

Complaint Handling Policy



Moreland
City Council

Date Authorised by Chief Executive Officer or Council: 06/07/2021

Commencement Date: 06/07/2021

Review Date (3 years from authorised date): 06/07/2024

Responsible Department: Engagement and Partnerships

This policy has been authorised

Cathy Henderson
Chief Executive Officer

Dated: 6 July 2021

1 Introduction

Council is committed to service excellence and recognises a customer's right to make a complaint. Council will respond to complaints in a timely manner, and deal with them efficiently, impartially and courteously.

One of our core values is 'Customers and Community First' and we welcome any feedback or complaint as an opportunity to learn and improve our service delivery and performance.

This policy is based on the Victorian Ombudsman's *Complaints: Good Practice Guide for Public Sector Agencies* (September 2016).

2 Objectives

This policy aims to:

- Ensure an open and transparent complaint handling system;
- Ensure staff handle complaints consistently, respectfully and objectively;
- Set appropriate timeframes for resolving complaints;
- Clarify the roles and responsibilities of council staff;
- Establish how staff record and analyse complaint data to identify how we can improve our services.

Relevant policy and legislation

<p>Relevant legislation:</p> <p>Relevant legislation includes but is not limited to:</p> <p><i>The Charter of Human Rights and Responsibilities Act 2006</i>(the Charter)</p> <p><i>Freedom of Information Act 1982</i></p> <p><i>Information Privacy Act 2000</i></p> <p><i>Local Government Act 2020</i></p> <p><i>Protected Disclosure Act 2012</i></p> <p><i>Health Practitioner Regulation National Law Act 2009</i></p> <p><i>Privacy and Data Protection Act 2014</i></p> <p><i>Health Records Act 2001</i>(Vic)</p> <p><i>Domestic Animals Act 1994</i></p> <p><i>Building Act 1993</i></p> <p><i>Competition and Consumer Act 2010</i></p> <p><i>Environment Protection Act 1970</i></p> <p><i>Equal Opportunity Act 2010</i></p> <p><i>Food Act 1984</i></p> <p><i>Independent Broad Based Anti-Corruption Act 2011</i></p>	<p>Relevant Council policies:</p> <p>Relevant Council policies includes but is not limited to:</p> <p><i>Customer Service Charter</i></p> <p><i>Freedom of Information Procedures Policy</i></p> <p><i>Management of Customer Requests</i></p> <p><i>Recording and Monitoring of Telephone Calls</i></p> <p><i>Your knowledge is Our Business</i></p> <p><i>Councillor Code of Conduct Policy</i></p> <p><i>Access to Information Documents of Council</i></p> <p><i>Protected Disclosures Act 2012 Guidelines</i></p> <p><i>Moreland City Council General Local Law 2018</i></p>
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Infringements Act 2006 Planning and Environment Act 1987 Public Health and Wellbeing Act 2008 Public Records Act 1973 Summary Offences Act 1988	
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3 Guiding Principles

This policy is based on 7 principles¹

3.1 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.

3.2 Accessibility

People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.

3.3 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.

3.4 Objectivity and fairness

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

3.5 Confidentiality

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.

3.6 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.

3.7 Continuous Improvement

We analyse complaint data and trends to find ways to improve how we operate and how we deliver our services. We then implement these changes.

¹ Victorian Ombudsman - *Complaints: Good Practice Guide for Public Sector Agencies* (September 2016).

4 Scope

This policy applies to all council staff, including new third-party contractors carrying out services on Council's behalf.

Allegation of staff or contractor misconduct, internal staff grievances, code of conduct complaints (for local councils), allegations of fraud or corruption, public interest disclosures and complaints which are otherwise subject to statutory review are dealt with through separate mechanisms. This policy does not cover complaints against Councillors or the Chief Executive Officer.

Where a customer's complaint falls outside of the scope of this policy the customer will be referred to the appropriate alternate mechanism. This may be completed verbally at the initial point of contact with customer interacting staff or in writing by senior council staff or the Complaint Resolution & Engagement Coordinator.

