



Banyule
CITY COUNCIL

Banyule Customer Complaint Management Policy

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Relevant legislation	<i>Local Government Act 2020</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Freedom of Information Act 1982</i> <i>Independent Broad-based Anti-Corruption Commission Act 2011</i> <i>Privacy and Data Protection Act 2014</i> <i>Public Interest Disclosure Act 2012</i>
Related policies	CD5508 Banyule Service Promise CD16435 Privacy Policy CD5975 Information Privacy Guidelines CD15753 Staff Code of Conduct CD15487 Protected Disclosures Procedures CD13059 Human Rights Guidelines for Staff CD14841 Bullying and Harassment Policy Councillor and Staff Interaction Protocols

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Introduction

Banyule Council provides 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: the Banyule Service Promise.

If our service falls short, or we make a mistake, we encourage customers to contact us directly so we can resolve the issue promptly. We are committed to complaint handling and creating a culture that encourages feedback and complaints. We wish to learn from complaints and improve our services as a result of the feedback we receive.

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 resolve 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 according to this policy.

This policy is based on the Victorian Ombudsman's Complaints: Good Practice Guide for Public Sector Agencies (September 2016) and 'Revisiting councils and complaints' report (October 2019) and is in line with sections 106 and 107 of the Local Government Act 2020.

Objectives

This policy aims to:

- put in place an open and transparent complaint handling system
- ensure staff handle complaints consistently, respectfully and objectively
- set our timeframes for resolving complaints
- clarify the roles and responsibilities of agency staff
- establish how staff record and analyse complaint data to identify where we can improve our services.

Guiding principles

This policy is based on seven principles.

1. **Commitment**

We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

2. **Accessibility**

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

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.

4. **Objectivity and fairness**

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

5. **Privacy**

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.

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.

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 changes to improve our overall customer experience.

Scope

This policy applies to all Banyule City Council staff. It also applies to third party contractors carrying out services on the Banyule City Council's behalf.

Allegation of corrupt staff or contractor conduct, internal staff grievances, Code of Conduct complaints and public interest disclosures are dealt with through separate mechanisms.

This policy does not cover complaints against Councillors or the Chief Executive Officer. These complaints are covered by the Councillor Code of Conduct.

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 *Public Interest Disclosure Act 2012*, where a

complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Public Interest Disclosure Act 2012*.

Complaints about contractors

We recognise that we retain a level of responsibility for services carried out by contractors on our behalf.

Where a complaint is made in relation to a service carried out by one of our contractors, the complaint will go to the **investigation stage** and be assigned to a Manager or delegated Officer to examine the complaint and liaise with both the customer and the contractor.

All outcome letters written by contractors in relation to complaints will include the **name and contact details** of a Council Officer staff member to whom the customer may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

If a customer is not satisfied with the outcome of the complaint, they can ask the Council for an **internal review** and ultimately if it still unresolved they can escalate the matter for **external review** as outlined in this policy.

Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Public Interest Disclosure Act 2012*.

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.

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 refer to our website:

www.banyule.vic.gov.au/About-us/Policies-plans-strategies/Policies-documents-for-inspection/Public-interest-disclosure

Human Rights

The Banyule Customer Complaint Management Policy 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.

Definitions

The following key terms are used in this policy:

Complaint is an expression of dissatisfaction in relation to:

- 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 or failure 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

Refer Appendix 3 for Examples of Complaints

Request for Service is contact with Council to:

- seek assistance
- access a new service
- seek advice
- inform/make a report about something for which the council has responsibility.

The following are examples of requests for service:

- an insurance claim
- a request for information or explanation of policies or procedures
- reports of damaged or faulty infrastructure (i.e. potholes)
- reports of hazards (e.g. fallen trees)
- a dispute concerning neighbours

Customer is any individual or business who provides feedback to Council.

Contractor is a third party who carries out services on behalf of Council.

Frontline Resolution refers to process of resolving a complaint at the first point of contact with the customer.

Roles and Responsibilities

Our roles and responsibilities when managing complaints include:

Internal Responsibilities

Frontline Staff and Council Officers

- Receives the complaint and where possible resolves it at the point of contact, within the scope of their role.
- Complies with this policy.
- Ensures complaints are recorded in the Customer Request Management System (CRM).
- Escalates complaints according to the **Complaints Procedure workflow** (refer Appendix I).

Managers and their Delegated Officers

- Responsible for triaging service related complaints which require investigation to the appropriate Council Officer.
- Complies with the policy.

