

Manningham Complaints Policy

MANNINGHAM COMPLAINTS POLICY

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| RELATED DOCUMENTS: | <i>Manningham Customer Promise</i> <i>Manningham Employee Code of Conduct</i> <i>Manningham Councillor Code of Conduct</i> <i>Fraud and Corruption policy 2019</i> <i>Public interest disclosure procedures</i> <i>Manningham Information Privacy and Security Policy</i> <i>Child Safe Policy</i> |
| RELATED LEGISLATION: | <i>Local Government Act 2020</i> <i>Victorian 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 Health Records Act 2001</i> |

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MANNINGHAM COMPLAINTS POLICY

Introduction

Manningham Council (Council) is committed to sound decision making processes to ensure fair and reasonable outcomes for the community.

We realise that sometimes despite our best efforts, people may not be happy with the way we have performed a service.

We encourage feedback as a valuable opportunity to review policies, procedures and practices and make changes where necessary.

This policy provides a framework for how we manage complaints and how we measure our performance.

We have developed this policy in line with the *Local Government Act (2020)* as well as best practice guidelines from the Victorian Ombudsman's *Local Government Complaint Handling Good Practice Guide (2014)*, *Revisiting councils and the Ombudsman Good Practice Guide (2019)* and *Managing Complaints involving Human Rights (2017)*.

Purpose

The Complaints Policy outlines our approach to providing a fair and consistent process for managing complaints about an action, decision or service delivered by our staff, councillors, volunteers or contractors who work on our behalf.

This policy details the framework used by our staff to manage complaints. The framework helps us deliver on our *Customer Promise* to make it easy, serve consistently, respond proactively and celebrate choice.

Objectives

Our Complaints Policy aims to:

- Keep customers informed about what they can expect during the complaints handling process and how they can escalate their issue if they are not satisfied.
- Ensure our customers' right to comment is protected and promoted.
- Ensure that feedback is handled in a fair, unbiased and consistent way, allowing for corrective actions to be put in place where necessary.
- Consider and respect human rights.
- Provide opportunities for continually improving our customers' experience and satisfaction with our services and programs.

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Guiding Principles

This policy is based on seven principles outlined in the Victorian Ombudsman's *Councils and Complaints – A good practice guide 2015*.

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| Commitment | We are committed to resolving complaints that we receive and we recognise our customers' right to complain. We consider complaint handling to be part of our core business of serving the community and improving service delivery. |
| Accessibility | We aim to make it easy for our customers to find out how to make a complaint and how we can assist them with the complaint process. We understand the diverse needs of the community and provide a range of ways for people to lodge complaints. |
| Transparency | The Complaints Policy clearly sets out how to lodge a complaint, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny. We report on complaints in our Annual Report. |
| Objectivity and fairness | We aim to resolve complaints fairly, with respect and courtesy, and complaints are judged on merit and fact. We are committed to impartiality, confidentiality and transparency when managing complaints and proactively represent the best interests of our community. |
| Confidentiality and privacy | We protect the personal information of people making a complaint, and our staff are only informed on a 'need to know' basis. We will handle all records in accordance with the <i>Privacy and Data Protection Act (2014)</i> . |
| Accountability | We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure our decisions are subject to appropriate review processes. |
| Continuous improvement | We regularly analyse complaint data and report quarterly to senior managers to find ways to improve how we operate and deliver our services. |

MANNINGHAM COMPLAINTS POLICY

Definitions

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| Complaint | <p>The communication, whether verbally or in writing, to Manningham Council by a person of their dissatisfaction with:</p> <ul style="list-style-type: none">• the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by Council; or• the delay by a member of Council staff or a contractor engaged by Council in taking an action, making a decision or providing a service; or• a policy or decision made by Council or a member of Council staff or a contractor acting on behalf of Council. |
| Complainant | <p>Person or entity affected by the action or inaction of Manningham Council.</p> |
| Contractor | <p>Third party carrying out services on behalf of Council.</p> |
| Council Operations | <p>Refers to all Manningham Council services, activities, processes, policies, buildings, employees, and contractors.</p> |
| Customer(s) | <p>Any party that interacts with Manningham Council.</p> |
| Public Interest Disclosure | <p>A specific class of Complaint (governed by the <i>Public Interest Disclosure Act 2012</i>) that requires a high level of confidentiality and protection of the Complainant.</p> |
| Request for Service | <p>Refers to a request by a customer for a particular service provided by Manningham Council.</p> |

Application of Policy

This policy applies to complaints about the action, inaction or decision made by our staff, councillors, volunteers and contractors who work on our behalf.

