



Banyule
CITY COUNCIL

Complaints Management Policy and Guidelines

Complaint Management Policy and Guidelines

City Plan Reference

Our City Plan, underpinned by our vision and principals, gives us clear areas of focus and guides us as we strive to achieve the best we can for our community

Our role is to locally govern for all residents, visitors and ratepayers, and provide a range of programs and services that meet the needs of our community.

The objectives and key directions under the themes of 'Performance' and 'Participation' highlight key links to managing complaints:

Performance

- Develop and deliver best value services and facilities
- Enable good governance and accountability with minimal risk.

Participation

- Provide outstanding communications and Customer Service.

Another key link to our City Plan is through our principles, specifically:

- Maintaining our community's trust.

Introduction

We provide an extensive range of services to the community. We value our customers and are committed to providing a high standard of service, ensuring consistency in service delivery in line with our Customer Service Charter.

If our service falls short, or we make a mistake, we encourage customers to contact us directly so we can resolve the issue promptly.

The aim of this policy is to provide Council's customers with a fair, consistent and structured process for handling complaints if they are dissatisfied with a service, action or decision of Council.

We are committed, at all levels of the organisation, to efficiently, impartially and courteously resolving complaints.

Emphasis will be placed on resolving complaints as quickly as possible. However, where complaints cannot be settled quickly or easily, we will ensure that they are dealt with through appropriate, more formal procedures.

Application period

Date policy/strategy approved by Council:

Date policy/strategy due for review:

Other Relevant Documentation

- Banyule Customer Service Charter
- CD5975 Information Privacy Guidelines
- CD5508 Community Charter
- CD15753 Staff Code of Conduct
- City Plan 2013-2017 Year 3
- CD15487 Protected Disclosures Procedures of Banyule City Council
- CD13059 Human Rights Guidelines for Staff
- 05230 Equal Employment Opportunity Policy and Guidelines
- CD14841 Bullying and Harassment Policy

Legislation/Regulations Reference Documents

- *Protected Disclosures Act 2012*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2013*
- *Local Government Act 1989*
- *Competition and Consumer Act 2010*

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Abbreviations and key terms used in this policy

The following abbreviations and key terms are used in this policy:

- Complaint:** an expression of dissatisfaction with:
- The quality of an action taken, decision made, or service provided by a council or its contractor.
 - A delay or failure in providing a service, taking an action, or making a decision by a council or its contractor.
 - Failing to adhere to frameworks when they have been clearly stated.

A complaint is not a request for service.

The table below illustrates the differences between a complaint and a request for service.

- A request for service:** a request for Council to:
- provide a service
 - provide advice
 - conduct an investigation
 - advocate on behalf of a customer
 - provide a referral
 - enforce a statutory provision.

- Customer** an individual or business who:
- uses Council services.
 - provides a service to Council.

Frontline Resolution Resolving the complaint at the first point of contact with the customer, either by the member of staff reviewing the complaint or other identified staff.

Complaint to be dealt with according to Council's complaint handling policy	Request for service
Council has said a neighbour's barking dog isn't breaching noise laws, but I think the council is wrong and they just haven't investigated the situation properly.	My neighbour's dog keeps barking and I can't sleep. Can council do something about it?
I reported a pothole on Waterdale Road to the Council six weeks ago. I haven't heard anything since and it still hasn't been fixed.	There is a pothole on Waterdale Road. Can you send someone to fix it?
I reported an illegally parked vehicle outside my property three weeks ago. The car is parked in a clearway. No one has come out to investigate and the car is continually parking there.	There is a car parked illegally in a clearway outside my property. Can you send someone to investigate?

1. Policy Statement

Our Complaint Handling Policy provides information about the framework that is in place for handling customer complaints. All complaints will be dealt with in accordance with the principles outlined in this policy.

2. Purpose

The Complaint Handling Policy outlines Council's approach to providing a fair, consistent and structured process for customers dissatisfied with an action, decision or service.

This policy has been produced to detail the processes and stages used by our staff to manage complaints.

3. Objectives of Policy

This policy aims to:

- Establish an open and transparent complaint handling system.
- Specify the key performance indicators to which we will hold ourselves accountable.
- Establish timeframes for resolving complaints.
- Clarify the roles and responsibilities of staff.
- Ensure staff handle complaints fairly and objectively.
- Set out how staff record and analyse complaint data to identify where we can improve services.

