

# Complaints Policy

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<b>Policy Reference No.</b>	POL/299
<b>File No.</b>	HCC21/1189
<b>Strategic Objective</b>	3.2 – Deliver responsible and transparent governance, services and assets that respond to community need
<b>Adopted by Council</b>	20 December 2021
<b>Re-Adopted Date for Review</b>	20 June 2023
<b>Responsible Officer</b>	Manager Customer Experience
<b>Department</b>	Customer Experience

# COMPLAINTS POLICY

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## 1 POLICY STATEMENT

- 1.1 Dealing with complaints is a core part of Council business, and supports us in our efforts to continually improve our service delivery and respond to customer expectations. We value complaints and encourage people to contact us when they have a problem, concern or feedback about 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 soon as possible
  - learning from complaints to improve our services.
- 1.2 Council will treat every complaint we receive on its individual merits, through clear and consistent processes.
- 1.3 Complaints will be responded to in a timely manner, and we will work with the complainant to try and resolve any issues as quickly as possible.
- 1.4 This policy should be considered in conjunction with the Victorian Ombudsman's *Councils and complaints – a good practice guide 2nd edition (26 July 2021)*, and the following Council documents:
- Dealing with Difficult and Vexatious Customers Policy
  - Councillors Code of Conduct
  - Staff Code of Conduct
  - Governance Rules.

## 2 PURPOSE

- 2.1 The purpose of this Complaints Policy is to outline how Hume City Council manages complaints received from members of the public.

## 3 SCOPE

- 3.1 This complaints policy applies to all complaints from members of the public about Council services, actions, staff, contractors, and decisions made through Council meetings.
- 3.2 This policy does not apply to complaints about individual Councillors. Complaints about individual Councillors will be dealt with through the Councillors Code of Conduct, and Governance Rules.
- 3.3 This policy does not apply to internal complaints made by staff, agency staff, contractors or Councillors (in their capacity, role or functions as a Councillor). Internal complaints will be managed in accordance with organisational policies, guidelines, procedures, and codes of conduct or Governance Rules.

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## 4 WHAT IS A 'COMPLAINT'?

- 4.1 The *Local Government Act 2020* (section 107(3)), defines that a complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:
- the quality of an action, decision or service provided by Council staff or a Council contractor
  - a delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
  - a policy or decision made by the Council, Council staff or a Council contractor.
- 4.2 The definition of complaint does not take into account:
- the merit of the complaint, or issue complained about, or
  - the complainant's motivations.
- 4.3 Council has an obligation to effectively record and differentiate between a 'complaint' and 'service request'. One way to distinguish a service request from a complaint is to look at whether a person is:
- requesting something additional or new (a service request)
  - seeking assistance or advice (a service request or referral to another agency)
  - seeking information about a service or something that Council has responsibility for (a service request)
  - reporting what they believe to be a failing or a shortfall of a Council service (a complaint)
  - complaining about a Council's response to a service request (a complaint).

The following table outlines several examples of differences between a complaint and a service request:

Complaint	Service request
My bin was missed this morning. Can you pick it up?	I forgot to put my bin out, can someone collect it?
I reported a cracked footpath six months ago but I haven't heard anything more about it, it hasn't been fixed, and is getting worse.	Can Council fix a crack in the footpath out the front of my house?
My rates notice was due last week, but I still haven't received it.	When is my next rates instalment due?
A Council tree branch has fallen and broken my fence.	A Council tree branch has fallen and needs to be removed from my nature strip.

- 4.4 For the purposes of this policy, the definition of a complaint does not include feedback provided through customer satisfaction or experience surveys/research, or program and service evaluations undertaken as part of improving Council's overall customer experience or service planning.

## 5 OBJECTIVE

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## COMPLAINTS POLICY

5.1 The objectives of this policy are to:

- put in place an open and transparent complaint handling system
- ensure staff handle complaints consistently, respectfully and objectively
- set timeframes for resolving complaints
- clarify the roles and responsibilities of Council staff
- establish how Council staff record and analyse complaint data to identify where we can improve our services
- ensure we meet our Council Plan’s Strategic Objectives to “deliver responsible and transparent governance, services and sustainable assets that respond to community needs”, and “advance organisational high-performance through innovation and partnerships”.