The following may be recorded as a request for service not a complaint in the first instance:

- A request for works or services to be provided.
- A request for information or explanations about policy or procedure.
- Reports of damaged or faulty infrastructure (e.g. a road pothole).
- Reports of hazards (e.g. a fallen tree branch).
- Reports about neighbours or neighbouring property (e.g. noise or unauthorised building works).
- The lodgement of an appeal or objection in accordance with a standard procedure. or policy (e.g. objection to a development application or in response to receiving an infringement).

Sometimes a complaint may need to be managed by a separate statutory or legislative appeal process. These can include:

- Complaints relating to a Council or committee resolution.
- Complaints relating to a planning application or decision.
- Complaints relating to infringements.
- Complaints relating to building, health and food services.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Freedom of information requests.
- Work related grievances from our staff (i.e. complaints relating to their employment).
- Complaints already reviewed by an external agency.

Roles and Responsibilities

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| <p>Frontline staff</p> | <p>Frontline staff in Customer Service and staff who have direct contact with customers are responsible for clarifying the complaint and attempting to resolve customers' issues in the first instance.</p> <p>If they are unable to resolve the complaint or if the issue should be escalated, they will refer the complaint to the appropriate team leader, coordinator or manager.</p> |
| <p>Team Leaders and Coordinators</p> | <p>Will assist frontline staff to find a solution or support managers if the issue needs assessment or investigation.</p> |
| <p>Managers</p> | <p>Managers are responsible for managing assessment or investigations about an issue if it cannot be resolved by the frontline staff. This includes communicating timeframes, next steps, outcomes and escalation avenues to complainants.</p> |
| <p>Manager Business Enablement</p> | <p>Oversees the Complaints Policy on behalf of Council, including processes and procedures.</p> <p>Works with Coordinator Customer Service, managers and directors to coordinate complaints which undergo internal review.</p> |
| <p>Directors</p> | <p>Directors who have not been involved in or are not the subject of a complaint are responsible for performing an internal review.</p> <p>This may include managing investigations and making recommendations to the CEO.</p> |
| <p>Chief Executive Officer (CEO)</p> | <p>The CEO encourages an environment where complaints are handled fairly and comprehensively and acts on complaints reporting data.</p> <p>Oversees any complaint that is made against a direct report to the CEO.</p> |
| <p>Councillors</p> | <p>Councillors are responsible for ensuring all complaints received from members of the community are directed to the Mayor and Councillor support staff to record.</p> |

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How to Make a Complaint

In line with our Customer Promise, a complaint can be made in customers preferred way – by phone, by letter, email, online or in person. We'll do our best to interact with customers in the same way.

An interpreter service is provided for complainants from non-English speaking backgrounds and support is available to people with a disability.

Online: manningham.vic.gov.au/talk-to-us

By phone: 03 9840 9333
Interpreter services: 03 9840 9355.

By email: manningham@manningham.vic.gov.au

Social media: facebook.com/ManninghamCouncil

In person:

Monday to Friday from 8.30am to 5.00pm.

Manningham Civic Centre
699 Doncaster Road
Doncaster, Victoria
3108

By post: PO Box 1, Doncaster Victoria 3108

Hearing or speech impaired

National Relay Service (NRS)

Tel: 1800 555 677

Web: www.relayservice.com.au

To help us respond to feedback please include name, address, contact details as well as a brief description of the issue and issue location.

Sometimes we may request a complaint be provided in writing to have all the facts and issues clearly set out, especially in cases requiring escalation.

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We aim to resolve complaints in a timely way

We will acknowledge complaints within two business days, or within ten days if a complaint is received by mail.

