At our community Link sites, to any Council Officer or Councillor

### 6.1 Accessibility

- We will accept complaints, feedback and compliments by telephone, email, letter, via our website and in person.
- We will provide support to members of the public to make complaints, if needed e.g., we can lodge a complaint on your behalf over the phone.
- We will accept complaints from authorised representatives if you are unable to make a complaint yourself.
- We accept and act on anonymous complaints, provided we have received enough information to do so.
- We will provide information in various formats including online, print or in person.
- We will ensure that all members of the public, irrespective of age, ability, Indigenous, or diverse cultural backgrounds and faiths, and/or sexual/gender identity can make complaints, in a way that is inclusive, safe and supported, e.g. we can lodge a complaint on your behalf over the phone.
- We use the National Relay Service, communication boards and other aids to communicate with people with hearing or speech disabilities.
- We offer free access to a translator and/or interpreter service.

### 6.2 Information that will help to resolve a complaint

When lodging a complaint, you will be asked for the following information:

- 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.
- Relevant details, such as dates, times, location or reference numbers, and documents that support the complaint.
- The outcome you are seeking.
- Whether you have any communication needs and preferences.



## 7. 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 you about other options.

In line with the Victorian Ombudsman's recommendation and best practice, Council has adopted a 4-tiered approach to managing complaints. This approach provides a pathway for a complaint with each tier representing an escalation point.

### 7.1 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).

It may not be possible to resolve your complaint when you first contact us. Your complaint may require further investigation by a team, Council officer or may need to follow a statutory process.

If we cannot immediately resolve your complaint, we will refer it to the relevant team or manager to investigate. We will then provide details of who you can contact about the investigation.

### 7.2 Tier 2: Investigation

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

An investigation 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 you throughout the investigation and provide a written outcome that explains our decision.

We aim to complete investigations within 15 business days and will let you know if we need more time. We will update you on the progress until the investigation is completed. We will inform you of the outcome of your complaint and explain the reasons why.

As part of our investigation, we will:

- assess the information in your 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 you verbally or in writing of the outcome and our reasons.

### 7.3 Tier 3: Internal Review

If you believe Council officers have made the wrong decision in a complaint investigation, you can request an internal review. This review moves the complaint to Tier 3 and will be initially referred to the Customer Liaison team.

The team will review the request and seek further information if required. The complaint is then referred to a member of an independent panel for review. The panel member will investigate to consider whether the complaint should have been dealt with differently. The panel member must not have had any prior involvement with the complaint and will make an evidence-based decision to uphold or overturn the original decision.

We will inform you of the internal review outcome and explain our reasons within 15 business days of receiving the internal review request. We will let you know if we need more time.

To request an internal review please send your request via email to:

[mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au) for the attention of the Customer Liaison Team.

When requesting an internal review please:

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

### 7.4 Tier 4: External Review

If you remain dissatisfied with a decision made or processes followed via Tier 3 complaint, we will provide you with information on how to seek an external review.

Tier 4 complaints are escalated to an oversight body such as the Victorian Ombudsman or the Local Government Inspectorate, or to a tribunal or court. 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.

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</i> (Vic)	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the Local Government Act	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy.  Complaint about a Freedom of Information application	Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-Corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>

Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>
Breach of Child Wellbeing and Safety Act (2005) Reportable Conduct  Complaints reports or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor	Commission for Children and Young People <a href="http://www.ccyp.vic.gov.au">www.ccyp.vic.gov.au</a>

## 8. How we learn from complaints

Complaints from our customers provide us with valuable feedback about how we are performing.

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 services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. Council's complaint data is published in our Annual Report along with the Victorian Ombudsman's Investigation report into how Council manage complaints.

## 9. Your privacy

We keep your personal information secure. We use your information to respond to your complaint and may also analyse the information you have provided for the purpose of improving services that relate to your complaint. Where we publish complaint data, personal information is removed.

The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* outline our obligations in relation to how we collect, store, use and access the information we hold about you. All information collected is held securely and used solely by Council for a specific and/or related purpose. Council may disclose the information collected to other organisations if required or as permitted by legislation.

When you make a complaint to us, we ask you to provide and will record:

- your name and contact details;
- whether you have any communication or assistance needs that can be accommodated; and
- what you are complaining about.



## 10. Unreasonable Customer Conduct

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 andl, unreasonable, offensive, or defamatory arguments.

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

We recognise that people who demonstrate challenging behaviour often have a legitimate grievance, and our officers will continue to deal with complaints on their merits. In line with the best practice outlined by the Victorian Ombudsman, we will manage challenging behaviour in the following way:

1. Prevent where possible
2. Respond to challenging behaviour by listening, acknowledge concerns and refocus the conversation on to facts relating to the complaint.
3. Manage behaviour that is, or becomes, unreasonable.
4. Limit access as a last resort.

