

Council Policy

Council policy title:	Complaints Handling Policy 2021
Council policy sponsor:	Bryce Craggs - Director of Community and Customer Experience
Adopted by:	Bayside City Council
Date adopted:	Draft – to be adopted December 2021
Scheduled review:	October 2023
Document Reference:	TRIM DOC/21/296796

([Council Policy](#) is a high level public statement formally resolved by Council, which clearly states Council's requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature.)

1. Policy Background

All members of our community have the right to have their opinions heard and responded to. At Bayside City Council we value complaints and view them as an opportunity for learning and improvement. We encourage customers to tell us when their experience with Council has not met their expectations and advise them how we will work with them on a resolution. The complaint may relate to a decision, policy, service experience or behaviour of a Council employee.

2. Policy purpose

The purpose of this Complaints Handling Policy is to outline how Bayside City Council manages complaints and to meet Sections 106 and 107 of the Local Government Act 2020 in relation to the requirements for the process and policy of complaints handling.

Council is committed to providing a fair and consistent process for customers making a complaint to Council. This policy aims to:

- provide an open and transparent complaint handling system
- ensure staff handle complaints fairly and objectively
- establish our timeframes for resolving complaints
- clarify the roles and responsibilities of Council staff; and
- set out how Council will record, respond to, and report on complaints to improve our service.

3. Guiding Principles

Bayside City Council's vision is to:

Partner with our community to protect and care for the community of life in Bayside making an inclusive, active, healthy, connected and creative experience for all.

This vision forms Council's response to our community's expectations and our shared priorities for the next four years.

It also represents our strongly held belief that we represent a highly engaged and forward-thinking community; a community that expects us to lead and influence change on the big issues that affect all of us in Bayside and the broader global system.

Bayside City Council is committed to being a leading customer focused organisation which delivers an excellent customer experience consistently. By engaging with the community, delivering simplified processes and exceeding expectations, we are committed to customers having an experience that is:

- Easy to deal with – our services are easily accessed and simple resulting in a seamless customer experience.
- Empathetic – we listen to our customers, are willing to assist and use language our customers understand.
- Effective – our staff are skilled in the delivery of customer service and manage interactions in a timely way.
- Trusted – we are willing to offer a solution with the customer's best interest at heart.

4. Scope

We encourage people to contact us when they have a complaint and are committed to:

- making it easy for members of the public to make complaints about the Council and its services
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services

This policy relates to the management of complaints made to Council, by any person who has been affected by an action, inaction or decision of Council. The policy applies to all employees and also extends to volunteers and contractors carrying out work on behalf of Council to the extent provided for in their contract / agreement with Council. These will be referred to throughout this policy as Council staff and contractors.

This policy aims to:

- define what is considered a complaint to be managed under this policy
- outline the process for handling complaints
- ensure staff handle complaints consistently, respectfully and objectively
- outline roles and responsibilities of Council officers handling complaints; and
- outline how complaints will be captured and reported as input to continuously improve the delivery of Council's services.

What is a complaint under this Policy?

A complaint includes the communication (whether verbal or written) to the Council which expresses dissatisfaction with:

- the quality of an action taken, decision made, or service provided by a member of Council staff or a Council representative by the Council; or
- a 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 the Council or a member of Council staff or a contractor engaged by the Council.

In simple terms, a complaint to Council is any communication which involves the following:

- an expression of dissatisfaction
- about an action, decision, policy or service
- that relates to Council staff, a Council contractor, or Council as a decision-making body

In this policy:

- 'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
- 'Council representatives' is any third-party engaged by the Council to carry out functions on the Council's behalf.
- 'the Council' means the body of elected Councillors.

What is a request for service?

Unlike a complaint, a service request is raised when a customer wants 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

Refer to Appendix 1 for specific examples that help explain the difference between a complaint and a service request.

Application of the policy

Sometimes complaints may need to be managed by a separate statutory or legislative appeal process.

Where a complaint is outside Council's service responsibility, guidance will be given to direct the complainant to the appropriate authority or service provider. Refer to Section 6 of this policy for a list of external bodies that may deal with these types of complaints.

