

Complaints Handling Policy

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Position Title of Responsible Manager/Director:	Director Community Relations	

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1. TITLE

Complaints Handling Policy

2. OBJECTIVES

- 2.1 To put in place an open and transparent handling process;
- 2.2 to ensure Council staff handle complaints fairly and objectively;
- 2.3 to establish timeframes for resolving complaints;
- 2.4 to ensure that Council's complaints handling system complies with the Victorian Ombudsman's recommendations;
- 2.5 to clarify the roles and responsibilities of Council staff; and
- 2.6 to assist business units to identify how Council can improve its services.

3. GUIDING PRINCIPLES

3.1 Commitment

Council is committed to resolving the complaints it receives. Council's culture recognises people's right to complain and considers complaint handling to be part of its core business of serving the community and improving service delivery.

3.2 Accessibility

People can easily find out how to complain to Council, and Council actively assists them with the complaint handling system.

3.3 Transparency

The complaint handling system clearly sets out 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

Under the complaint handling system, complainants and Council staff are treated with respect and courtesy, and complaints are judged on merit and fact.

3.5 Confidentiality

The complaint handling system protects the personal information of people making a complaint, and Council staff are informed only on a 'need to know' basis and otherwise in accordance with Council's Privacy Policy. Complaints made by people who wish to remain anonymous will be handled to the extent that it is possible to do so without further contact

with the complainant.

3.6 **Accountability**

Council is accountable, both internally and externally, for its decision-making and complaint handling performance. Council provides explanations and reasons for decisions, and ensures that its decisions are subject to appropriate review processes.

3.7 **Continuous Improvement**

Council regularly analyses complaint data to find ways to improve how it operates and how it delivers its services. Council then implements these changes.

4. **DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
Complaint	an expression of dissatisfaction with: <ul style="list-style-type: none">• the quality of an action taken, decision made, or service provided by or on behalf of Council; or• a delay or failure in providing a service, taking an action, or making a decision by or on behalf of Council.
Complainant	a person or organisation that makes a complaint.
Complaint handling system	the way complaints are dealt with by Council, including policy and procedures, electronic systems and reporting mechanisms.
Request for service	contact with Council to seek assistance, to access a new service, to seek advice, or to inform or make a report about something for which Council has responsibility.

5. **SCOPE**

5.1 This policy applies to Councillors and all Council staff. Any person who has been affected by an action, inaction or decision of Council can make a complaint.

5.2 This policy does not apply to the following matters or complaints, which are managed through other processes:

5.2.1 requests for service;

5.2.2 complaints about allegations of fraud or corrupt conduct;

5.2.3 complaints about alleged privacy breaches;

5.2.4 complaints about Councillors;

5.2.5 complaints about matters for which there is a process of review or appeal or objection prescribed by legislation;

5.2.6 complaints that are claims against Council for personal injury or property damage or other loss or damage for which Council maintains a position on the basis of legal advice or precedent; and

5.2.7 complaints about Council contractors.

Management of these types of matters and complaints is set out later in this policy.

6. COMPLAINT HANDLING PROCESS

Council's complaint handling process will generally follow the process set out below:

6.1 Receipt of Complaint

Service Centre staff or a Council officer receives a complaint and takes steps to resolve it immediately, where possible. Council will acknowledge all complaints within ten working days of receipt.

6.2 Investigation

Where Service Centre staff, or a Council officer that received the complaint, cannot resolve a complaint, they will refer it to a Council officer, or to a more senior Council officer respectively, for resolution or investigation, as required. Council will aim to resolve all complaints within 28 working days of receipt.

6.3 Internal Review

6.3.1 A complainant has the right to request that the resolution or outcome of their complaint be reviewed where they assert that the resolution or outcome is unfair or unreasonable or does not conform to any Council policy that is relevant to the complaint. A complainant will be advised of their right to request an internal review at the time that they are advised of the resolution or outcome of their complaint.

