

DEPARTMENT PROCEDURE – INTERNAL REVIEW OF COMPLAINTS



APPROVED BY:	LEAD INTEGRITY AND REVIEW OFFICER	APPROVAL DATE:	31 OCTOBER 2024
AUTHORISING OFFICER:	Lead Integrity and Review Officer	REVIEW DATE:	31 October 2024
RESPONSIBLE OFFICER:	Internal Review Officer Review Officer	EXPIRY DATE:	31 October 2025

PURPOSE

The purpose of this procedure is to outline the process followed by the Internal Review Officer when internally reviewing any action, decision or service of the City about which a member of the public has complained, in compliance with the *Local Government Act 2020* and to ensure that the City has a documented complaints review procedure as required under the LGA and the City's *Complaints Policy* (as amended from time to time). Consideration also should be made in reference to any recommendations or learnings from Victorian Government Integrity agencies, good practice guides or other material published time to time by the relevant government bodies.

SCOPE

This procedure applies to dealings with and by the Internal Review Officer in the handling of complaints made to the City by members of the public as contemplated by the LGA and the City's *Complaints Policy*.

This process does not deal with:

- (i) appeals against infringements
- (ii) public interest disclosures
- (iii) complaints about staff behaviour or conduct which fall within the City's employee or workplace relations policies and procedures
- (iv) complaints about decisions made by the elected Council.

REFERENCES

- City of Greater Geelong: *Complaints Policy*
- City of Greater Geelong: *Employee Code of Conduct*
- City of Greater Geelong: *Public Interest Disclosures*
- *Local Government Act 2020* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)

DEFINITIONS

Charter

Charter of Human Rights and Responsibilities Act 2006 (Vic) (Charter)

City

City of Greater Geelong

LGA

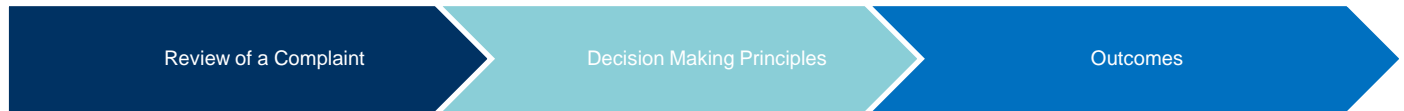
Local Government Act 2020 (Vic)

Working Days

Days when the Internal Review Officer is employed to work.

Procedure summary

This procedure outlines how the Internal Review Officer investigates complaints, responds to members of the public, and reviews the actions, service or decisions of the City referred to the Internal Review Officer.



The key stages of the process include:

- Review the complaint and determine whether staff of the relevant function have had the opportunity to act on or resolve the matter.
- Apply decision-making principles during the review of the complaint.
- Evaluate internal review findings or recommendations and where applicable notify these to the appropriate department for further action and act appropriately.
- Completion of post internal review correspondence and any further administrative actions.

REVIEW OF A COMPLAINT

The City's *Complaints Policy* sets out how complaints about decisions or actions of City staff and contractors can be made and dealt with by the City. The *Complaints Policy* also allows for internal review of a decision by the Internal Review Officer if a complainant is still not satisfied with the outcome.

Once a complaint is referred to the Internal Review Officer it is reviewed to determine if staff of the relevant function have in fact had the opportunity to act on or resolve the matter as per the complaints policy. If the complaint procedure has not been followed, the Internal Review Officer will refer the matter back to the appropriate department for further action.

The Internal Review Officer with consultation of the Lead Integrity and Review Officer also considers whether the complaint should be considered a disclosure for the purposes of the *Public Interest Disclosures Act 2012 (Vic)*. Where appropriate the matter may require further assessment by the Lead Integrity and Review Officer, as per the *Public Interest Disclosure procedure*.

If the complaint involves allegations about a member of staff's conduct, the Internal Review Officer after consultation with the Lead Integrity and Review Officer may refer the matter to the City's People and Culture team for investigation.

The Internal Review Officer may also decline to reviewing a complaint in the following circumstances:

- The complaint does not contain sufficient information or detail to permit it to be investigated.
- The subject matter of the complaint has already been reviewed or investigated by the Internal Review Officer, and there is no new information or issue of substance provided by the complainant.
- The complainant has referred the complaint to the Victorian Ombudsman's office or any other relevant government body and until the matter has been assessed or the Internal Review Officer is updated on the determination of the ownership of the complaint.
- The complaint relates to a matter that should be determined in a more appropriate forum, for example, a court of law or a regulator. An example might be a complaint about the handling of a privacy related matter or a request under freedom of information laws.

- The complainant's conduct is unreasonable. Examples of unreasonable complaint conduct are set out in the *Complaints Policy*.

If the Internal Review Officer considers that the complaint does require an internal review of an action, decision or service provided by the City, the Internal Review Officer will apply this process.