4.1 Definitions

Term	Definition
Complaint	A communication, whether orally or in writing, to the Council by a person of their dissatisfaction with— <ul style="list-style-type: none">• 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• 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• a policy or decision made by a Council or a member of Council staff or a contractor.
A service request	A request for help in obtaining a new service, getting information from Council, or to inform us about a matter for which Council has responsibility.
Customer	The person/people (resident, rate payer, business owner, visitor) who has expressed dissatisfaction (refer to complaint definition above)
Resolution	A complaint is resolved after an initial investigation has taken place and the customer has been updated with what service recovery action has or will take place or a plan has been implemented
Customer facing staff	Staff whose primary role involves interacting with customers to respond to enquiries, accept payments, provide subject specialist advice and service to users of Council services
Contractor	Third parties carrying out services on behalf of council

5 Roles and responsibilities of Council staff and contractors

Roles	Responsibilities
Customer interacting staff	<ul style="list-style-type: none"> • Receiving, acknowledging, and assessing complaints and, where possible, resolving at the point of contact within the scope of their role. • Ensuring complaints are accurately recorded in the Customer Request Management System (Pathway). • Allocating complaints that cannot be resolved at the first point of contact to the appropriate officer for investigation and handling. • Escalating unresolved complaints to their next leadership level. • Complying with this policy.
Team Leaders Coordinators and Managers	<ul style="list-style-type: none"> • Assigning a complaint CRS to appropriate officer to carry out investigation and handling. • Manage escalated complaints that have not been resolved at the first or second point of contact within their team. • Ensuring complaint recovery action is accurately recorded in the Customer Request Management System (Pathway). • Providing oversight of the complaints management process within their team. • Ensuring customer receives adequate communication about the complaint. • Escalating complex complaints to the next leadership level and redirecting out of scope complaints to the appropriate unit. • Ensuring the customer is provided an explanation including apology (if required) and confirmation of action taken when a complaint has been dealt with. • Working with the Complaints Resolution & Engagement Coordinator, Continuous Improvement staff and their team to improve processes based on learnings from complaint data. • Complying with this policy.
Branch Managers	<ul style="list-style-type: none"> • Investigating the matter and contacting the customer where a complaint is escalated because it cannot be resolved by lower level staff. • Investigating escalated complaints which cannot be handled by Team Leaders, Coordinators or Unit Managers. • Ensuring that issues identified by the analysis of complaints data are investigated and improved. • Ensuring their staff and contractors understand this policy. • Ensuring the Mayor and Councillor Support Officer and Councillors are advised of the complaint resolution where complaints have been received via Councillors. • Complying with this policy.

Roles	Responsibilities
Complaints Resolution and Engagement Coordinator	<ul style="list-style-type: none"> • Independently investigate complaints which have been escalated by the customer. • Identify recurring trends and patterns of complaints to improve council customer service management and experience. • Convening a Complaint Handling Review Panel to provide independent and authoritative review of a sample of complaints. • Providing information to relevant departments on the analysis of complaints data. • Providing guidance and advice to departments on the handling, investigation and resolution of complaints. • Review incidents of unreasonable customer conduct and produce action plans for managing ongoing unreasonable conduct • Complying with this policy.
Directors	<ul style="list-style-type: none"> • Ensuring staff understand this policy. • Ensuring that issues identified by the analysis of complaints data are investigated and improved. • Complying with this policy
Chief Executive Officer	<ul style="list-style-type: none"> • Encouraging an environment where complaints are handled transparently, seriously and comprehensively. • Providing strategic oversight of the complaints resolution function. • Ensuring that a complaint handling policy is in place. • Where complaints are addressed to the CEO, to forward those to the relevant Manager to resolve. • Ensuring appropriate resources are available and used to effectively manage complaints. • Complying with this policy.
Contractors	<ul style="list-style-type: none"> • Ensuring they and their employees understand this policy. • Ensuring contractual documentation complies with this policy. • Managing any referred complaints in accordance with this policy and guidelines. • Notifying Council’s contract manager if they receive a complaint directly. • Complying with this policy.
Councillors	<ul style="list-style-type: none"> • Forwarding a complaint to the Mayor & Councillor Support Officer, for it to be actioned as outlined in this policy. • A Councillor cannot direct or influence the complaint handling process and the complaint will be investigated as outlined in this policy.

