

Complaints Handling Policy

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1. TITLE

Complaints Handling Policy (Policy).

2. INTRODUCTION

Council delivers a large and diverse range of services and strives to ensure its decision-making processes result in fair and reasonable outcomes for the community. We understand that in some circumstances, our services or actions may not meet the expectations of all community members.

We are committed to ensuring that there are appropriate mechanisms in place for complaints to be raised. Complaints provide important insights about Council services and are a valuable opportunity to identify areas that may need improvement.

This *Policy* aims to ensure that all of our customer and community members, including children and young people, can feel confident to raise complaints with Council easily with an understanding that Council will listen, be respectful and responsive and handle their complaints fairly and objectively.

3. OBJECTIVE

The objectives of this *Policy* are to:

- assist Council in complying with the requirements of s107 of the Local Government Act 2020 (Vic);
- assist Council staff in identifying and managing Complaints appropriately and consistently and establish processes for handling Complaints concerning actions taken, decisions made, and services provided by Council, Council staff and Contractors fairly and objectively;
- ensure that members of the public understand how to make Complaints and how Council will respond to their Complaints; and
- set out Council's approach to managing Unreasonable Complainants and assist Council staff in identifying Unreasonable Complainant Conduct and in applying strategies to manage such behaviour in a way that is reasonable and proportionate.

4. SCOPE

This *Policy* applies to all employees, Contractors, agents, volunteers, student placements and customers of Council.

5. DEFINITIONS AND ABBREVIATIONS

In this *Policy*, the following words and phrases have the following meaning:

Term	Meaning
Act	<i>Local Government Act 2020</i> (Vic).
CEO	Chief Executive Officer of Council and includes a person acting in that position.
Complainant	Person who makes a complaint.

Complaint	Includes the communication, whether orally or in writing, to Council by a person of their dissatisfaction with: <ul style="list-style-type: none"> a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by Council; b) the delay by a member of Council staff or a contractor in taking an action, making a decision or providing a service; or c) a policy or decision made by Council or a member of Council staff or a contractor.
Complaints Officer	The officer appointed as the Complaints Officer by the CEO for the purposes of this <i>Policy</i> .
Contractor	A third party engaged by Council to carry out services, supply goods or perform works or functions on behalf of Council.
FOI	Freedom of information.
Outcome	The action to be taken to resolve the issues identified in a complaint.
Request for service	A request by a customer seeking assistance, access to a new service or advice, or to inform Council of, or make a report about something for which Council has responsibility, but does not include a complaint.
Unreasonable complainant	A complainant whose conduct is considered to be unreasonable.
Unreasonable complainant conduct	Conduct by a complainant which, because of its nature or frequency, raises health, safety, resource or equity issues for Council, Council staff, Councillors and other people who use Council services.

6. WHAT CONSTITUTES A COMPLAINT?

This *Policy* describes how we handle Complaints, as defined in section five above.

In simple terms, a complaint is any verbal or written communication which expresses dissatisfaction about

- an action, decision, policy or service; and
- a delay in Council staff or a Council contractor in taking action, making a decision or delivering a service; or
- relates to the conduct of Council staff, including the CEO, a contractor or the Council as a decision-making body (but not individual Councillors).

This *Policy* does not apply to the following matters:

- Requests for service — while a complaint may lead to a request for service, requests for service are not handled under this *Policy*. For example, a complaint about a missed bin might result in a request for the bin to be collected.
- Complaints regarding individual Councillors — Councillor conduct is dealt with under Part 6 of the Act and is outside the scope of this *Policy*.
- Complaints regarding an action, decision or service that is otherwise subject to statutory review, for example - infringements issued by an authorised officer may be subject to review under the Infringements Act 2006 (Vic), or planning decisions which are subject to review under the Planning and Environment Act 1987 (Vic).

7. HOW TO MAKE A COMPLAINT

Any person, including children and young people, can make a Complaint. Complaints can be made in a number of ways. Council will handle any complaint in accordance with this *Policy*, regardless of the way it is made.