## 6 POLICY PRINCIPLES

Principle	Description
Commitment	We are committed to resolving complaints and will foster a culture that recognises an individual’s right lodge a complaint or suggestion for improvement. We value complaints, and recognise the important role they make in supporting improvements to service delivery, and the customer experience Council provides to our community.
Accessibility	Council’s complaints handling procedures will ensure that people with a range of needs can easily lodge a complaint, and that staff will actively assist them to navigate the complaints process.
Transparency	We will make it clear on the ways to make a complaint, where to direct a complaint, and how the complaint will be handled. The steps taken to respond to a complaint are recorded, and will stand up to scrutiny. We will ensure that when responding to a complaint, that we provide information on the rights for a review if a complainant is unsatisfied with how their complaint was handled.
Objectively and fairness	Complaints are dealt with courteously, impartially, within established timeframes, and are assessed on merit.
Privacy	Complaint information is handled according to privacy laws and other relevant legislation. Where a complaint is about another person or property, we are required to protect the privacy of both the complainant, and also the subject of the complaint. We will provide clear information about how we handle personal information. Complaint information may be used for follow-up consultation and research to improve service delivery, and complaint data will be de-identified if reported for statistical purposes or performance reporting. We accept that some individuals may wish to make anonymous complaints, and we will ensure our complaints procedures accommodate this.
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.
Customer insights and Continuous improvement	We regularly analyse complaint data to find trends and customer insights to find ways to continuously improve how we operate and deliver our services. We will foster a culture that views complaints as a positive opportunity for improvement, and will constructively use

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Principle	Description
	complaints information to implement changes to improve our overall customer experience.

## COMPLAINT HANDLING PROCEDURE

### 7 HOW TO MAKE A COMPLAINT

#### 7.1 Submitting a complaint:

Preferred options	
Online via Council's website	<a href="https://www.hume.vic.gov.au/Your-Council/Contact-Us">https://www.hume.vic.gov.au/Your-Council/Contact-Us</a> - via the 'Share your feedback link'
Telephone	03 9205 2200  Translating Interpreting Service - 131 450 TTY Phone (Teletypewriter) - 1800 555 677 National Relay Service (NRS) - 133 677
In person	Via a Council Customer Service Centre.  Visit <a href="https://www.hume.vic.gov.au/Your-Council/Contact-Us">https://www.hume.vic.gov.au/Your-Council/Contact-Us</a> for locations and opening hours.
Alternative options	
Consistent with our policy principle of 'accessibility', Council will accept complaints through informal channels, either in writing or verbally. These include, but are not limited to:	
Face-to-face with any Council Officer or Councillor	Downloadable paper-based forms
Written letters or emails to any Council Officer or Councillor	Council managed social media pages/sites
Through a carer, advocate or support person	

All reasonable efforts will be made to assist complainants with specific needs. This may include providing an interpreter or translator, ensuring complainants can be represented by an advocate of their choice, and providing straightforward and easy to read information in plain language.

#### 7.1.1 Submitting an anonymous complaint:

While Council encourages complainants to provide their contact details so that further information can be sought if required, we also understand that some people may wish to make an anonymous complaint.

Council will endeavour to investigate anonymous complaints as far as possible, however complaints that are anonymous may mean that Council Officers are unable to consult further with the complainant, or seek additional information which may be required to assist the investigation of the complaint.

For the protection of privacy, where an anonymous complaint has been lodged, Council Officers will usually not be able to provide further updates about the complaint to any person enquiring on the status of the complaint investigation.

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## 8 HOW WE HANDLE COMPLAINTS

8.1 We will acknowledge complaints within five business days, or within ten business days if the complaint is received via mail.

Where we cannot resolve the complaint immediately, we will aim to provide a resolution, or course of action to resolve the complaint, within ten business days.

The nature of some complaints may require more complex or formal investigations, and may not be able to be resolved within ten business days. Where additional time is required to investigate a complaint, the complainant will be kept informed of our progress and provided with:

- the estimated length of time it may take to resolve the complaint,
- when the complainant may expect an update on the progress of their complaint investigation,
- the name, position and contact details of the person responsible for resolving the complaint.