6 How to make a complaint

A person can make a complaint in a number of ways.

Mail: Post a letter to Moreland City Council, Locked Bag 10, Moreland VIC 3058

Telephone: 03 9240 1111

Online: [Moreland City Council e-Services](#)

In person:

Moreland Civic Centre, 90 Bell Street, Coburg

Brunswick Customer Service Centre, 233 Sydney Road, Brunswick

Glenroy Customer Service Centre, 796N Pascoe Vale Road, Glenroy

Fax: 03 9240 1212

Website: <http://www.moreland.vic.gov.au/>

Social Media: Direct message to Facebook ([facebook.com/morelandcitycouncil/](https://www.facebook.com/morelandcitycouncil/)), Instagram (@morelandcouncil) or Twitter (@morelandcouncil).

6.1 Accessibility

Anyone who has been affected by an action or inaction of Council can make a complaint.

Moreland City Council is committed to ensuring that the information is available to the widest possible audience.

Languages other than English – Arabic, Cantonese, Greek, Hindi, Italian, Mandarin Punjabi, Turkish and Vietnamese. Other languages (03) 9280 1919.

TTY: Phone 133 677

Speak and Listen: 1300 555 727

Internet relay users: <https://relayservice.gov.au/> and ask for (03) 9240 1111

Council will ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

6.2 Complaints involving multiple agencies

Where a complaint involves multiple organisations, Council will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where our services are contracted out, Council expects contracted service providers to have an accessible and comprehensive complaints resolution system consistent with this policy. Council takes complaints not only about the actions of our staff but also the actions of service providers.

6.3 Anonymous complaints

Members of the public sometimes seek to lodge complaints anonymously or ask that their identity not be disclosed. Council accepts these complaints where possible and deals with them on their merits.

Council recognises that in some cases it is difficult to investigate a complaint without further information from the anonymous customer. Where possible, at the point of initial contact, Council can inform customers who wish to remain anonymous that complaints where the customer wishes to remain anonymous may prevent council from being able to investigate their complaint and may prevent council from updating the customer with the resolution of their complaint.

6.4 Customer conduct

We require your respect, cooperation and assistance to Council staff while investigating your complaint. Council will not tolerate behaviour that is offensive, abusive, threatening or consumes disproportionate resources.

Unreasonable conduct is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, our staff, other service users and customers or the customer themselves. Unreasonable conduct by a customer may prevent or delay a complaint from being investigated or resolved.

6.5 Unreasonable customer conduct principles

- Unreasonable customer conduct does not preclude there being a valid issue.
- In the absence of very good reasons to the contrary, people have a right to access public services.
- Complaints are to be considered on their merits.
- It is reasonable for a person to hold an alternative opinion about a Council decision and for council to hold a policy or make a decision which is not what the customer wants.
- Staff safety and well-being are paramount when dealing with unreasonable customer conduct.
- If the staff member believes that a customer's behaviour is likely to cause immediate or lasting harm to them, the staff member may cease interaction with the customer and seek support from a supervisor or manager.
- The substance of a complaint dictates the level of resources dedicated to it, never a customer's demands or behaviour.
- Council may make reasonable requests of a customer, failing to comply with a reasonable request may prevent or significantly delay a complaint from being investigated or resolved.