When we cannot resolve complaints immediately, we aim to provide a resolution within ten business days. If we need to conduct a formal investigation or cannot resolve a complaint within ten business days, the complainant will be kept informed of our progress and be provided with:

- The name of the person responsible for resolving the complaint.
- The estimated length of time it may take to resolve the complaint.
- A timeframe for when complainants can expect to receive an update from us.

We value our customers' privacy

All personal and health information collected by Council in connection with a complaint will be handled in accordance with our *Information Privacy Policy* and will only be used for the purpose of investigating the complaint.

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 it is possible without being able to consult with the complainant. It can be very difficult to resolve issues or to enforce legislation without the ability to thoroughly investigate and gather evidence and witness information.

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How do we handle complaints?

We take a four-level approach to complaint handling.

| Level | We will | Responsibility | Time frame |
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| <p>Frontline resolution Complaints about delays or inaction for services or decisions.</p> | <ul style="list-style-type: none"> • Make sure we understand the issue and the complainants' desired outcome • Communicate complaints process • Provide a reference number • Provide a response and/or resolution timeframe • Communicate outcome | Frontline staff and officers who directly receive complaints. | Immediately if we are able to, or an acknowledgement within two business days and resolution within ten business days, |
| <p>Assessment and resolution Complaints where:</p> <ul style="list-style-type: none"> • Frontline staff are unable to resolve • Complainant is dissatisfied with frontline response • Policy decisions are involved • Staff conduct is involved. | <ul style="list-style-type: none"> • Provide reference number • Provide a response and/or resolution timeframe • Communicate outcome • Provide internal review options <p>If not already completed:</p> <ul style="list-style-type: none"> • Understand the issue and the complainant's desired outcome • Communicate complaints process | Team leaders, coordinators or managers. | <p>We will aim to resolve complaints within ten business days.</p> <p>If we need more time to investigate we will keep complainants informed.</p> |
| <p>Internal review When complainants are dissatisfied with a decision or how a complaint was managed during the complaint process</p> | <ul style="list-style-type: none"> • Provide a reference number • Communicate outcome • Provide resolution SLA • Provide external review options | Manager Business Enablement, Coordinator Customer Service, Manager, Director or CEO | <p>Within 28 business days.</p> <p>If we need more time we will keep complainants informed.</p> |
| <p>External review When complainants are dissatisfied with how we managed a complaint, or wish to have the complaint referred to an external agency.</p> | | Victorian Ombudsman | |

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Level 1 Frontline resolution

We will clarify the complaint and the outcome the complainant is seeking and try to resolve an issue immediately if we are able.

Otherwise the complaint will be referred to another officer for advice or resolution.

We will advise complainants of how we manage complaints, who will respond to their complaint and when they can expect us to respond.

If a complaint relates to another organisation we will direct the customer to an organisation that can help.

Level 2 Assessment and resolution

Sometimes we're unable to resolve a complaint at our frontline or a complainant may be dissatisfied with our response. In these cases we'll refer the complaint to a more senior officer to be reviewed or investigated if needed.

A complaint will also be immediately escalated if:

- the complaint is about a staff member's conduct.
- the staff member has a real or perceived conflict of interest, and it is not appropriate that they deal with it
- the complaint is outside the staff member's delegation or area of expertise.

We will keep complainants informed about timeframes, next steps and who to contact.

If a complaint is about a staff member's conduct we will assess and manage the complaint in line with our Disciplinary Policy. We will inform the complainant about the process and when it is completed, however we may not be able to provide details on the outcome or actions taken in relation to the staff member.

Level 3 Internal review

If we don't resolve an issue to a customer's satisfaction, complaints can be reviewed or investigated by an independent Manager, Director or the Chief Executive Officer when requested by the complainant.

The appropriate Manager, Director or Chief Executive Officer will advise complainants about the outcome in writing within 28 days.

If we cannot provide a response within 28 days we will keep complainants informed about when an outcome can be provided.

If the complainant remains dissatisfied, other options can be considered to achieve an outcome. This may include conciliation, mediation, or further direct negotiations.

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Level 4 External review

If the complainant is not satisfied with how we have resolved their complaint, or at any stage, the complaint can be reviewed externally.