Council officers who have determined a complainant's behaviour is unreasonable should refer the matter to a relevant Senior Officer or to the Customer Insights Coordinator.

### 10.1 Unreasonable behaviour as defined by the Victorian Ombudsman

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

Behaviour	Examples
<b>Unreasonable lack of cooperation</b>	<ul style="list-style-type: none"> <li>• Sending voluminous amounts of information</li> <li>• Providing little or no information about the complaint.</li> <li>• Presenting fragmented information.</li> <li>• Refusing to comply with reasonable requests for information.</li> </ul>
<b>Unreasonable arguments</b>	<ul style="list-style-type: none"> <li>• Insisting on the importance of minor issues.</li> <li>• Making unsubstantiated allegations e.g., bias or corruption.</li> <li>• Insisting on cause and effect' without evidence. I.e., insisting that one thing makes something else happen:</li> </ul>
<b>Unreasonable behaviour</b>	<ul style="list-style-type: none"> <li>• Verbal abuse.</li> <li>• Aggressive behaviour.</li> <li>• Harassment.</li> <li>• Making threats.</li> </ul>

The Senior Officer and/or the Customer Insights Coordinator will review the particulars of the behaviour and determine whether it should be dealt with as unreasonable complainant conduct. If the conduct is deemed unreasonable, the relevant Senior Officer will determine whether the complaint will be further investigated and will advise the complainant accordingly.

## 10.2 Customer Management Strategies

In instances of unreasonable complainant conduct, a Senior Officer may recommend the implementation of a Customer Management Strategy (CMS). These strategies can be applied to an individual customer or a group.

The Policy will consider human rights and does not limit legislative access or service rights but seeks to guide the management of future contact between Council and the person(s) displaying unreasonable complainant conduct.

The Customer Insights Coordinator, under the supervision of the Director Corporate Services, will oversee documentation of all instances of a CMS being imposed. The responsible Senior Officer will inform complainants in writing of the requirements under the relevant CMS and the reasons for taking such steps.

## 10.3 Strategies available

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

- limiting how the complainant may contact Council (e.g., only communicates with Council in writing);
- assigning a specific Council officer who will handle all communications with the complainant;
- Limiting or banning access to certain Council facilities or events, including Council meetings;
- limiting contact and responses on the same or similar issues where the complainant does not provide significant or substantial new information (this may also include Council declining to respond to ongoing correspondence from a complainant);

- limiting the number of issues, we will address in any given period;
- limiting the types of issues Council will address (e.g., we will only address significant or serious-risk issues);
- limiting the times and days that contact will be accepted; and/or
- in extreme circumstances, Council may refer the matter to Victoria Police.

When a CMS with limitations is implemented, further contact will be registered but only responded to if the complainant provides new information that we deem requires attention.

Limitations on the provision of information will not occur if Council officers are required to provide information under a statutory responsibility to provide such information.

## 10.4 Review of Customer Management Strategies

We will review all CMSs (Customer Management Strategies) that limit access to our services. This will happen at least once every 12 months.

Should a customer be dissatisfied with the implementation or extension of a CMS, the customer may request a review. If the complainant is dissatisfied with the review, they may contact the Victorian Ombudsman's Office.

## 11. Policy Modelling and Support Materials

There are ranges of supporting materials, which are referred to within this policy. These include:

- Victorian Ombudsman - Councils and complaints – A good practice guide 2nd edition July 2021 (this includes model complaints policy for Councils)  
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/councils-and-complaints-a-good-practice-guide-2nd-edition/>
- Victorian Ombudsman - Good Practice Guide to Dealing with Challenging Behaviour May 2018  
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/dealing-with-challenging-behaviours/>
- Victorian Governments 'Good Practice Guide to Managing Complaints Involving Human Rights, May 2017'  
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/how-to-manage-complaints-involving-human-rights/>
- Yarra Ranges Council Customer Service Charter  
<https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Customer-Charter#:~:text=Yarra%20Ranges%20Council%20aims%20to,has%20a%20strong%20customer%20focus.>
- Victorian Ombudsman 'Good Practice Guide for Public Sector Agencies, September 2016'  
<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/>
- Equal Opportunity Act 2010  
<https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/equal-opportunity-act/>
- Charter of Human Rights and Responsibilities Act 2006  
<https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014>
- Australian Government. National Office of Child Safety  
<https://childsafety.pmc.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>