6.6 Complaints that will not be investigated

Council may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous, vexatious, trivial or requires disproportionate Council resources compared to the issue or potential benefit.
- Is a matter which can be addressed by an existing right of appeal, review or court process.
- Is subject to an existing mediation or customer feedback process.
- Relates to a decision made by a meeting of Council or is a matter awaiting determination by the Council.
- Relates to conduct before a court, coroner or tribunal.
- Relates to matters under investigation by the Minister for Local Government, the Ombudsman's office, a Minister of the Crown, Government Department or the Victoria Police Service.
- Relates to the appointment or dismissal of an employee.
- Relates to matters not within the reasonable control or responsibility of Council.
- Where the customer's conduct is defined as unreasonable to the extent that it hinders or prevents an effective investigation from being conducted or resolved.

7 Complaint handling process

7.1 Receipt of the complaint

Customer interacting staff will receive the complaint from the customer and where they are able attempt to resolve the complaint at the point of contact. Where it is not possible to immediately resolve the complaint, customer interacting staff will record the complaint in council's Customer Request System and allocate it to the relevant unit or officer for investigation.

7.2 Investigation

Where council's customer interacting staff have not been able to resolve the complaint at the first point of contact it will be allocated to another council officer or senior officer to investigate and resolve. The investigative actions taken will depend on the nature of the complaint. A complaint investigation may be as simple as inspecting the customer's correspondence and considering it against council's policy or legislation. In other cases, investigation could include speaking with other council officers, external contractors or agencies, inspecting case notes and documents, conducting site inspections and allocating investigative tasks to staff.

Council takes a 3-tiered approach to investigating complaints depending on their nature:

- i. **Standard Complaint (Tier 1):** Standard complaints about the quality, delay or a failure to deliver a service as well as any other matter usually dealt with at an officer level will be handled at Tier 1 of council's complaint system by an officer level member of staff.

- ii. **Escalation (Tier 2):** if the customer is not satisfied with the way their complaint has been handled or resolved, they can refer it to the relevant Team Leader, Coordinator or Manager for investigation at Tier 2 of council's complaint system.
- iii. Complaints about policy decisions or officer conduct will be handled at Tier 2 by a Unit or Branch Manager without prior consideration at Tier 1.
- iv. **Internal Review (Tier 3):** if the customer is aggrieved with the process or outcome of the resolution or investigation at Tier 2, they can request an internal review by the Complaints Resolution & Engagement Coordinator.

To ensure independence, the Complaint Resolution & Engagement Coordinator does not take resolution actions, make final decisions or provide services at Tiers 1 or 2 and is not within the same chain of command as the subjects of the complaint or the person who handled the complaint at previous tiers.

The internal review is the final part of council's complaint process, the same matter may not be considered again once the review is completed.