Examples of service areas in which there are separate statutory or legislative appeal processes include but are not limited to:

- Complaints relating to a Council or Committee resolution.
- Complaints relating to a planning application or decision.
- Complaints relating to compliance infringements: parking, local law, animal management, health, planning or building.
- Complaints relating to a Councillor when not performing his/her role as a Councillor.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Freedom of information requests.
- Work related grievances from Council employee (i.e., complaints relating to their employment)
- Complaints that have already been reviewed by an external agency.

Council recognises the above complaints are still valid from a customer experience perspective, however these will be managed separately from this policy and will not be investigated as part of this policy and procedure.

In the event that a complaint alleges misconduct or corruption against a Council Officer, the complaint should be referred to the Protected Disclosure Coordinator to follow the Protected Disclosure Procedure. In these circumstances, the identity of the complainant is not disclosed.

Complaints or feedback communicated to Councillors or Members of Parliament will be referred to the organisation for appropriate action and response.

Complaints about specific matters – alternative procedures

Some complaints are governed by specific statutory and regulatory processes which fall outside the scope of this policy.

- **Privacy and Data Protection Act and Health Records Act Complaints**
These Acts deal with an individual's personal and health information. Complaints about our handling of an individual's personal or health details will be referred to Council's Privacy Officer in the first instance.
- **Complaints about conduct of Councillors.**
Complaints about councillors will be referred to the Mayor and handled accordingly to the Councillor Code of Conduct. Complaints concerning the Mayor will be reviewed by the Deputy Mayor in line with the Councillor Code of Conduct. We will inform the complainant about when the process is completed, however details on the outcome may not be provided.
- **Public Interest Disclosure Act complaints**
If a complaint involves allegations of corrupt conduct by a council officer, complainants can choose to raise concerns under the Public Interest Disclosure Act 2012. Complaints can be made directly to Council or to the Independent Broad-based Anti-Corruption Commission (IBAC).
Disclosures can be made to Council by marking their complaint Private and Confidential and sending it to Council's Public Interest Disclosure Coordinator. Complaints involving a Councillor will be referred to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman.
- **Complaints about staff behaviour and child safety**
Bayside Council takes all allegations and concerns about potential child abuse seriously and has practices in place to investigate and escalate to authorities, if necessary.
Complaints about suspected child abuse involving a council officer will be handled in line with Council's Child Safe Policy.

5. How to make a complaint

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

Email:

enquiries@bayside.vic.gov.au

Website:

bayside.vic.gov.au/contact-us

Mail:

Bayside City Council
PO Box 27 Sandringham, VIC, 3191

Telephone:

Customer Service 03 9599 4444

In person

Corporate Centre at 76 Royal Avenue, Sandringham

In order for Council to be able to resolve the complaint it should include their name, address, email address if available and contact phone number together with a description of the issue.

Complaints addressed to the CEO and/or Councillors, will be forwarded to the relevant Department for investigation and response and managed in accordance with this policy.

Anonymous complaints

Sometimes people are more comfortable making an anonymous complaint as confidentiality is guaranteed. Council will do its best to review anonymous complaints as far as possible without being able to consult with the complainant. It can be very difficult to resolve to resolve issues or to enforce legislation without the ability to thoroughly investigate and gather evidence and witness information.

Accessibility

All reasonable effort will be made to assist people with specific needs to make a complaint. This may include providing an interpreter or translator, ensuring customers can be represented by an advocate of their choice, and providing straightforward and easy to read information in plain language.

National relay Service

TTY users

Phone: 133 677

Speak and listen (speech to speech relay)

Phone: 1300 555 727

Internet Relay users

relayservice.gov.au and ask for 8290 1333

Translating and interpreting service

The TIS National's interpreting service can be contacted on 131450

5. Complaint Handling framework

Bayside City Council incorporates a four- level approach to handling complaints. This approach is informed by the recommendations of the Victorian Ombudsman's Councils and Complaints.