8.2 Complaints will be managed through a four-level approach, as outlined in the table below:

Level	Our commitment, we will....	Who is responsible	Expected timeframes
<p><b>Level 1: Frontline resolution</b></p> <p><i>Complaints about basic service failures, delays or inaction of services or decisions.</i></p>	<ul style="list-style-type: none"> <li>• Provide a reference number</li> <li>• Make sure we take time to understand the issue, and the complainant's desired outcome</li> <li>• Provide a response or resolution timeframe</li> <li>• Outline the complaints process, including rights for internal review</li> <li>• Communicate the outcome*</li> <li>• If Council is not the right organisation to respond to the complaint, frontline staff will try to provide advice to the complainant who the correct organisation or agency is.</li> </ul>	Frontline staff and officers who are responsible for receiving and managing complaints.	<p>An acknowledgement within five business days.</p> <p>A resolution, or course of action provided within 10 business days.</p>
<p><b>Level 2: Investigation and assessment</b></p> <p><i>Complaints that:</i></p> <ul style="list-style-type: none"> <li>• are unable to be resolved by frontline staff (Level 1 complaints).</li> <li>• are unable to be resolved to the satisfaction of the complainant.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide a reference number</li> <li>• Make sure we take time to understand the issue, and the complainant's desired outcome</li> <li>• Provide a response or resolution timeframe</li> <li>• Outline the complaints process, including rights for internal review</li> <li>• Communicate the outcome*</li> </ul>	Supervisors or managers of the relevant service areas	<p>We will aim for a resolution, or course of action, within 10 business days.</p> <p>More complex complaints may require more time.</p> <p>Where more time is required to investigate complaint, we will update you every</p>

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Level	Our commitment, we will...	Who is responsible	Expected timeframes
<ul style="list-style-type: none"> <li>relate to dissatisfaction with decisions made in line with Council Policy.</li> <li>focus on staff conduct.</li> </ul>			15 business days until the investigation is completed
<p><b>Level 3 – Internal Review</b></p> <p><i>Where a complainant is dissatisfied with how the complaint was managed, or the decision made in response to the complaint.</i></p>	<ul style="list-style-type: none"> <li>Provide a reference number</li> <li>Provide a response or resolution timeframe</li> <li>Ensure the review is independent of the person who took the action, made the decision, or provided the service</li> <li>Communicate the outcome*</li> <li>Provide information on external review options.</li> </ul>	<p>Manager Customer Service, or...</p> <ul style="list-style-type: none"> <li>If the complaint relates to Customer Service, the Manager Governance</li> <li>If the complaint relates to staff conduct, the Manager Human Resources.</li> </ul> <p>Directors or CEO.</p>	<p>Within 28 business days.</p> <p>Where more time is required to investigate complaint, we will notify you and provide updates every 20 business days until the investigation is completed</p>
<p><b>Level 4 – External Review</b></p> <p><i>Where a complainant is dissatisfied with the outcome or process of an internal review and a resolution cannot be reached, or if the complainant wishes to have their complaint referred to an external agency.</i></p>	<ul style="list-style-type: none"> <li>Provide information on how to contact an external agency – see Appendix 2</li> </ul>	<p>Victorian Ombudsman, or...</p> <p>Other external agencies such as, but not limited to, the Victorian Human Rights, Disability Services or Gender Equality Commissioners.</p>	Not applicable – refer to the relevant external agency.

\* Due to privacy requirements, and if a complaint is about another person or private property, communication on the outcome of the complaint may be limited to advising the complainant that the investigation has been completed.

## 9 RECORDING AND DOCUMENTING COMPLAINTS

9.1 When we are contacted about a complaint, we will record the complaint in our Customer Request Management (CRM) system, and a reference number will be created and provided to the complainant. We will record:

- The complainant's details (unless the complaint is anonymous)
- A description of the complaint or issue to be resolved
- The complainant's desired outcome, if known
- Any action taken, or information to help resolve the complaint, including follow-up conversations or correspondence
- How the complaint was resolved (subject to privacy limitations), and the date of resolution.

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9.1.1 Where further correspondence with a complainant is required (emails or letters), in addition to recording this information within the CRM, this correspondence will also be recorded in Council's Record Management System, and include the complaint reference number.

### 10 VEXATIOUS AND UNREASONABLE COMPLAINTS

10.1 Council is committed to balancing the rights of the public to make complaints, with Council's obligations to maintain a safe and respectful workplace for our staff, contractors, and Councillors.

10.2 Council takes a zero-tolerance approach to members of the public, or complaints, which are threatening, intimidating, extremely offensive or which can have occupational health and safety risks for Council officers or others. Where a member of the public or a complaint is determined to be vexatious, unreasonable or threatens the health and safety of others, Council's *Dealing with Difficult and Vexations Customers Policy* (POL/228) will apply.

