



# Complaint Handling Policy

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## 1 Document Information

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Corporate Services
POLICY OWNER	Manager – Governance
ADOPTED BY	Council on 13 December 2021
REVIEW DATE	31/12/2023
CM REF AND VERSION	15/79634[v2]
VERSION HISTORY	This policy replaces version 15/79634

## 2 Purpose

This Complaint Handling Policy aims to:

- Put in place an open and transparent complaint handling process as required by section 107 of the Local Government Act 2020 (Vic) (LGA 2020)
- Establish standard timeframes for registering, investigating and resolving complaints
- Outline the complaint handling process from receipt of complaint to closure.

### 3 Definitions

<b>Complaint</b>	<p>When customers makes a report of what they believe is a failing or a shortfall in response to a Council action or policy. It is different from a customer enquiry or a service request.</p> <p>According to the LGA 2020 a complaint includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with:</p> <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) 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</li> <li>(c) a policy or decision made by a Council or a member of Council staff or a contractor</li> </ul>
<b>Customer</b>	The person making the complaint to Council
<b>LGA 2020</b>	Local Government Act 2020 (Vic)
<b>Service Performance Principles</b>	<p>Has the meaning set out in section 106 of the LGA 2020 and is as follows:</p> <ul style="list-style-type: none"> <li>(a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community</li> <li>(b) services should be accessible to the members of the municipal community for whom the services are intended;</li> <li>(c) quality and costs standards for services set by the Council should provide good value to the municipal community;</li> <li>(d) a Council should seek to continuously improve service delivery to the municipal community in response to service monitoring;</li> <li>(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.</li> </ul>

<b>Staff</b>	Council staff, whether employed full-time, part-time or casual. For the purposes of this Policy, a member of Council staff will also be defined to include contractors and volunteers engaged by Council
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## 4 Scope

This policy applies to council staff whether employed full-time, part-time or casual. It also extends to contractors, agents and volunteers of the City of Kingston, to the extent provided for in their contract/agreements.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes or requirements imposed from other bodies, which may enact different standards and processes on complaint handling.

### 4.1 Policy Statement

Council values a person's right to complain and:

- recognises that complaints provide Council with an opportunity to try to resolve outstanding issues and identify areas of service needing improvement
- values complaints and encourages the community to contact us when they have a problem with our services, actions, decision and policies.

This Policy aims to ensure that customers can raise their complaints easily and with confidence with Council and that Council will:

- listen to their concerns confidentially
- show respect
- be responsive
- handle their complaints fairly and objectively.

This Policy prescribes best practice complaint handling processes, which aim to give effect to the Service Performance Principles as prescribed in section 106 of the LGA 2020.

## 5 Delegation Authority and Decision Guidelines

Nil.

### 5.1 Delegations/Authorisations

Nil.

### 5.2 Exemptions

## 6 Related Documents and Resources

### Legislation

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Freedom of Information Act 1982 (Vic)
- Local Government Act 2020

- Privacy and Data Protection Act 2014 (Vic)
- Public Interest Disclosures Act 2012 (Vic)
- Road Management Act 2004 (Vic)

### Internal Documents

- Conflict of Interest Policy
- Customer Commitment
- Customer Service Charter
- Customer Service Standards
- Employee Code of Conduct
- Pathway User Business Rules
- Staff Code of Conduct
- Unreasonable Complainant Conduct Policy

## 7 Different channels to make a complaint

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

 <b>Telephone</b> 1300 653 356	<b>8am to 5:30pm Monday-Friday.</b> Outside of these hours, the same telephone number becomes the <b>Emergency After Hours Service.</b>
 <b>In person</b> At our Customer Care Centres	<b>1230 Nepean Hwy, Cheltenham</b> Monday - Friday 8.30am – 5pm  <b>1 Chelsea Rd, Chelsea</b> Tuesday 10am – 12.30pm and 1pm - 4.00pm
 In person at Service locations	Council Hubs, Family & Children’s centres and Libraries
 <b>E-mail</b>	<a href="mailto:info@kingston.vic.gov.au">info@kingston.vic.gov.au</a>
 <b>Mail</b>	PO Box 1000, Mentone VIC 3194
 <b>National Relay Service</b>	<b>133 677</b> and quote 1300 653
 <b>Translating and Interpreting Service (TIS)</b>	<b>131 450</b> Stating the organisation as Kingston City Council and quote 1300 653 356

## **8 Complaints process**

Council's internal complaint handling process will follow the five steps set out below.

### **1) First point resolution**

It is Council's intention to try to resolve complaints at the first point of contact. When a customer lodges a complaint with Council, a frontline staff member will try to assist the customer and resolve the matter

If the matter cannot be resolved, the frontline staff member will record the complaint in a central system and it will then be directed to the most appropriate Council Officer (Assigned Officer).

If Council is not the right body to resolve the matter, the customer will be referred to a more appropriate organisation to assist.

### **2) Investigation**

The Assigned Officer will assess the complaint and will contact the customer to acknowledge receipt and introduce themselves within 24 hours of the complaint being allocated to them. The Assigned Officer can use this call to clarify information and the outcome that the customer is seeking.