4. Guiding Principles

This policy is based on seven principles:

1. Commitment

We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.

We aim to achieve frontline resolution, resolving complaints for the public as quickly as possible and, where complaints cannot be settled in the first instance, ensuring they are dealt with through appropriate, more formal procedures.

2. Accessibility

We aim to make the Complaint Management Policy and Guidelines accessible to the public so people can easily find out how to complain and how we can assist them with the complaint process. We understand the diverse needs of the community and therefore provide a range of ways for people to lodge complaints.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. It also ensures the steps taken to respond to

a complaint are recorded and will stand up to scrutiny. We report on complaints in our Annual Report.

4. **Objectivity and fairness**

We resolve complaints fairly, with respect and courtesy, and complaints are judged on merit and fact. We maintain impartiality, confidentiality and transparency when we manage complaints and pro-actively represent the best interests of our community.

5. **Confidentiality and Privacy**

The complaint handling system protects the personal information of people making a complaint, and our staff are only informed on a 'need to know' basis. We will handle all records in accordance with the **Privacy & Data Protection Act 2013**.

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 our decisions are subject to appropriate review processes.

7. **Continuous improvement**

We are committed to working with the community to improve our services and regularly analyse complaint data to find ways to improve how we operate and deliver our services. We also consult with our community to determine their expectations and values and then implement changes.

5. **Scope**

This policy applies broadly to all complaints falling under our responsibility.

This policy does not apply to complaints that are required to be handled according to the requirements of other legislation, such as:

- infringements
- planning matters
- health
- whistleblowing
- corrupt conduct
- complaints about councillors

(refer to attachment I – Complaints and Resolution External Body)

Where a complaint does not fall within our responsibility, we will endeavour to direct the customer to the appropriate authority of service provider for resolution.

6. Roles and Responsibilities

Our roles and responsibilities when managing complaints include:

Internal Responsibilities

Frontline Staff

- Receiving the complaint and where possible resolving it at the point of contact, within the scope of their role.
- Complying with this policy.
- Ensuring complaints are recorded in the Customer Request Management System (CRM).
- Escalating complex complaints to the appropriate senior manager.

Managers and Directors

- Investigating the matter and contacting the complainant where a complaint is escalated to them because it cannot be resolved by frontline staff. Complying with the policy.
- Ensuring staff understand this policy.

Chief Executive Officer

- Encouraging an environment where complaints are handled seriously and comprehensively.
- Ensuring that an effective complaint management system is in place for all employees.
- Ensuring appropriate resources are available and used to effectively manage complaints.
- Ensuring compliance with this policy.

Contractors

- Complying with policy.
- Ensuring they and their employees understand this policy.
- Managing any referred complaints in accordance with this policy and guidelines.
- Notifying Council's contract manager if they receive a complaint directly.

Councillors

- Forwarding a complaint to the Chief Executive Officer who will record the complaint in Council's Customer Request Management system. (A councillor cannot direct or influence the complaint handling process and the complaint will be investigated as outlined in this policy.)
- Forwarding, if the councillor wishes, a letter of acknowledgment or final response in addition to Council's formal response.

External Responsibilities

Ombudsman

- Reviewing and investigating Council's complaint handling process and determining whether appropriate steps have been taken to resolve the complaint.

Victorian Equal Opportunity and Human Rights Commission

- Provides an impartial, fast, flexible, and free dispute resolution process to help people resolve discrimination complaints and complaints of sexual harassment, and racial and religious vilification.

It is the responsibility of all councillors, employees and contractors involved in handling a complaint to appropriately prioritise its resolution in accordance with this policy.