①. First Contact resolution, where possible:

Council staff receive the complaint and resolve it within the scope of their authority immediately, if possible. Registration and acknowledgement of the complaint occurs with initial triage and basic information gathering.

②. Investigation if required:

If the first contact staff cannot resolve the complaint, they will refer it to a more senior Council officer responsible within the appropriate work area for investigation and resolution. The complainant will receive notification of the outcome within 10 business days.

③. Internal review:

If the complainant is not satisfied with the outcome of the investigation, they can request an internal review. This will be referred to an appropriate senior Council officer (a director/manager) who is independent of the person who took the action, made the decision or provided the service. This Council officer will review the complaint and provide a notification of the outcome within 20 business days.

④. Access to external review:

If the complainant is not satisfied with the process or outcome of the internal review, they will be informed of any external avenues through which they may pursue their complaint.

Complaint Handling Process

The following table outlines the process and actions Council will take to manage and respond to Complaints:

Levels	Action
1	<p>First Contact Complaint Resolution</p> <p>When we receive your complaint we will assess the information available and decide the most appropriate course of action. Where possible, we will attempt to resolve your complaint at the time you first contact us.</p> <p>After our initial assessment, we may:</p> <ul style="list-style-type: none"> • take direct action to resolve your complaint • refer your complaint to a case manager for further investigation. This case manager will be your primary contact and will take responsibility for working through the resolution of your enquiry on behalf of the Council • advise you if there is an alternative process to deal with your complaint including if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT). <p>If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.</p>
2	<p>Investigation (if required)</p> <p>Complaints unable to be resolved at first point of contact will be referred to a more senior council officer for investigation and management.</p> <p>As part of our investigation we will:</p> <ul style="list-style-type: none"> • make prompt contact with you to discuss the matter and understand what resolution outcome you are seeking • assess the information against relevant legislation, policies and procedures • refer to Council documents and records • convene with affected parties, when appropriate to discuss issue and possible solutions • take ownership of your complaint, clearly set out actions and timeframes and keep you updated regularly • advise you of the outcome and explain our reasons and follow this up with a response in writing if required
3	<p>Internal review</p> <p>How to request an internal review</p> <p>If you are dissatisfied with the process or outcome of the level 1 first contact resolution or level 2 investigation, you can request an internal review.</p> <p>The internal review will be assigned to a suitable senior officer who is independent of;</p> <ul style="list-style-type: none"> • the person who took the action; and • the person who made the decision; and

	<ul style="list-style-type: none"> the person who provided the service <p>The officer will undertake a review of the complaint and gather information and expert advice where necessary.</p> <p>We will inform you of the outcome of the internal review in writing at the conclusion of the review and explain our reasons.</p> <p>The outcome letter will advise you of any avenues of external review available in relation to the matter, such as the Victorian Ombudsman.</p>
4	<p>External Review</p> <p>If you are not satisfied with the process or outcome of the internal review, you can contact the Ombudsman's Office and/or other external agencies to request an independent review. See section 6 below for the External Review organisations.</p>

The current Customer Complaint Escalation Procedure will be reviewed against the LG Act 2020 requirements and with consideration given to the Victoria Ombudsman - A Good Practice Guide.

Requesting an External Review

There are several organisations, listed below, that can consider matters relating to Local Government.

- **Victorian Ombudsman**

The Ombudsman accepts complaints about the actions or decisions of a Council, Council staff and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic).

Contact: ombudsman.vic.gov.au or phone (03) 9613 6222

- **Local Government Inspectorate**

The Inspectorate accepts complaints about Council operations and potential breaches of the Local Government Act.

Contact: lgi.vic.gov.au or phone 1800 469 359

- **Office of the Victorian Information Commissioner**

OVIC accepts complaints about privacy breaches and about a freedom of information application.

Contact: ovic.vic.gov.au or phone 1300 006 842

- **Independent Broad-based Anti-Corruption Commission**

IBAC accepts complaints about suspected corruption and misconduct as well as public interest disclosure ('whistle-blower') complaints.

