

### 5.3 DRAFT COMPLAINTS POLICY

Responsible Senior Officer: Jarrod Doake, Chief Operating Officer

#### **RECOMMENDATION**

*That Council:*

- 1. Adopts the draft Complaints Policy, as attached to this report, for the purpose of inviting public submissions.*
- 2. Invites public submissions on the draft Complaints Policy.*
- 3. Appoints a Committee of all Councillors to consider any public submissions received on the draft Complaints Policy, at 7.00 pm 16 November 2021.*

#### **INTRODUCTION**

Under the *Local Government Act 2020* (the Act), Council must develop and adopt a Complaints Policy.

The policy must be adopted by 31 December 2021.

#### **BACKGROUND/ DISCUSSION**

The Act requires a complaints policy to provide processes for:

- a) dealing with complaints made to the Council; and
- b) reviewing any action, decision or service in respect of which the complaint is made; and
- c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
- d) dealing with complaints about the Council; and
- e) internal reviews of complaints made to a Council.

A complaint, under the Act, includes the communication, whether orally or in writing, to the Council by a person, of their dissatisfaction with:

- 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.

The Policy proposes the adoption of a 4 stage approach to the receipt and review of complaints, to ensure that complaints are appropriately investigated, complainants are communicated with regarding investigation outcomes and likely solutions, and that a review process is available for complainants where they are not satisfied with Council's response.

### ***CONSULTATION***

It is proposed that the draft complaints policy is released for public consultation.

The process will provide for written submissions to be made, with submitters provided the opportunity to appear before a Council-appointed Committee to speak in support of their submission.

Where public health considerations override the ability for a meeting to be held in person, submitters will be able to present virtually to the Council-appointed Committee.

### ***POLICY IMPLICATIONS***

There are no significant implications for other policies. Supporting procedures will be developed at an administrative level.

### ***HUMAN RIGHTS CONSIDERATIONS***

A Human Rights assessment has been undertaken on this policy.

There are no human rights concerns to this policy. The policy seeks to ensure that everyone who requires or needs an action, decision or service from the Council and is not satisfied with that action, decision or service, has the ability to complain to Council or to oversight agencies, if they are not satisfied with Council's response to the complaint.

### ***GENDER EQUITY ASSESSMENT***

The policy is consistent with guidance released in July 2021 by the Victorian Ombudsman (VO), and it is assumed that any gendered implications relating to complaint handling were considered by the VO when she released her guidance.

Any gendered impacts which are identified via public submissions will be considered as part of a formal Gender Impact Assessment prior to final adoption.

***FINANCIAL IMPLICATIONS***

There are no financial implications for this proposal other than minor costs associated with the publication of notices for the public consultation process. These costs can be met from within the existing budget.

***CONCLUSION***

It is recommended that the Council adopts the draft Complaints Policy for the purposes of public consultation.

***ATTACHMENT***

Attachment 1: Draft Complaints Policy.