6.3.2 The relevant business unit manager or relevant director will conduct a review of the complaint. The complainant will be advised by the manager or director in writing of the outcome of the review.

6.3.3 The internal review will be carried out by the relevant manager where that manager has had no involvement with the resolution of the original complaint. Where the relevant manager has been involved in the resolution of the original complaint, the internal review will be carried out by the relevant director or another director, if required.

6.4 External Review

Following the processes set out in clauses 6.2 and 6.3 of this policy, if a complainant is not satisfied with the resolution or outcome of an internal review, they will be advised of any external avenues through which the complaint may be pursued. The complainant will in all cases be advised that they may contact the Victorian Ombudsman if they are dissatisfied with the process or outcome of a complaint.

6.5 **Complaints about Councillors**

These should be referred to the Council Secretariat and will be handled in accordance with the Councillor Code of Conduct.

6.6 **Complaints about the Chief Executive Officer**

Complaints about the conduct of the CEO should be referred to the Council Secretariat and will be handled in accordance with Division 4 of Part 4 of the *Local Government Act 1989*.

6.7 **Complaints about Council Contractors**

Other than complaints about contractors that fall within clause 6.9.5 of this policy, these should be referred to the relevant business unit. If a complainant is not satisfied with the outcome or resolution of their complaint by a contractor, they should refer it back to the relevant business unit for review.

6.8 **Complaints Received by Councillors**

These must be referred to the Council Secretariat for referral to the relevant business unit. *“If a councillor receives a complaint about an issue that falls within the council’s normal functions, the councillor should refer the complaint to a designated senior council officer. This is generally the Chief Executive Officer or a Director. The complaint should then be handled in accordance with the council’s complaint handling policy.”* (Page 11, Victorian Ombudsman, Councils and complaints – A good practice guide, February 2015).

6.9 **Other Types of Complaints**

6.9.1 Requests for service should be referred to the relevant business unit;

6.9.2 Complaints about allegations of fraud or corrupt conduct should be referred to Corporate Counsel and will be handled in accordance with Council’s Fraud and Corruption Policy and/or Council’s *Protected Disclosure Act 2012* Policy and Procedures, as appropriate;

6.9.3 Complaints about alleged privacy breaches should be referred to Council’s Privacy Officer;

6.9.4 Complaints about matters for which there is a process for review or appeal or making an objection prescribed by legislation e.g. planning and building matters and traffic and parking infringements should be referred to the relevant business unit;

6.9.5 Complaints that relate to issues that may result in a claim for loss or damage against Council should be referred to Corporate Counsel;

6.9.6 Complaints about the awarding of tenders and other third party contracts should be referred to Corporate Counsel.

7. HOW TO MAKE A COMPLAINT TO COUNCIL

An individual can make a complaint in the following ways:

- Telephone:** (03) 9524 3333.
- In person:** Glen Eira Town Hall, Corner Glen Eira and Hawthorn Roads, Caulfield
- Office hours:** Monday to Friday: 8 am to 5.30pm and Tuesday: 8am to 7.15pm
- Fax:** (03) 9523 0339
- Email:** mail@gleneira.vic.gov.au
- Website:** By completing and submitting the form "Make a Complaint to Council" available on Council's website www.gleneira.vic.gov.au
- In writing:** Glen Eira City Council
PO Box 42
Caulfield South VIC 3162

8. HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

9. ASSOCIATED DOCUMENTS

Councillors' Code of Conduct
Council's Fraud and Corruption Policy
Council's *Protected Disclosure Act 2012* Policy and Procedures
Victorian Ombudsman *Councils and complaints – A Good Practice Guide*, 2015

10. REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006
Freedom of Information Act 1982
Local Government Act 1989
Privacy and Data Protection Act 2014
Protected Disclosure Act 2012

Victorian Ombudsman
Level 1 North Tower
459 Collins Street
Melbourne 3000

Phone: 03 9613 6222
Email: ombudvic@ombudsman.vic.gov.au
Website: www.ombudsman.vic.gov.au