Contact: ibac.vic.gov.au or phone 1300 735 135

- **Victorian Human Rights and Equal Opportunity Commission**

The human rights commission accepts complaints in relation to discrimination.
Contact: humanrights.vic.gov.au or phone 1300 292 153

- **Victorian Civil and Administrative Tribunal**

VCAT accepts complaints about planning and building disputes.
Contact: vcat.vic.gov.au or phone 1300 018 228

6. Implementation and monitoring

Recording complaints

When we are contacted about a complaint, we will record the complaint in our Customer Request System (REX) and record management system (TRIM). We will provide the complainant a reference number.

We will record the following information for each complaint:

- The complainant's details
- How the complaint was received
- A description of the complaint
- The complainant's desired outcome (if known)
- The officer responsible for handling the complaint.
- Any action taken, including contact with the complainant, response times and the outcome.
- When the complaint was finalised.
- Relevant information that could help improve services.
- Any recommendations for improvement, and who is responsible for implementing them.

Privacy

At Bayside we are committed to maintaining a culture that respects each individual's right to privacy. We respect individual's privacy and are committed to protecting the personal and health information that is provided by individuals under the Privacy and Data Protection Act 2014, the Health Records Act 2001 and other applicable legislation.

Any personal or health information collected will only be used for the primary purpose for which it was collected, or for a permitted secondary purpose as stated under the Privacy and Data Protection Act 2014.

The information collected may also be used by Bayside City Council for the purpose of improving the services that relate to your complaint. Where we publish complaint data, personal information will be removed and not reported on.

Learning from Complaints

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

The Customer Experience team supports the organisation to analyse complaint data, identify issues/trends and support service units to undertake necessary interventions to reduce the reoccurrence of the complaints and improve our services.

7. Unreasonable complainant conduct

While the majority of complainants have legitimate concerns and genuinely seek resolution, a small proportion of complainants behave in ways that are inappropriate and unacceptable – despite our best efforts to help them.

Unreasonable complainant conduct is defined as “behaviour by a current or former complainant which because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council, its employees and associated parties.

Unreasonable complainant conduct may result in limitation of access to Council staff and buildings. Steps to limit access to Council will be taken only by Council’s CEO with careful thought and consideration and the complainant will be informed of this decision. They are only justified if there are safety concerns for staff or to ensure that other customers have access to resources they are entitled to.

Any limits to accessing Council staff or buildings will be reviewed at least every 12 months to consider whether it is appropriate to maintain the restrictions.

We manage unreasonable complaints with a clear understanding that:

- Every complainant deserves to be treated with fairness and respect.
- In the absence of very good reasons to the contrary, members of the public have a right to access the Council.
- No complainant, regardless of how much time and effort is taken up in responding to their complaint, will be unconditionally deprived of having their complaint properly and appropriately considered.
- A complainant whose conduct is unreasonable may have a legitimate complaint.
- The substance of the complaint dictates the level of resources allocated to it, not the complainant’s wishes, demands or behaviour.

Some types of behaviour are never acceptable and can include:

- verbal abuse
- offensive behaviour
- threats; and
- violence.

Council requires all employees to be respectful and responsive in all their communications with members of the public and expect the same when members of the public are communicating to Council employees. Council may change the way communication is provided if behaviours or conduct is deemed to raise health, safety, resource or equity issues for Council employees involved in the complaints process as per the Occupational Violence and Aggression Policy.

8. Roles & Responsibilities

Council Employees

Employees with access to Council's Customer Request Management System (REX) are responsible for ensuring that the complaint is recorded accurately, flagged as a complaint and, if possible, resolved at first point of contact. If the complaint can't be resolved at the first point of contact, the receiving officer will be responsible for recording details of the complaint.

Managers and Directors

Managers and Directors will be responsible for managing complaints that have not been resolved at the first or second contact within their team, along with providing any required oversight of the complaint's management process.

CEO and Office of the Mayor and Councillors

Complainants who directly contact the Office of the Mayor or the Office of the CEO will be either responded to by the CEO or Office of the Mayor or the complaint may be forwarded to a Director to investigate and provide a resolution back to the complainant via the most appropriate level of management. These complaints are also to be recorded as part of Council's Customer Request Management System (REX).