### 11 DISCRETION TO REFUSE A COMPLAINT

11.1 Council may refuse to deal with a complaint which is otherwise subject to a statutory or judicial review, or in circumstances where Council's *Dealing with Difficult and Vexations Customers Policy* (POL/228) applies.

11.2 Where item 11.1 above applies, Council will advise the complainant of the reason for refusing the complaint, and reserves the right to not respond to any further communication on the specific matter, unless otherwise legally obliged.

### 12 POLICY IMPLEMENTATION

#### 12.1 Roles and Responsibilities

Role	Responsibilities
Frontline staff and Council Officers (including agency staff and contractors)	Frontline staff at Council's customer service centres and staff who have direct contact with customers and clients are responsible for recording and clarifying complaints when received by members of the public.  Where possible these staff, along with Council Officers responsible for service delivery should aim to resolve the issue or complaint in the first instance.
Supervisors and managers	Assist frontline staff and officers to find a reasonable solution which is responsive to the complainant's expectations, and consistent with Council's policies, guidelines, and resources.  Supervisors and managers are responsible for managing the investigation and assessment of Level 2 complaints, where frontline staff were unable to resolve the complaint. This includes communicating timeframes, next steps and outcomes of any Level 2 complaint, and advising a complainant of their rights for an internal review should they be unsatisfied with the outcome.
Manager Customer Service	Oversees the Complaints Policy on behalf of Council, including its implementation and development of internal processes and procedures.  The Manger Customer Service is also responsible for leading and/or coordinating the management Level 3 complaints (Internal Reviews) with the support and guidance of relevant Directors or the CEO. This excludes internal reviews directly related to the Customer Service team or those related to staff code of conduct.

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Role	Responsibilities
Manager Governance	Is responsible for leading and/or coordinating the management Level 3 complaints (Internal Reviews) that are related to the Customer Service team, or complaint referrals related to Councillors' Code of Conduct or Governance Rules.  The Manager Governance may also support the Mayor with Level 3 complaints that are related to the CEO.
Manager Human Resources	Is responsible for leading and/or coordinating the management Level 3 complaints (Internal Reviews) that are related to staff code of conduct.  The Manager Human Resources may also support the CEO with any complaints made against a direct report of the CEO, or the Mayor if the complaint is about the CEO.
Manager Organisational Performance & Engagement	Supports the analysis and performance reporting of customer complaints and more broadly, customer experience insights and research.  Complaint data will be regularly analysed to find trends and customer insights to continuously improve customer experience and the planning, design and delivery of Council services, and foster a culture of continuous improvement.
Directors	Directors who have not been involved in, or are not the subject of a complaint, are responsible for supporting or undertaking an Internal Review (Level 3 complaints). This may include making recommendations to the CEO.
Chief Executive Officer	The CEO fosters a work culture where complaints are valued, and encourages an environment where complaints are handled fairly and comprehensively.  The CEO will oversee and manage any complaints made against a direct report of the CEO.
Mayor	The Mayor is responsible for managing and overseeing any complaints made against the CEO with support and guidance from the Manager Governance or Manager Human Resources.
Councillors	Councillors are responsible for ensuring that all complaints received from members of the public are directed to customer service or Councillor support staff to record and action.

12.2 This policy will be communicated to all Council staff. A process for managing and recording all complaints within Council's Customer Management System will be put in place within six months of adoption of this Policy. This will include the acknowledgment and communication of resolutions to complainants.

### 13 DEFINITIONS AND ABBREVIATIONS

- 13.1 'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
- 13.2 'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.
- 13.3 'the Council' means the body of elected Councillors.

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## 14 RELATED DOCUMENTS

### 14.1 Legislative requirements

- Local Government Act 2020
- Public Interest Disclosures Act 2012
- Privacy and Data Protection Act 2014
- Health Records Act 2001
- Victorian Charter of Human Rights and Responsibilities Act 2006
- Health Complaints Act 2016
- Infringement Act 2006
- Ombudsman Act 1973

### 14.2 Council Policies

- Dealing with Difficult and Vexatious Customers Policy
- Infringement Management Policy
- Privacy Policy
- Public Transparency Policy
- Child Safe Policy
- Street and Reserve Tree Policy
- Employee Code of Conduct

