

Complaint Handling Policy

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Complaints Handling Policy

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Complaints Handling Policy

1. PURPOSE

This policy aims to ensure that the Victorian Planning Authority (VPA) has an open and transparent approach to handling any complaints or feedback we receive from members of the public. The VPA is committed to handling complaints in a constructive way, and to creating a culture that encourages feedback from our stakeholders and the wider public. By following the process outlined in this policy, the VPA will be able to use complaints and feedback as an opportunity to learn from experience and improve the way we engage with external stakeholders and the community.

2. SCOPE

The policy applies to all complaints about the conduct, processes or actions of the VPA. This includes the process the VPA follows in preparing land use and infrastructure plans, the way in which we engage with stakeholders and the wider community, and the conduct of our staff.

The policy does not apply to complaints about planning decisions. The *Planning and Environment Act 1987* provides a clear framework for the preparation of planning scheme amendments, which includes notification of affected parties, public exhibition of documents, public submissions, and review by a panel. Feedback on the substance of planning matters should be made through this process, rather than the complaints process outlined in this policy. Where complaints relate to planning decisions, VPA staff should assist complainants to understand how they can provide feedback on a draft planning scheme amendment.

Complaints relating to conduct by VPA employees that may be regarded as corrupt or specified conduct under the *Protected Disclosures Act 2012* should be directed to IBAC, and may be made as protected disclosures. This provides protection for the person making the disclosure. Please refer to the VPA's Protected Disclosures Policy and Procedures for further information.

3. DEFINITIONS

Complaint – an expression of dissatisfaction with the quality of an action taken, decision made, or service provided by the VPA, or a delay or failure in providing a service, taking an action or making a decision by the VPA.

4. PRINCIPLES

This policy is based on seven guiding principles:

- 1. Commitment**
The VPA is committed to resolving complaints and we have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.
- 2. Accessibility**
People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.
- 3. 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.

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4. Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

5. Privacy

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

6. Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

7. Continuous improvement

Acting on, learning from and using complaint data helps us identify problems and improve services.

5. HOW TO MAKE A COMPLAINT

A member of the public or a stakeholder who is dissatisfied with any aspect of the VPA's work should initially raise their concerns with the relevant VPA staff member who is responsible for the matter. Any feedback that staff receive that could be considered to be a complaint should be dealt with in accordance with the informal complaints section of this policy, below.

If the issue is not resolved satisfactorily, then a formal complaint can be made in a number of ways:

Mail:	Victorian Planning Authority Level 25 35 Collins Street MELBOURNE VIC 3000
Email:	complaints@vpa.vic.gov.au
Internet:	https://vpa.vic.gov.au/contact/
Fax:	(03) 9651 9623

Complaints should include an adequate description of the issues that are the subject of the complaint, and an indication of the desired outcome.