It is expected that the Assigned Officer will investigate and close the matter within 10 working days. The Actioning Officer will undertake an investigation and, if required, will obtain further information (internal, external or legal advice) required to investigate the complaint.

Until the matter is closed, the customer will be contacted every 10 business days unless it is agreed to that less regular contact is preferable.

### **3) Internal escalation with the relevant department**

If the complaint cannot be resolved, it will be referred to a more senior Council Officer within the relevant business area, who will make contact with the customer to explain that they are now investigating the matter.

Until the matter is closed, the customer will be contacted every 10 business days unless it is agreed to that less contact is preferable.

### **4) Internal review**

If the customer remains dissatisfied with the outcome, or believes that it has been handled incorrectly, they can request an internal review.

The matter will then be referred to an Internal Review Panel (the Panel) made up of three senior Council Officers, including independent subject matter experts who will be chosen on a case-by-case basis.

The Senior Customer Advocate will co-ordinate the Panel and the Panel will make a recommendation to the relevant General Manager

Any Officer who has been involved in assessing the matter to date cannot be on the Internal Review Panel.

The Internal Review Panel will be required to assess the history of the matter, including any findings from previous investigations and any responses and information provided by the customer. The customer is to be contacted within five business days of receiving the review and advised to expect a written response within 20 business days.

The Internal Review Panel does not have the authority to make decisions about:

- Staff behaviour
- Freedom of Information requests under the Freedom of Information Act 1982 (Vic)
- Protected disclosures under the Public Interest Disclosures Act 2012 (Vic)
- Any issue where legislation, regulation or judicial process provides a separate avenue for dealing with the matter or appealing the decisions – for example, complaints made under s.87 of the Road Management Act 2004 (Vic) or decisions made according to the Planning and Environment Act 1987 (Vic), the Infringements Act 2006 (Vic) and the Valuation of Land Act 1960 (Vic).
- Complaints that have been notified to the Commission for Children and Young People
- Complaints that are the subject of an investigation by the Department of Health (Cwth), Department of Education (Vic) and Department of Health (Vic),

## **5) External Review**

If the customer's concerns cannot be resolved to their satisfaction through the Council's complaint handling mechanism, they can refer the matter to the most appropriate external body:

- Victorian Ombudsman
- Independent Broad-based Anti-Corruption Commission (IBAC)
- Local Government Inspectorate
- Victorian Equal Opportunity and Human Rights Commission
- Victorian Civil and Administrative Tribunal
- Victorian Small Business Commission

## **9 Authority to Act**

If a person prefers, or needs another person or organisation to assist or represent them in making a complaint to Council, they are required to provide Council with authority to do so (Authority to Act).

## **10 Anonymous complaints**

Council accepts and responds, where possible, to anonymous complaints, provided we have enough information to do so, as the matters raised may potentially affect other customers. Please see the information below as to privacy matters.

## **11 Unreasonable complainant conduct**

While Council is committed to being accessible and responsive to all people who approach us, it recognises that customers exhibiting one or more traits of unreasonable conduct can negatively impact on the health and wellbeing of Council staff, as well as the fair allocation of Council resources

Customers who are abusive or display behaviour that is threatening, intimidating or extreme/inappropriate as detailed in Council's *Unreasonable Complainant Conduct Policy* may have restrictions or limitations placed on their contact with Council while their complaint is being investigated.

Please refer to Council's *Unreasonable Complainant Conduct Policy* for further information.

## **13 Privacy**

All personal information collected in connection with a service complaint will be handled in accordance with all applicable privacy legislation, and will be used only for the purpose of investigating the service complaint.

When gathering information to respond to a service request/complaint, Council 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 releasing data to the public
- share it with Council staff on a need-to-know basis

## **14 Complaints about specific matters – alternative procedures**

There are specific complaint types that would be better handled without another process outside of this complaint handling policy, which would be clearly explained to the customer.

### *Complaints which are otherwise subject to statutory review*

Complaints where there is a review or appeal to a tribunal (e.g., the Victorian Civil and Administrative Tribunal or a court) can be handled through this alternative method. These complaints often concern infringements, planning or public health.

There may be occasions where it is cheaper and quicker to resolve these matters via an alternative process, therefore when discretion is used to refuse these complaints, Council will provide a reason.

*Complaints about allegations of corrupt conduct*

Where a complaint involves the allegation of corrupt conduct, it will be handled in accordance with the Public Interest Disclosures Act 2012 (Vic) and Council's Protected Disclosure Procedure and the Councillor Code of Conduct.

*Complaints about Councillors*

Complaints about councillors will be handled in accordance with the LGA 2020, Public Interest Disclosures Act 2012 (Vic) and the Councillor Code of Conduct.

*Complaints about the Chief Executive Officer*

Complaints about the Chief Executive Officer will be handled in accordance with the LGA 2020, Public Interest Disclosures Act 2012 (Vic), Council's Protected Disclosure Procedure and Council's Code of Conduct Policy.