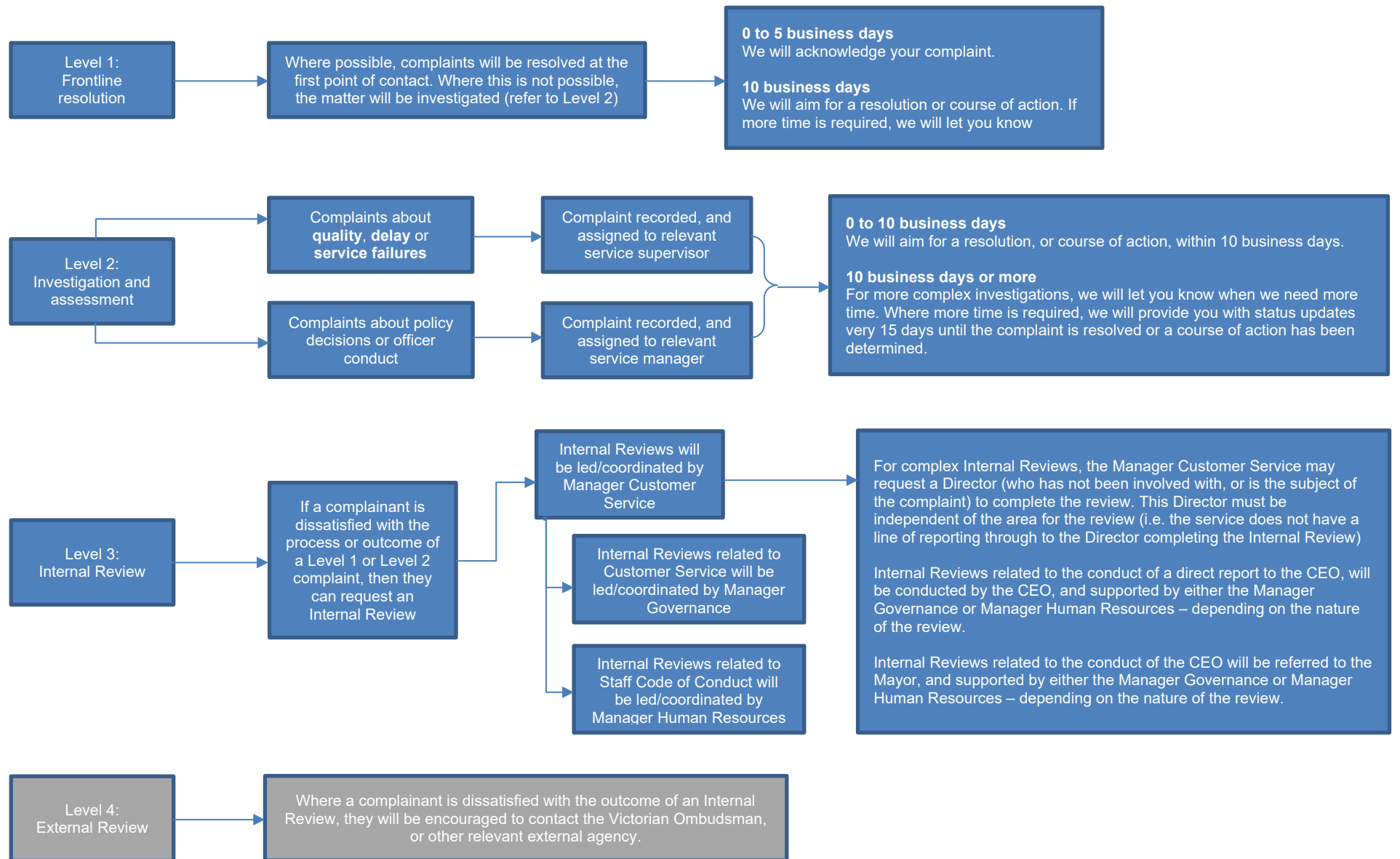
### 14.3 Other supporting information

- Victorian Ombudsman *Councils and complaints – a good practice guide 2<sup>nd</sup> edition*, 26 July 2021.

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# Appendix 1 – Complaints Procedure Diagram



## Appendix 2 – External Review Agencies

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 Acts</p>	<p>Local Government Inspectorate  <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a></p>
<p>Breach of privacy.            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 ('whistleblower') 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>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>Council elections</p>	<p>Victorian Electoral Commission  <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a></p>