Phone	9524 3333
Online	https://www.gleneira.vic.gov.au/contact-us/lodge-a-complaint
Email	complaints@gleneira.vic.gov.au
In-person	Glen Eira City Council Town Hall, Corner Glen Eira and Hawthorn Roads, Caulfield
Post	The Complaints Officer PO Box 42, Caulfield South 3162

To facilitate the efficient handling of a complaint, complainants are encouraged to include the following details:

- name and contact details (Complaints may be made anonymously);
- a brief description of the action, decision, service, delay or policy that is the subject of the Complaint;
- any relevant details that support the Complaint (e.g. dates, times, location, reference numbers and documents);
- the reason(s) why the Complainant is dissatisfied;
- the desired Outcome; and
- any accessibility or other communication needs, including if the Complainant wishes to be represented by another person.

Complaints may be made anonymously. Anonymous complaints will be accepted and dealt with if sufficient information is provided. Anonymous complainants will not be advised of the progress or outcome of their complaint.

Accessibility

Council is committed to ensuring its Complaints process is accessible to everyone. Complainants are encouraged to identify any specific communication needs or barriers they may experience to help Council meet their needs. The Complainant will be provided with the help they need to make and resolve the Complaint.

To enable easy access for complainants, Council will maintain a dedicated accessible webpage on its website where complaints may be lodged at any time.

8. COMPLAINT HANDLING PROCESS

When a complaint is made, Council will record and acknowledge the complaint within five business days. Council will initially assess a complaint to decide how it will be handled. This may happen while we are talking with you.

Council applies a four-tiered internal approach to handling complaints. Where possible, Council will seek to resolve a complaint at the time it is received. If that is not possible, the complaint will be escalated as appropriate. The four tiers are:

1. Tier one: Frontline resolution

If the staff member who received the complaint can resolve the complaint, they will always try to do so. This could include lodging a request for service, or advising the complainant that no action will be taken by Council. If this is the case, the complaint is deemed resolved and no further action is required.

2. Tier two: Investigation

Where a complaint has not been resolved, it will be escalated to the Complaints Officer who will assign a Council Officer to further investigate the complaint, including gathering information, consolidating decisions and developing an investigation report. They will inform the relevant business unit of the decision and communicate the outcome to the complainant within ten working days from the point of escalation.

3. Tier three: Internal review

If the complainant is dissatisfied with Council's decision and how their complaint was responded to, they can request an internal review. The Complaints Officer will refer requests for internal review to an appropriate member of the Council Officer who has not had any prior involvement with the complaint. Council will inform the complainant of the outcome of the internal review and explain the reasons within 28 working days.

4. Tier four: External review

If the complainant is dissatisfied with the internal review, they can choose to undertake an external review. There are many avenues of where a complaint may be referred, depending on the nature of the complaint.

The following bodies are responsible for the following types of complaints:

Complaint	Appropriate external body
Actions or decisions of Council, Council staff and Contractors, including the handling or review of a Complaint. 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).	Victorian Ombudsman: www.ombudsman.vic.gov.au
Breaches of the Act or the <i>Local Government Act 1989</i> (Vic)	Local Government Inspectorate: www.lgi.vic.gov.au

Breach of privacy or an FOI complaint	Office of the Victorian Information Commission: www.ovic.vic.gov.au
Corruption or public interest disclosure ('whistle-blower') complaints	Independent Broad-based Anti-Corruption Commission: www.ibac.vic.gov.au
Discrimination	Victorian Equal Opportunity and Human Rights Commission: www.humanrights.vic.gov.au
Council elections	Victorian Electoral Commission: www.vec.vic.gov.au
Breach of health records obligations	Health Complaints Commissioner: www.hcc.vic.gov.au
Victorian Civil and Administrative Tribunal (VCAT) assists in resolving a range of disputes between people and government in areas such as planning and environment; land valuation and building and construction	VCAT: www.vcat.vic.gov.au

9. COMPLAINTS ABOUT SPECIFIC MATTERS

Certain kinds of complaints are subject to different treatment than that outlined in clause 8 above. These include complaints:

- about Councillors;
- received by Councillors;
- about the CEO;
- about Council decisions;
- otherwise subject to statutory review;
- about contractors;
- regarding a claim;
- regarding a breach of the Information Privacy Principles;
- regarding a breach of the Health Privacy Principles;
- about fraud, corruption or improper conduct;
- that are anonymous;
- about named Council staff;
- about a named Director;
- about child safety or wellbeing concerns; and
- by children and young people other than child safety and wellbeing complaints or concerns.