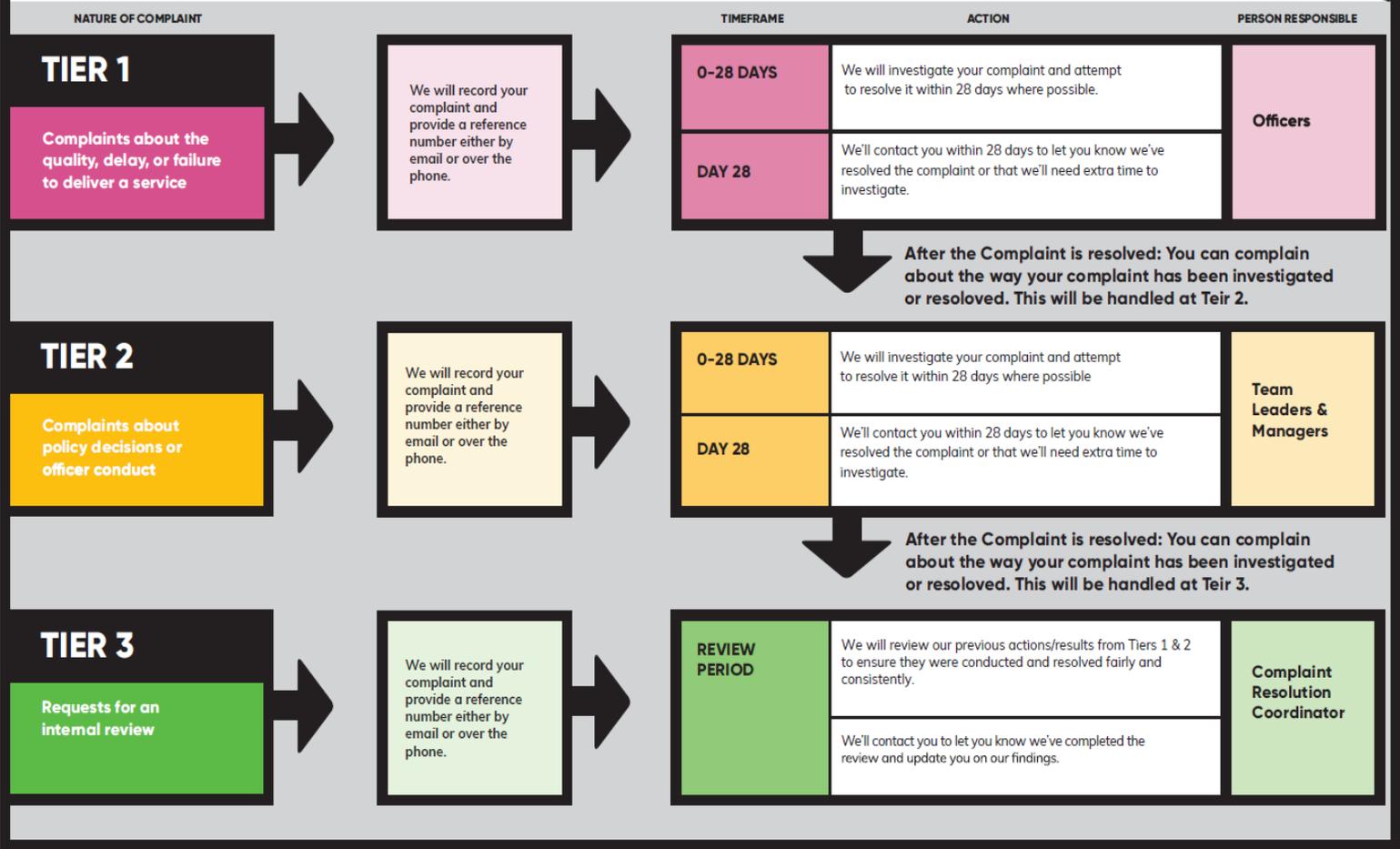
As part of the review customers may be asked to set out or explain the elements of their complaint clearly. Without this the review will be conducted based on any information already provided and presumptions may be made in order to address the complaint. Customers will also be given the opportunity to request their complaint is discussed via telephone at the beginning of the review if they prefer.

The internal review seeks to consider the central issues of the customer's complaint and where needed answer questions and provide advice. The Complaint Resolution & Engagement Coordinator may elect not to consider or respond to some points of a complaint if they are not part of the central issue, not considered relevant, helpful, proportionate or otherwise unnecessary.

In the event that the internal review identifies an error has taken place or an area where services could be improved the Complaint Resolution & Engagement Coordinator will provide recommendations for improvement to the management of the relevant area of council. It is for the relevant areas of council to implement the improvements where it is reasonably possible to do so, and to reconsider if the resolution of the customer's complaint needs to be changed.

On occasions when a person remains dissatisfied with Council's response, we will inform them of which external agency they can approach to have the matter reviewed (see External Agencies below). Timelines will depend on responsible organisation.

COMPLAINT PROCEDURE



7.3 Resolution

Council aims to resolve complaints within 28 days. A complaint is resolved after an initial investigation has taken place and the customer has been updated with what service recovery action has or will take place or a plan has been implemented. Council may attempt to update the customer to resolve their complaint by post, email, telephone or in person making reasonable attempts using the details provided by the customer. Where reasonable attempts have been made to update the customer, a complaint will be considered closed; it is not required for council to confirm the update was received or seen.