1. The complaint is acknowledged in writing via email by the Internal Review Officer within 5 working days, and the scope of the internal review process.
2. Relevant documentation and information are identified and reviewed.
3. Additional information from staff of the City is obtained, if appropriate or required.
4. Additional information from third parties is obtained, if appropriate or required.
5. If considered necessary by the Internal Review Officer, an arrangement is made to meet with the complainant to discuss concerns, or personally inspect relevant sites.
6. Having regard to the Charter and LGA, and in accordance with the "Outcomes" set out below, determine the most appropriate, fair and reasonable decision.
7. Disseminate the findings of the review with the relevant internal stakeholder and make recommendations where applicable as a review outcome. These recommendations must be recorded as part of the file for the review of the complaint and in the internal review recommendation register.
8. The relevant manager or staff member may be notified of the recommendation where it does not prejudice any internal further action.
9. Advise the complainant of the Internal Review Officer's conclusions and recommendations relevant to their complaint.

DECISION-MAKING PRINCIPLES

The Internal Review Officer will apply the following principles when undertaking a review of a complaint:

1. The Internal Review Officer must first assess whether any conflict of interest exists for the Internal Review Officer before reviewing or investigating a matter. If the Internal Review Officer has any conflict of interest, it must be declared and notified to the Lead Integrity and Review Officer. If the conflict cannot be managed, then the Internal Review Officer must remove themselves and the Lead Integrity and Review Officer will determine how the review will be managed.
2. The scope of the internal review is to evaluate how the matter which is defined as a 'complaint' was investigated or resolved holistically. The review is not restricted to the complainant's disagreement with a specific decision made by the City.
3. The Charter must be considered before a decision is made by the City. If a Charter right is relevant to the complaint, then the City decision-maker should have identified whether that right has been engaged or limited and if so, that it was reasonable and necessary in the circumstances.
4. All relevant information should be identified and considered.
5. Information is to be assessed from an objective and impartial point of view.
6. Regard should be had to any applicable City procedures, policies, guidelines or processes, and whether these have been followed.

7. Decisions made by the City should be fair and reasonable in all the circumstances, , in conjunction with applicable City policies and procedures. They should reflect, so far as is reasonably practicable, the overarching governance principles and supporting principles set out in the LGA.
8. Actions or services provided by the City should be reasonable in all the circumstances. They should reflect, so far as is reasonably practicable, the overarching governance principles and supporting principles set out in the LGA.

OUTCOMES

The Internal Review Officer can do one or more of the following after having reviewed and/or investigated a complaint:

1. Communicate directly with the complainant and where applicable apologise on behalf of the City if appropriate.
2. Confirm the City's decision.
3. Where applicable recommend an alternative course of action to the relevant internal stakeholder and record appropriately.
4. Inform the complainant of the Internal Review Officer's findings and any recommendations where applicable.
5. Refer the matter to the Victorian Ombudsman, IBAC, Local Government Inspectorate.
6. Suggest to the City or the complainant that input or assistance from other relevant third parties is sought.
7. Suggest ideas or actions to the City to promote continuous improvement.
8. Refer the complainant to the Victorian Ombudsman for further action or other relevant regulator (IBAC/Local Government Inspectorate) if applicable.

The Internal Review Officer is not permitted to disclose confidential legal advice or commercial in confidence information belonging to the City to the complainant without written consent from the City's Chief Legal Counsel or the CEO or as compelled by law.

The Internal Review Officer is not permitted to disclose personal information of third parties to the complainant without first obtaining the consent of those third parties or as compelled by law.

POST ADMINISTRATIVE ACTIONS

At the completion of a complaint the Internal Review Officer may conduct the following:

1. Provide an outcome letter to the complainant, with the decision of the Internal Review Officer and any recommendations made.
2. Further communication where applicable is provided to the complainant about external agency complaint or appeal processes.
3. Ensure that all electronic records and documentation are stored confidentially and correctly within the appropriate information security system.
4. Where applicable notify the Lead Integrity and Review Officer about any emerging issues or integrity risks identified from the internal review..

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 (VIC)

Consideration must be made to the Charter during all stages of the Internal Review Process.

ROLES AND RESPONSIBILITIES

ROLE	KEY RESPONSIBILITIES
INTERNAL REVIEW OFFICER	<ul style="list-style-type: none">• Conducting an impartial investigation into the referred complaint and maintaining records of such an investigation.• Making recommendations to relevant staff of the City following an investigation into a complaint, having regard to the Charter and the LGA.• Acknowledging receipt of the complaint within 5 working days and informing the person / party making the complaint of the outcome within 30 working days, or, if this timeframe cannot be adhered to, informing the complainant of the revised timeframe.• Ensuring that all information gathered in the course of an investigation is handled in accord with the provisions of the <i>Privacy and Data Protection Act 2014</i> (Vic) and is treated with the appropriate confidentiality.• Assessing complaints to determine if they are disclosures under the <i>Public Interest Disclosures Act 2012</i> (Vic) and if so, dealing with them in accordance with the Public Interest Disclosures Procedure.• The Internal Review Officer has the authority to obtain any information from within the organisation that may assist with an investigation or review of a complaint, and to authorise payment for services directly required for the gathering of information relevant to the internal review of a complaint within the Internal Review Officer's authorised delegation.
INTERNAL STAKEHOLDERS	<ul style="list-style-type: none">• Co-operating in a timely manner with any reviews conducted by the Internal Review Officer.• Responding to the Internal Review Officer's conclusions and/or recommendations following an investigation, as appropriate.

REVIEW

This procedure must be reviewed at least every 2 years, any time the *Complaints Policy* is updated or any other time as required.