Managers

- Investigates the matter and contacts the customer where a complaint is about staff or policies they manage or where the issue is in relation to service delivery and has been escalated to them because it cannot be resolved by frontline staff or Council Officers.
- Responsible for service improvement.
- Ensures staff understand this policy.

Manager Customer Experience and Business Improvement (CX and BI)

- Receives complaints where an internal review has been requested.
- Allocates the internal review of the complaint to the responsible Director.

Directors

- Investigates the matter and contacts the complainant where a complaint is about staff they manage.
- Reviews the actions/ results from previous investigations where an internal review has been requested.
- Oversees the internal review process to conclusion or refers to external channels where internal resolution is not possible.
- Complies with this policy.
- Responsible for service improvement.

Chief Executive Officer

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

Contractors

- Complies with this policy.
- Ensures they and their employees understand this policy.
- Adheres to confidentiality and privacy requirements.
- Manages any referred complaints in accordance with this policy and guidelines.
- Notifies Council’s contract manager if they receive a complaint directly.

Councillors

- Forward 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.)

External Responsibilities

Ombudsman

- Reviews and investigates 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.

How to make a complaint

Website	www.banyule.vic.gov.au/Contact-us/Make-a-complaint
Telephone	(03) 9490 4222
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
In person	<ul style="list-style-type: none"> • Greensborough Customer Service Centre 1 Flintoff Street, Greensborough • Ivanhoe Customer Service Centre 275 Upper Heidelberg Road, Ivanhoe
Mail	Complaint Submission Reply Paid 90907 GREENSBOROUGH VIC 3088

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.

Accessibility

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.

Anonymity

We also accept and respond to anonymous complaints if we have received enough information to do so. Where possible, at the point of initial contact, Council can inform customers who wish to remain anonymous, that should additional information be required to action the complaint, the absence of contact information may mean that action is not able to be taken.

Complaint handling procedure

Overview

Council 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 customer is not satisfied with the outcome of the investigation, they can request an internal review.
4. Access to external review: if the customer 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.

Refer Appendix I for the internal Complaint Procedure Diagram.

1. Front line resolution

- Frontline staff will receive the complaint and record it. We will acknowledge a complainant by mail or email within ten working days or by phone in one working day.
- We will try to resolve the matter immediately where possible. If necessary, we will clarify the complaint and the outcome the customer is seeking.
- Where possible, we will inform the customer of the name and department of the staff member who is handling their complaint and advise them of a timeframe for progressing and/or completing the enquiry where relevant.
- If the Council is not the right organisation to respond to the complaint, frontline staff will advise the customer of an organisation that may be able to help.

2. Investigation

- When a complaint cannot be resolved by front line staff, the complaint will be recorded in the Customer Request Management System.
- If the complaint is in relation to **staff or contractor conduct** it will go directly to the appropriate manager.
- If the complaint is in relation to a **policy** or the quality or timeliness of **service delivery**, it will go to the relevant Manager or their delegate who will be responsible for ensuring it is directed to the most appropriate Council Officer.

- The Officer handling the complaint will contact the customer to **acknowledge** the complaint and provide a timeframe for progressing and/or completing the enquiry where relevant.
- Banyule City Council will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the Officer handling the complaint will contact the customer prior to this time and provide an explanation and revised timeframe.
- Complaints that are not resolved within 28 days may be escalated if necessary to ensure that a resolution is expedited.
- The Officer responsible for handling the complaint will write to the customer to advise them of the outcome. The **outcome correspondence** will contain reasons for the decision made and the contact information for the responsible Council Officer.
- The Officer handling the complaint may contact the customer to discuss the outcome of their complaint prior to sending the outcome letter.
- If the customer is not satisfied with the response or the way in which their feedback or complaint has been handled, they can ask for their complaint to be referred for an internal review.

3. Internal Review

If the customer is dissatisfied with the process or outcome of the frontline resolution or investigation, they can request an internal review via the Manager Customer Experience and Business Improvement (CX and BI). The Manager CX and BI will assign the complaint to the Director of the responsible area and the Director will carry out the internal review. The internal review will be independent of:

- the person who took the action; and
- the person who made the decision; and
- the person who provided the service

The Director will undertake a review of the complaint and gather information and expert advice where necessary.

An **outcome letter** signed by the Director responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

The outcome letter will advise the complainant of any avenues of **external review available** in relation to the matter, such as the Victorian Ombudsman.