Complainants can refer their issue to an outside agency such as the Victorian Ombudsman Service (www.ombudsman.vic.gov.au) who can be contacted on [03 9613 6222](tel:0396136222).

Other avenues for complaints

There are a number of other organisations that can provide an external review of complaints relating to a council.

- **Ombudsman Victoria**
Provides an impartial service for anyone who believes they have been treated unfairly.
- **Office of the Victorian Information Commissioner ('OVIC')**
Responsible for regulating Victorian Government agencies and local councils in regard to information access, information privacy, and data protection.
- **Dispute Settlement Centre (Victorian Department of Justice)**
Provides an informal, low cost and impartial service that can be used for private disputes between neighbours.
- **Health Complaints Commissioner (HCC)**
An independent statutory body that resolves complaints about healthcare and the handling of health information in Victoria. They can also investigate health service providers who may pose a serious danger to the public.
- **Independent Broad-Based Anti-corruption (IBAC)**
Investigates complaints regarding the improper conduct of public officers and public bodies.
- **Victorian Equal Opportunity and Human Rights Commission**
Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research, and provides legal and policy advice.
- **Local Government Inspectorate**
Investigates complaints concerning breaches of the Local Government Act by Victorian councils.
- **Victorian Civil and Administrative Tribunal (VCAT)**
VCAT is a tribunal that hears and decides civil and administrative legal cases in Victoria.

Complaints about specific matters - alternative procedures

Some complaints are governed by specific statutory and regulatory processes which fall outside the scope of the 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 Freedom of Information/ Privacy Officer.

Written complaints should be marked Confidential and sent to:
Freedom of Information/ Privacy Officer, Manningham City Council, P.O. Box 1
Doncaster, 3108.

Complaints about conduct of Councillors

Complaints about Councillors will be sent to the Mayor and handled according 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.

Complaints about conduct of Chief Executive Officer

Complaints about the conduct of the Chief Executive Officer will be referred to the Mayor which will be raised at the next Council meeting when the meeting is closed to members of the public. If the complaint requires investigation or on request from the CEO, the matter may be reviewed by an independent external party.

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.

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Complaints about staff behaviour and child safety

Manningham 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.

In addition to reporting child safety concerns to the relevant authorities, please report concerns to Council by contacting Council's Child Safety Contact Officer.

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”.

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.

Recording complaints

When we are contacted about a complaint we will record the complaint in our Customer Relationship Management system (CRM) and record management system (TRIM). We will provide the complainant a reference number.

We 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.

Reporting on performance

We regularly report to senior management on our complaint handling performance including steps taken to make improvements to minimise the chance of similar complaints in the future.

Our complaint management performance will also be reported through our Key Performance Indicators (KPI's) in our Annual Report.

Relevant policies and references

Relevant policies and references includes but is not limited to:

- Manningham Customer Promise
- Manningham *Employee Code of Conduct*
- *Manningham Disciplinary Policy*
- *Manningham Councillor Code of Conduct*
- *Manningham Fraud and Corruption policy*
- *Manningham Public interest disclosure procedures*
- *Manningham Complaint Handling Guidelines*
- *Manningham Child Safe Policy*
- *Manningham Information Privacy and Security Policy*
- *Victorian Ombudsman, Councils and complaints - a Good Practice Guide 2015*
- *Victorian Ombudsman, Managing Unreasonable Complainant Conduct Practice Manual 2012*
- *Victorian Ombudsman, Good Practice Guide Managing Complaints involving Human Rights, 2017*
- *Victorian Ombudsman, Good Practice Guide to Dealing with Challenging Behaviour, 2018*
- *Victorian Ombudsman, Good Practice Guide for Public Sector Agencies, 2016*

Related legislation

Relevant legislation includes but is not limited to:

- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Independent Broad-based Anti-corruption Commission Act 2011*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Health Records Act 2001*
- *Health Complaints Act 2016*
- *Freedom of Information Act 1982*

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Accessing this policy

This policy is available on our website manningham.vic.gov.au and hardcopies are available upon request.

Policy Review

The Complaints Policy is due to be reviewed annually and will next be reviewed by June 2024.