Council maintains procedures for the management of such specific complaints, which include relevant statutory requirements. ‘

10. MANAGING UNREASONABLE COMPLAINANTS

We expect staff to treat all customers with courtesy and respect and we expect that this courtesy will be returned by complainants. We do not tolerate behaviour that is offensive, abusive, threatening or which consumes disproportionate resources.

While most customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable and uncooperative behaviour. Examples of unreasonable complainant conduct include:

- Persistent, unrelenting and incessant attempts to raise issues that have been comprehensively dealt with.
- Making demands for unattainable or constantly changing outcomes.
- A continual unwillingness to cooperate in the complaints handling process; constant and repeated arguments not based on reason.
- Acts of aggression, threats, verbal abuse or derogatory, racist or defamatory remarks.

We aim to prevent challenging behaviour and unreasonable complainant conduct by practising good complaint handling in accordance with this *Policy* and working to ensure that complainants feel heard and understood; that their expectations are clear and realistic, particularly in relation to what Council can do and cannot do in relation to a complaint; and Council staff communicate clearly, including providing reasons.

If a complainant's behaviour escalates to unreasonable complainant conduct, Council staff will apply appropriate and proportionate strategies for managing the behaviour.

The strategies will depend on the nature of the unreasonable complainant conduct and may include the following:

- Who the unreasonable complainant can contact, eg. limiting contact to a named officer (one point of contact).
- What issues Council will respond to, eg. not responding to issues that have already been the subject of an assessment and explanation, unless the unreasonable complainant raises new issues that warrant attention.
- When a person can contact Council or when a response will be provided, including time of day and frequency or duration of contact.
- Access to Council facilities and staff, including restricting or prohibiting entry to Council premises or limiting access to or communication with Council staff.
- The method of communication with Council, eg. confining contact to writing where the person has been verbally abusive.

Decisions to limit an unreasonable complainant's access will only be made by the relevant Director, following consultation with Corporate Counsel.

In most cases, we will provide an unreasonable complainant with a warning letter, advising them of their specific unreasonable complainant conduct, and that we may intervene to limit their access to Council if their behaviour does not improve. If the behaviour does not improve in response to the warning letter, or their behaviour poses an imminent or ongoing risk, Council will send a notification letter to the complainant with details about the imposed limitations. In this case, Council will review the limitations placed on the complainant at their request no earlier than three months following their implementation and once every twelve months after.

11. PRIVACY AND CONFIDENTIALITY

Council collects a range of personal information about complainants for the purpose of administering its complaints handling processes, including name, address, contact information and demographic data.

Council uses the information submitted by complainants to respond to their complaints and may also analyse the information for the purpose of improving Council services.

12. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

13. ASSOCIATED INTERNAL DOCUMENTS

Child Safeguarding Policy

Child Safeguarding Code of Conduct

Complaints Handling Procedure

Disciplinary Policy

Fraud and Corruption Control Policy and Procedure

Health Records Policy

Privacy Policy

Public Interest Disclosure Policy

Staff Code of Conduct

14. EXTERNAL REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Wellbeing and Safety Act 2005 (Vic)

Equal Opportunity Act 2010 (Vic)

Family Violence Protection Act 2008 (Vic) (Family Violence Information Sharing Scheme)

Health Records Act 2001 (Vic)

Infringements Act 2006 (Vic)

Local Government Act 1989 (Vic)

Local Government Act 2020 (Vic)

Planning and Environment Act 1987 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Public Interest Disclosures Act 2012 (Vic)

Victorian Child Safe Standards, Reportable Conduct Scheme and Child Information Sharing Scheme

Victorian Ombudsman's 'Councils and Complaints — a Good Practice Guide', 2nd Edition July 2020