4. External Review

If a customer is not satisfied with Council's final response, they 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](mailto:ombudvic@ombudsman.vic.gov.au)

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

Outcomes

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 customer.

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

Remedies

Where we have found that we have made an error, we will take steps to redress the situation and we will offer a genuine apology to the customer.

Privacy

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with staff on a 'need-to-know' basis.

Recording Complaints and Requests for Service

All complaints requiring investigation or internal review are recorded in Council's Customer Request Management system (CRM).

We analyse our complaint data and regular reports to the management team.

We record the following information for each complaint:

- the complainant's details (where complainant has not elected to be anonymous)
- how the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)
- the Council Officer/ Manager responsible for handling the complaint
- any action taken, including contact with the customer, response times and the outcome
- when the complaint was finalised
- relevant demographic information that could help improve services (where relevant).

Any queries regarding the recording of complaints should be directed to **Manager Customer Experience and Business Improvement**.

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 time.

Unreasonable Complainant Conduct

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

When a customer behaves 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 customer deserves to be treated with respect.
- Every customer, 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 customer 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 customer's wishes, demands or behaviour.

Managing Unreasonable Complainant Conduct

In managing unreasonable behaviour we try to ensure that:

- The customer'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.

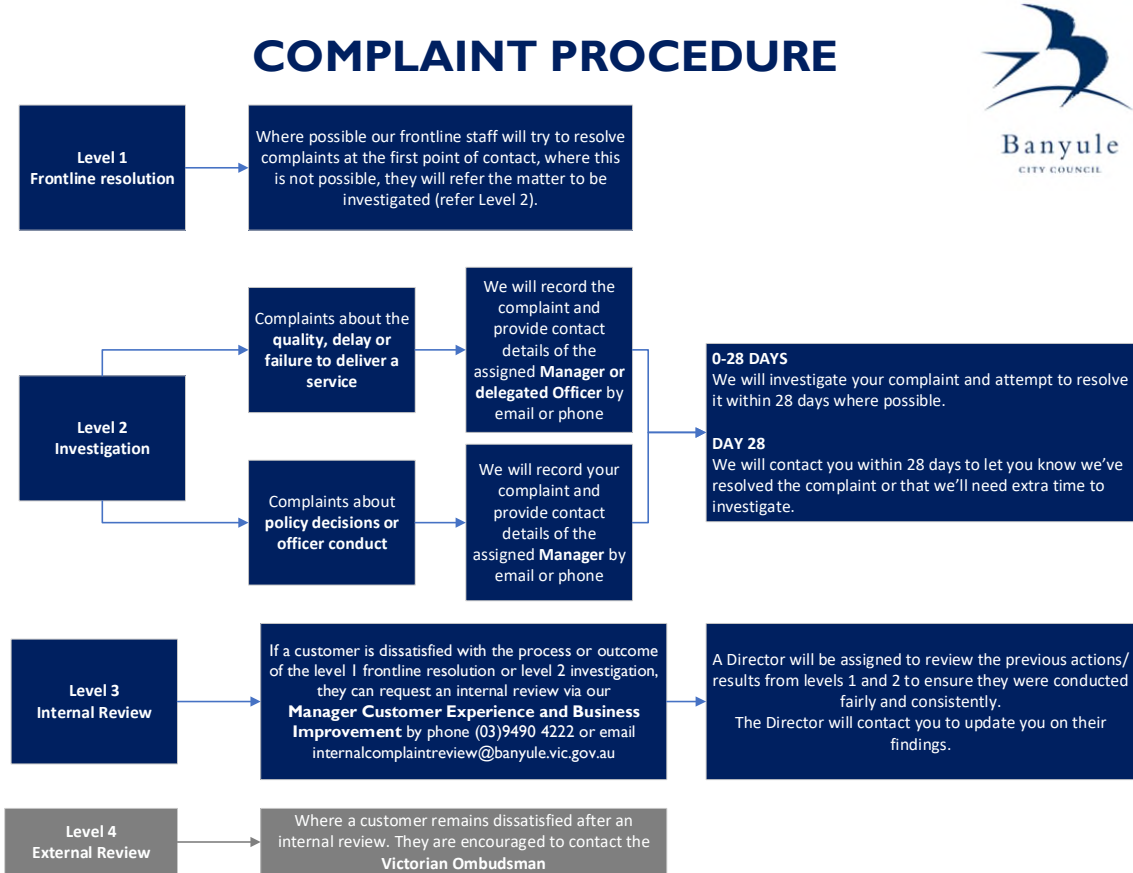
- A customer understands what Council can do in relation to their complaint.
- We provide clear reasons for our decisions. We avoid unnecessary delays.
- We provide clear guidance and procedures for staff to deal with complaints.