7.4 Escalating to Tier 2 or Tier 3

Once a complaint has been resolved at the previous tier, the customer may request their complaint is escalated to the next tier if they believe there was an error with the previous investigation or result. The customer may be asked to explain why they think their complaint needs to be escalated.

Disagreeing with a decision, approach or policy is not in itself sufficient reason for a complaint to be escalated. The reason provided by the customer may need to provide reason to believe that there was an error in the previous investigation, actions or decision making. For example, the customer may state reasons why they feel that the investigation was not conducted fairly, did not consider all the relevant information, did not take account of special circumstances or the result was not in keeping with relevant policies /legislation, was not fair or was inconsistent with previous council decisions.

7.5 Timelines

- We will endeavour to resolve your complaint on the same day, however if your complaint cannot be resolved, it will be referred to the appropriate area for further investigation.
- Receipt of your complaint will be acknowledged within two business days.
- The timeline that Council has set for complaint resolution is 0 to 28 days
- You will be informed if the complaint will take more than the 28 days.
- Where a complaint is escalated to another tier, council will have a further 28 days to re-investigate.

7.6 Continues improvement

Complaints data will be collected and analysed, both on the number and type of complaint and the effectiveness of the complaint handling process. This will be used to identify systemic issues and areas of improvement.

Complaints requiring investigation, internal or external review may also lead to corrective actions and improvements.

All areas within Council will work to improve their service delivery and reduce the number of complaints, as well as improve the handling of complaints raised.

8 External agencies

If a person is not satisfied with the way we have handled their complaint, we will provide them with agency contact details so they can take their concern to the following external authorities. We will always make them aware of these rights.

Agency	Role and responsibilities	Contact
Ombudsman	<p>Independent review and investigation of Council's complaint handling process and determining whether appropriate steps have been taken to resolve the complaint.</p> <p>The Ombudsman cannot review the actions of a Councillor acting in the role of a Councillor or a Council acting as a decision making body.</p>	<p>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 Website: www.ombudsman.vic.gov.au</p>
Victorian Equal Opportunity and Human Rights Commission	<p>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.</p>	<p>Level 3, 204 Lygon Street CARLTON VIC 3053 Phone: 1300 292 153 TTY: 1300 289 621 Interpreters: 1300 152 494 Email: information@veohrc.vic.gov.au Website: www.humanrightscommission.vic.gov.au</p>

<p>Victorian Civil and Administrative Tribunal (VCAT)</p>	<p>VCAT deals with a range of disputes between people and government in areas of:</p> <ul style="list-style-type: none"> • Planning and environment. • Land valuation. • many other government decisions. 	<p>55 King Street MELBOURNE VIC 3000 GPO Box 5408 CC, MELBOURNE VIC 3001 Phone: 03 9628 9777 Email: vcat-admin@justice.vic.gov.au Website: www.vcat.vic.gov.au</p>
<p>Fines Victoria</p>	<p>Fines Victoria undertake collections of unpaid fines escalated by Moreland City Council under the authority of the <i>Infringements Act 2006</i> & the <i>Fines Reform Act 2017</i></p>	<p>Fines Victoria GPO Box 1916 Melbourne VIC 3001 Phone (03) 9200 8111 For regional callers: 1300 369 819 Website: www.online.fines.vic.gov.au</p>
<p>Elect to go to court</p>	<p>If you don't want your offence to be dealt with as an infringement, you can choose to have the matter heard in court.</p>	<p>Council have a regular appointment with Broadmeadows Magistrates Court Phone (03) 9221 8900</p>
<p>Local Government Inspectorate</p>	<p>The Local Government Inspectorate (Inspectorate) is an independent administrative office established to assess compliance with the <i>Local Government Act 2020</i> (Act).</p>	<p>Level 27 1 Spring Street Melbourne Victoria, 3000 Phone 7017 8212 Email: inspectorate@lgi.vic.gov.au Website: https://www.lgi.vic.gov.au</p>