9. Glossary - Definitions and Abbreviations

Term	Meaning
Complaint	An expression of dissatisfaction with the quality of an action taken, policy or decision made, or service provided by an agency or its contractor, or a delay or failure in providing a service, taking an action or making a decision by an agency or its contractor.
Complainant	A person or group the Council and/or makes a complaint or request for service to Council.
Customer	Includes residents, ratepayers, members of the public or groups, visitors and businesses within the city.
Community/ municipal community	<p>'Community' is used it to describe people of a municipality, or Council area, generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>The Local Government Act 2020 (Vic) defines the term "municipal community" as:</p> <ul style="list-style-type: none"> (a) people who live in the municipal district of the Council; and (b) people and bodies who are ratepayers of the Council; and (c) traditional owners of land in the municipal district of the Council; and (d) people and bodies who conduct activities in the municipal district of the Council.
Communication	Communication is about providing information to build a shared understanding between Council and the community.
Compliment	An expression of praise for employees, processes or services provided and the experience of the interaction.
Customer Service Officer	All staff and their teams who have authority in their role to manage simple complaints. This is typically staff who have direct contact with customers but could be any staff member who initially receives a complaint, regardless of their position or role within the organisation. This is not limited to the function of customer service.
Employees	All employees, including contractors, representatives and volunteers authorised by Bayside City Council.

Term	Meaning
Hard to reach / marginalised stakeholders	<p>There are groups or sections of our community who may find it more difficult to participate in community engagement activities. These groups can be considered ‘hard to reach’ because of the barriers to engagement that they experience. These groups include, but are not limited to:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander people • Children and adolescents • Culturally and Linguistically Diverse (CALD) • Lesbian, gay, bi, trans, intersex and queer (LGBTIQA+) people • New and established migrant communities • New residents to the municipality • Older people • People experiencing homelessness • People with health issues • People with limited literacy • People with limited access to and/or skill in digital technologies • People with disabilities and their carers • People with lower discretionary income • People with non-standard work patterns/schedules • Residents in public housing <p>We will adapt engagement tools and processes to ensure fair, inclusive and accessible representation for these sections of the community and support their participation.</p> <p>We also recognise the requirement to consider gender identity and its impact on participation and tool selection.</p>
Customer request management system	Council's corporate system to record information and administer workflows related to community and resident requests for services, enquiries and complaints.
Unreasonable complaint conduct	Unreasonable complainant conduct is any behaviour by a current or former complainant which because of its nature or frequency raises substantial health, safety, resource or equity issues for Council, its employees and associated parties.

10. Related documents

Legislation	Local Government Act 2020 (Vic) Privacy and Data Collection Act 2014 Public Interest Disclosures Act 2012 (Vic)
Policies	Customer Experience Policy 2018 Privacy and Data Collection Policy 2017 Staff Code of Conduct Councillor Code of Conduct OVA Policy 2021
Strategies/Plans	Council Plan 2021/2025 Bayside 2050 Community Vision Digital First Strategy 2018-2021
Procedures/Processes	Customer Complaint Escalation Procedure Protected Disclosure Procedure
Other	Customer Service Commitments Victorian Ombudsman – Council and complaints – A good practice guide 2 nd edition July 2021

Appendix 1 Definition of a Complaint

The table below provides some context of a complaint compared to a service request.

Complaint/Service request examples	
Complaints handled under policy	Service request
My bin was out but wasn't collected this morning. Can you pick it up?	I forgot to put my bin out, can someone collect it?
A pothole I reported to Council two months ago hasn't been fixed and is getting worse.	Could Council fill in a pothole in my street?
You haven't sent my rates notice.	Can you tell me when my next rates payment is due?
Council's investigation into noise from a business wasn't rigorous and didn't look at peak times. More investigation is needed.	My neighbour's business is very noisy. Can you make it stop?

Please note: This policy is current as at the date of approval. Refer to Council's website (bayside.vic.gov.au) to ensure this is the latest version.