Discretion to refuse a complaint

Council have discretion to refuse to deal with a complaint which is otherwise subject to statutory review. It is the responsibility of the Council Officer dealing with this type of complaint to explain the following to the customer:

- the relevant statutory rule(s)
- the contact details for the Office/ Department undertaking the relevant review

Appendix I: Complaints Procedure Diagram



Appendix 2: Complaints and Resolution (External Body)

External Body		Contact details
Infringements Court	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
Magistrates 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 Inspectorate	The Local Government Inspectorate is responsible for investigating allegations of offences under the <i>Local Government Act 2020</i> (Act).	GPO Box 2392 MELBOURNE VIC 3001 Complaints hotline: 1800 469 359 8am–5pm weekdays Email: inspectorate@lgi.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

Appendix 3 Complaint Examples

Complaint	Within Council's Complaints Policy remit?	Action required at frontline level 1
Customer rings to advise that their bin has not been emptied.	Yes	The Customer Services Officer enters a request for service in the CRM for the bin to be collected within the next 72 hours and advises the customer. No further action is required.
Customer emails Council to query a utility bill.	No	The Customer is emailed the appropriate contact details for this issue. There is no requirement to record this as a complaint.
Customer visits a service centre to complain about interest charged on their overdue rates account.	Yes	<p>The Customer Services Officer explains the reason the interest has been applied. The customer is not satisfied with this response and asks to speak to someone in the Rate Department.</p> <p>The Customer Service Officer contacts the Rates Department and a Rates Officer attends to the counter to handle the complaint. If Rates Officer is unable to provide a resolution to this complaint, they input the issue into the CRM and it is escalated for investigation. A written response is provided within 28 days of receipt of the complaint.</p>
A customer calls to dispute a parking fine.	No	This is an example of a complaint that is covered by other legislative processes (the Infringements Act 2006) and not subject to Council's Complaint Handling Framework. The customer will be referred to the Infringement Review process.
A customer calls to complain about the way they were treated by a Customer Service Officer at the Service Centre.	Yes	<p>The Customer is transferred to the Officer's line Manager. The customer is happy with the response and the complaint is resolved.</p> <p>The de-identified complaint information should be entered into the CRM and closed out by the Manager. Information about the complaint will be used to inform staff management, training and development.</p>

Continued next page

Complaint	Within Council's Complaints Policy remit?	Action required at frontline level 1
Customer attending a festival held by Council complains about the quality of the entertainment	Yes	Council officers from Leisure, Recreation and Cultural Services thank the participant for their feedback and advise they will take this into consideration when they next arrange an event. The customer is happy with this response. Given this complaint does not represent a broader or systemic issue with Council's services, it is not recorded as a complaint.
A customer calls Council to express dissatisfaction with Ivanhoe Aquatic Centre programs	Yes	The Customer Service Officer enters the complaint into the CRM. A Leisure Services Officer responds to the customer. If the customer is satisfied with their response, the complaint CRM is closed out. If not, it is escalated for investigation and a written response is provided within 28 days of receipt of the complaint.
A councillor contacts Council to lodge a report on behalf of a customer in relation to planning proposal.	No	This is not a complaint but a request for service. The Governance team enter this into the CRM for action by the appropriate Officer.
A councillor contacts Council to lodge a complaint in relation to a footpath defect after notifying Council of the issue 2 months ago and not receiving an update.	Yes	The complaint is entered into the CRM by the Governance Team. The issue is assigned to an appropriate Officer to investigate and a written response is provided within 28 days of receipt of the complaint.
A customer emails a complaint alleging corrupt activity or action by a member of staff.	No	The customer should be responded to in accordance with the Procedure for handling disclosures under the Public Interest Disclosure Act 2012.
A customer calls the Central Maternal Child Health (MCH) Booking Line to complain that their appointment has been rescheduled twice.	Yes	The complaint is investigated and resolved by the frontline MCH Officer and no further action is required.
A parent calls Council to complain about the kindergarten placement their child was given, stating that it was not their first preference. They want their situation addressed by a Manager.	Yes	An Early Childhood Services Officer responds to the customer. If the customer is satisfied with their response there is no further action. If not, it is entered into the CRM and investigation and a written response is provided within 28 days of receipt of the complaint.