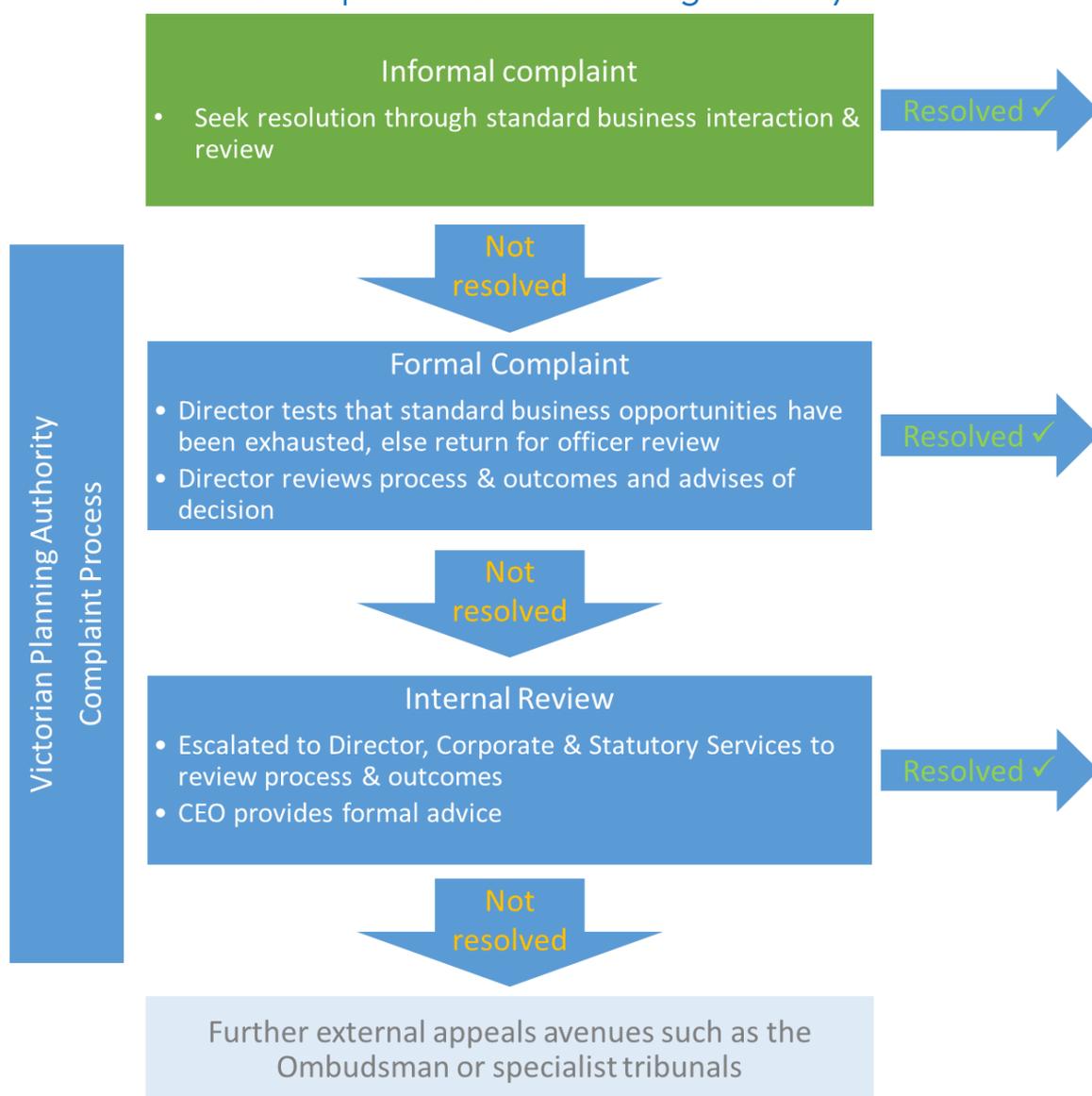
6. COMPLAINT HANDLING PROCEDURE

OVERVIEW

The VPA takes a four-tiered approach to complaint handling, as follows:

1. Informal complaint – resolution by the planning manager or other staff member directly concerned;
2. Formal complaint – Investigation by responsible director, or referred back to frontline staff for resolution
3. Internal review – if complainant is not satisfied with the outcome of the informal resolution or director's investigation
4. External review – complainants are informed of any relevant external review options.

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INFORMAL COMPLAINT

Wherever possible, issues should be resolved by frontline staff before becoming a formal complaint. When receiving any feedback or concerns, the staff member should ensure that they have a clear understanding of the issues that the person would like resolved, and the outcome they are seeking. The staff member may need to clarify this with the complainant before proceeding.

Staff should try to find a solution that:

- Respects the person's viewpoint and acknowledges any errors or shortcomings by VPA;
- Deals with the matters raised objectively and impartially;
- Focuses on the substantive issues raised;
- Considers other parties or interests that may be involved in the matter; and
- Is consistent with Victorian planning policy and legislation.

Where the matter cannot be resolved in the manner that the person is seeking, the reasons for this must be fully explained to them.

If the matter is the responsibility of another organisation (such as a council or another government agency), then the staff member will refer the person to that organisation. In some cases it may be appropriate for the VPA to work with the other organisation to resolve the issue together.

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FORMAL COMPLAINT

If the issue has not been satisfactorily resolved, then the complainant may make a formal complaint to the VPA. The complaint should be referred to the director responsible for the matter for investigation. The director should acknowledge the complaint within 7 days of receipt, and provide a timeframe (up to 28 days) for their response. If any aspect of the complaint is unclear, the director should contact the complainant to clarify the complaint.

The director will provide the complainant with a written response to their complaint, explaining the outcome of the investigation and the reasons for any decision. The director may meet with the complainant prior to this to discuss the outcome of the complaint.

INTERNAL REVIEW

If a complainant is not satisfied with the initial response to their complaint then the complainant can seek an internal review. If the relevant director is aware that a complainant is not satisfied, or if the complainant continues to raise issues that they have already investigated, then the VPA may also initiate an internal review.

The internal review will be overseen by the Director, Corporate & Statutory Services. It is preferable that the review is carried out by officers that have not previously been involved in the complaint, however in some cases the need for specialist expertise may override this. External advice may be sought where appropriate. The complainant will be advised that their complaint is being reviewed internally, and will be provided with a timeframe for response (up to 28 days). The officers conducting the internal review may meet with the complainant to discuss the issues that are the subject of the complaint, and their possible resolution.

At the completion of the internal review an outcome letter signed by the CEO will be provided to the complainant. The outcome of the review is the VPA's final decision on the matter. The outcome letter will advise the complainant of external review avenues.

EXTERNAL REVIEW

Once the internal review has been completed, the VPA will not conduct any further investigation of the complaint. The complainant will, however, usually be able to seek an external review of their complaint by the Victorian Ombudsman. In some cases there may be other specialist complaint bodies that may be able to conduct an external review, such as the Victorian Equal Opportunity and Human Rights Commission (for complaints about discrimination) or the Commissioner for Privacy and Data Protection (for privacy complaints).

7. REMEDIES

Where the VPA has made an error, or has not performed as expected, we will take steps to redress the situation. Possible remedies include:

- An explanation of why the error occurred and the steps taken to prevent it happening again
- Reversal, amendment or reconsideration of a decision or recommendation
- A specific and genuine apology

8. PRIVACY

When gathering personal information to respond to a complaint, the VPA will only:

- Use it to deal with the complaint or to address systemic issues arising from the complaint
- Disclose it in a de-identified format when disclosing data to the public
- Share it with staff on a need to know basis

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9. UNREASONABLE COMPLAINANT CONDUCT

The VPA will not tolerate offensive, abusive or threatening behaviour by complainants. Complainants are expected to show respect to VPA staff and to the process the VPA follows to investigate their complaint. Complainants should not make unreasonable complaints about matters that have already been investigated, or make unreasonable demands on staff time and resources. If a complainant engages in such behaviour, they may be asked to limit their contact with VPA staff. This may include limiting contact to a single designated VPA officer, or refusing to respond to complaints that have already been investigated.

10. TRANSPARENCY

This policy is published on the VPA website to assist stakeholders and members of the public to understand how to make a complaint, and how their complaint is dealt with.

The VPA Board and Executive are to receive a report each quarter on complaints received.

11. RELATED POLICIES

This policy should be read in conjunction with the following VPA policies:

- Protected Disclosures Policy and Procedures

For further information, please refer to the Victorian Ombudsman's guideline:

- Complaints: Good Practice Guide for Public Sector Agencies (September 2016)