7. How to make a complaint

There are many ways to provide feedback or make a complaint:

Mail:	Community Comment Reply Paid 51 Ivanhoe VIC 3079
Telephone:	Phone 9490 4222
Email:	Send an email to enquiries@banyule.vic.gov.au
In person:	Complete a suggestion card at one of our three Customer Service Centres: <ul style="list-style-type: none"> • Ivanhoe Customer Service Centre 275 Upper Heidelberg Road, Ivanhoe • Rosanna Customer Service Centre 44 Turnham Avenue, Rosanna • Greensborough Customer Service Centre 1 Flintoff Street, Greensborough
Fax:	9499 9475
Website:	Visit www.banyule.vic.gov.au/customerservice and fill out the online form.
Internet Relay:	TTY (Hearing Impaired): Phone 133 677 and ask for 03 9490 4222 Speak and Listen: Phone 1300 555 727 and ask for 03 9490 4222

Please provide us with as much information as possible so we can effectively address your feedback or concern. The person receiving or managing your complaint will provide you with any help you need to make your complaint, including if necessary providing an interpreter.

We also accept and respond to anonymous complaints if we have received enough information to do so.

8. Social Media

Banyule Council will also respond to complaints made via social media, which are managed in line with this complaint handling policy and associated procedures.

9. Complaint handling procedure

Overview

Banyule takes a four-tiered approach to handling complaints:

1. Frontline resolution: frontline staff receive the complaint and resolve it immediately, if possible.
2. Investigation: if frontline staff cannot resolve the complaint, they will refer it to the most appropriate council officer for investigation.
3. Internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review.
4. Access to external review: if the complainant is not satisfied with the process or outcome of the internal review, they are informed of any external avenues where they can pursue their complaint.

We acknowledge a complainant by mail or email within five working days or by phone in one working day, informing the complainant of the name and department of the staff member who is handling their enquiry, and advising them of a timeframe for progressing and/or completing the enquiry where relevant.

If you are not satisfied with the outcome of a matter, you will be able to use our internal review process, which is free and easy to use. Please call 9490 4222 to make an appointment to discuss your concerns with the relevant manager of the department involved.

10. Procedures

Complaint resolution process

Stage 1

When we receive feedback or a complaint, we will record it and try to resolve it immediately, where possible.

Stage 2

When a complaint cannot be resolved immediately, the complaint will be referred to an appropriate council officer. If you are not satisfied with the response or the way in which your feedback or complaint has been handled, you can ask for your complaint to be referred for an internal review.

Stage 3

Internal Review: An internal review will be carried out by a senior manager. If you remain dissatisfied with the result, you can refer your complaint to an external agency for an independent review.

Stage 4

External review: If you are not satisfied with Council's final response, you can contact the Ombudsman's Office and/or other external agencies to request an independent review. The Ombudsman's Office can be contacted by:

Phoning: 9613 6222 Toll Free: 1800 806 314 (regional only)
 TTY (for people with hearing or speech impairment) on 133 677 or 1300 555 727
 Interpreter service via telephone: 131 450 or on-site: 1300 655 082
 Email: ombudvic@ombudsman.vic.gov.au

Writing to:
 Ombudsman Victoria
 Level 2, 570 Bourke Street
 Melbourne Victoria 3000

II. Outcomes

Feedback and complaints are important ways that Council can be accountable to the community it serves. They also provide valuable prompts for reviewing organisational performance and the conduct of our staff.

An effective complaint handling system benefits Council by:

- Resolving issues raised by a person who is dissatisfied in a timely and cost-effective way.
- Providing information that can lead to improvements in service delivery.
- Handling complaints properly, Council can improve its reputation and strengthen public confidence in Council's administrative processes.

Effective complaint handling is fundamental to providing quality services.

Council is committed to:

- providing a user friendly complaint handling system
- allowing you to be heard and understood
- being respectful
- investigating your complaint
- providing an explanation
- giving a decision that is fair and consistent
- Making an apology
- Taking action as soon as possible.

Council's responsibilities

- Providing a user friendly system for accepting feedback
- Providing clear procedures for staff to deal with and resolve complaints
- Providing a system to record complaints
- Improving service delivery as a result of complaints.

Council's arrangements for enabling people to make complaints are customer focused, visible, accessible, and valued and supported by management.

Complaints are responded to promptly and handled objectively, fairly and confidentially, with outcomes and opportunities for review explained to the complainant.

Council has clear accountabilities for complaint handling and complaints are used to improve Council's performance.

12. Recording Complaints and Requests for Service

All complaints are recorded in Council's Customer Request Management system (CRM) and document management system (TRIM).

13. Reporting on Performance

Our Customer Request Management system (CRM) is used to identify areas where improvements can be made in service delivery.

Regular reporting to management ensures monitoring of service delivery over a specified time. Council's complaint management system performance will also be reported through our Key Performance Indicators (KPI's) in our Annual Report.

14. Unreasonable Complainant Conduct

Most complainants act reasonably and responsibly in their dealings with Council. However, in a small number of cases some complainants, despite our best efforts to help them, behave in ways that are inappropriate and unacceptable.

When complainants behave in this way, we consider their conduct to be unreasonable.

Unreasonable behaviour is that which because of its nature raises substantial health, safety, resource or equity issues for our organisation, our staff, other services users, and/or the complainant themselves.

Categories of Unreasonable Complainant Conduct

Unreasonable conduct can be grouped into five categories:

1. unreasonable persistence
2. unreasonable demands
3. unreasonable lack of cooperation
4. unreasonable arguments
5. unreasonable behaviour.

Dealing with unreasonable behaviour is based on the understanding that:

- Every complainant deserves to be treated with respect.
- Every complainant, regardless of how much time and effort is taken up in responding to their complaint, should have their complaint properly and appropriately dealt with.
- A complainant whose conduct is unreasonable may still have a legitimate complaint.
- The substance of a complaint dictates the level of resources allocated to it, not the complainant's wishes, demands or behaviour.

Managing Unreasonable Complainant Conduct

In managing unreasonable behaviour we try to ensure that:

- The complainant's expectations are clear and realistic, something which can be determined when contact is made after receiving a complaint.
- We maintain firm and clear communication, either in writing and/or verbally.
- A complainant understands what Council can do in relation to their complaint.
- We provide clear reasons for our decisions. We avoid unnecessary delays.
- We provide clear guidance and procedures for staff to deal with complaints.

15. Protected Disclosure

We encourage and facilitate people making disclosures of improper conduct by public officers and public bodies, including the Council as a public body, its staff, employees and Councillors.

This policy does not apply to complaints that are required to be handled according to law. For example, as a public body subject to the *Protected Disclosures Act 2012*, where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Protected Disclosure Act 2012*.

We will take all reasonable steps to protect people, who make such disclosures, from any detrimental action in reprisal for making the disclosure. We will also afford natural justice to the person or body who is the subject of the disclosure.

For more information please see www.banyule.vic.gov.au/protecteddisclosure.

16. Human Rights

The Complaint Management Policy and Guidelines has been assessed against the Victorian Human Right Charter 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights. The Policy provides the framework for how people can raise complaints with Council and have them responded to and resolved. It is considered that the Policy supports the principles contained within the Charter.

(refer to attachment 2 - Human Rights Charter – Assessment of Compatibility

17. Review

This Complaint Handling Policy will be reviewed at least every two years, or more frequently if there are changes to legislation or internal processes impacted on the policy and guidelines.

Reviewing Officer: Customer Service Co-ordinator

Approval Date: 9 March 2016

Chief Executive Officer:

Attachment I – Complaints and Resolution (External Body)

External Body		Contact details
Infringements Court – Magistrates' Court of Victoria	The Infringements Court is part of the Magistrates' Court, which deals with processing and enforcing infringement notices and penalties, such as speed camera and parking fines.	Ground Floor, 277 William Street MELBOURNE VIC 3001 9200 8222
Elect to go to court	If you receive an infringement notice, you can exercise your right to take your infringement matter to the Magistrates' Court to be determined at a formal hearing.	Civic Compliance Victoria Ground Floor, 277 William Street, MELBOURNE VIC 3001.
Local Government Victoria	Complaints about councils which cannot be resolved by negotiating with the Council itself, and which are not within other jurisdictions, can be directed, in writing, to Local Government Victoria.	1 Spring Street, Melbourne VIC 3000 03 9208 3333: switchboard 1300 366 356: Victorian Government Contact Centre Email: local.government@delwp.vic.gov.au
Local Government Investigations and Compliance Inspectorate	The Local Government Investigations and Compliance Inspectorate investigation team is responsible for investigating allegations of offences under the <i>Local Government Act 1989 (Act)</i> .	GPO Box 2392 MELBOURNE VIC 3001 Complaints hotline: 1800 469 359 8am–5pm weekdays Email: inspectorate@dtpli.vic.gov.au

Victorian Ombudsman	The Ombudsman can help when your complaint is about an administrative action taken by a council employee, but not those of a councillor acting in the role of a councillor or a council acting as a decision making body.	Ombudsman Victoria Level 2, 570 Bourke Street MELBOURNE VIC 3000 or DX: 210174 MELBOURNE Phone: 9613 6222 Toll Free: 1800 806 314 (regional only) TTY: 133 677 or 1300 555 727 Phone interpreter service: 131 450 On-site interpreter: 1300 655 082 Email: ombudvic@ombudsman.vic.gov.au
Victorian Civil and Administrative Tribunal (VCAT)	VCAT deals with a range of disputes between people and government in areas of: <ul style="list-style-type: none"> - planning and environment - land valuation - many other government decisions 	55 King Street MELBOURNE VIC 3000 GPO Box 5408 CC, MELBOURNE VIC 3001 Phone: 03 9628 9777 Email: vcat-admin@justice.vic.gov.au
Victorian Equal Opportunity and Human Rights Commission (VEOHRC)	Provides an impartial, fast, flexible, and free dispute resolution process to help people resolve discrimination complaints and complaints of sexual harassment, and racial and religious vilification.	Level 3, 204 Lygon Street CARLTON VIC 3053 Phone: 1300 292 153 Email: information@veohrc.vic.gov.au TTY: 1300 289 621 Interpreters: 1300 152 494

Attachment 2 – Human Rights Charter – Assessment of Compatibility

In accordance with section 28 of the Charter of Human Rights and Responsibilities, this statement of compatibility is made with respect to the **Complaint Handling Policy and Guidelines**.

The **Complaint Handling Policy and Guidelines** is compatible with the human rights protected by the Charter.

Objectives

This policy aims to:

- Establish an open and transparent complaint handling system.
- Specify the key performance indicators to which we will hold ourselves accountable.
- Establish timeframes for resolving complaints.
- Clarify the roles and responsibilities of staff.
- Ensure staff handle complaints fairly and objectively.
- Set out how staff record and analyse complaint data to identify where we can improve services.

Human Rights Assessment

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.	What practical solutions are available to reduce the limitation? If a limited right is not reasonable, ensure comment made that the document was amended so the right is either not limited or reasonably limited.
1 Freedom of expression	Yes – the policy provides limits to the ways a complaint can be lodged with Council.	The need to record complaints to allow effective follow up and action.	Yes, Council cannot reasonably respond to complaints that are not lodged through appropriate channels. Council reasonably requires a complaints handling system.	A range of options have been provided within the Policy to ensure that people can lodge complaints according to these needs including in writing, verbally, online, with the assistance of an interpreter.

What human rights are impacted? List each right - refer to Appendix A – Your Rights Explained for a detailed explanation of rights.	Will any person feel their rights are limited and why? Refer to 'Limiting Rights' on page 2 of the Human Rights Guidelines for advice.	What are the interests you have to balance? List any other interests of the community that need to be considered.	Is the limitation reasonable? Against each right limited, state why the limitation is reasonable.	What practical solutions are available to reduce the limitation? If a limited right is not reasonable, ensure comment made that the document was amended so the right is either not limited or reasonably limited.
2 Right to fair to a hearing	Yes – a person may feel that Council's internal processes are biased and compromise a fair hearing of the complaint.	The need for Council to manage complaints through internal channels that identify solutions and opportunities for improvement.	Yes – complaints cannot be reasonably actioned without internal review processes.	The Policy outlines principles of transparency where a person can access details about how a complaint has been investigated and responded to. Individuals making a complaint have various levels of review available to them including external review through independent parties.
3 Privacy	Yes – a person may feel their right to privacy in compromised when given personal details relevant to a complaint.	The need to ascertain specific information required to be able to respond to a complaint effectively. This could include personal details such as name and address.	Yes – there are some complaints that cannot be reasonably actioned without relevant information.	There is no explicit requirement for the disclosure of personal information when lodging a complaint. The Policy allows for anonymous complaints provided enough detail is required to respond to the issue.