

Manningham Complaints Policy

MANNINGHAM COMPLAINTS POLICY

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

Contents

| | |
|--|----|
| Introduction..... | 4 |
| Purpose..... | 4 |
| Objectives | 4 |
| Definitions | 5 |
| Application of Policy | 6 |
| Complaints about specific matters - alternative procedures | 7 |
| Guiding Principles | 8 |
| Roles and Responsibilities | 9 |
| How to Make a Complaint..... | 10 |
| How we record complaints..... | 11 |
| We value our customers' privacy | 11 |
| We aim to resolve complaints in a timely manner..... | 11 |
| When is a complaint resolved? | 12 |
| How do we handle complaints? | 13 |
| Unreasonable complainant conduct | 16 |
| How we learn from complaints | 17 |
| Relevant policies and references..... | 18 |
| Related legislation | 18 |
| Accessing this policy | 18 |
| Policy Review | 18 |

Introduction

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

We realise that sometimes, despite our best efforts, some customers may not be happy with the way we have delivered a service, or the decisions we have made.

We encourage feedback as a valuable opportunity to rectify issues, review policies, procedures, and practices, and make improvements.

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.

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 Council.

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:

- Inform customers of 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 provide feedback is protected and promoted.
- Ensure that complaints are handled fairly, impartially, and consistently 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.

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 making a complaint to 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> |
| Senior Council Officer | <p>Refers to Coordinators, Managers, Directors, and the CEO of Council.</p> |

Application of Policy

This policy applies to complaints about the action, inaction, service delivery 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 new 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 third parties, 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.
- Complaints relating to matters being addressed through insurance claim processes or other legal proceedings.

We recognise that complaints about the above may still be valid, however these are managed outside of this Policy.

Where a complaint is outside of Council responsibility, we will assist by providing guidance to the appropriate agency, authority, or service provider.

Complaints about council contractors

Complaints relating to contractors engaged to deliver services on Council's behalf are explicitly covered under this policy. Complaints may be referred to contractors to investigate and resolve but will be subject to the same tiered approach and right to review as outlined in the Policy. Council contract managers will ensure contractors are aware of their obligations and retain oversight and responsibility for complaints.

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.

Complaints about conduct of Councillors

Complaints about the conduct of Councillors' will be sent to the Mayor and handled according to the Councillor Code of Conduct. Complaints concerning the conduct of 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 and complain 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 IBAC.

Complaints relating to child safety

Manningham Council takes all allegations and concerns about child safety seriously and has practices in place to investigate and escalate to authorities, if necessary.

Complaints about child safety 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.

Staff Conduct

If a complaint is about a staff member's conduct, we will assess and manage that aspect of the complaint in line with our Disciplinary Policy.

MANNINGHAM COMPLAINTS POLICY

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

Roles and Responsibilities

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| Frontline staff | <p>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> |
| Team Leaders | <p>Will assist frontline staff to find a solution or support managers and coordinators if the issue needs further assessment or investigation.</p> |
| Managers & Coordinators | <p>Managers & coordinators 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, final outcomes, and escalation avenues to complainants.</p> |
| Manager Business Enablement | <p>Oversees the Complaints Policy on behalf of Council, including processes and procedures.</p> <p>Works with Coordinator Customer Service and Senior Council Officers to coordinate internal review complaints.</p> |
| Manager Integrity | <p>Responsible for oversight of Customer Protocol process and register.</p> |
| Senior Council Officers | <p>Senior Council Officers who have not been involved in or are not the subject of a complaint are responsible for performing an internal review and recommending application of Customer Protocols.</p> <p>This may include managing investigations and making recommendations to the CEO.</p> |
| Chief Executive Officer (CEO) | <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> |
| Councillors | <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> |

MANNINGHAM COMPLAINTS POLICY

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: <https://www.manningham.vic.gov.au/contact-us/make-complaint>

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

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

Social media: [facebook.com/ManninghamCouncil](https://www.facebook.com/ManninghamCouncil)

In person: Monday to Friday from 8.30am to 5.00pm.
Manningham Civic Centre
699 Doncaster Road
Doncaster Victoria
Australia 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, and 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.

Anonymous complaints

Sometimes people are more comfortable making an anonymous complaint. 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.

How we record 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.

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 or for a reasonable secondary purpose, such as monitoring complaint trends.

We aim to resolve complaints in a timely manner

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.

When is a complaint resolved?

It is not always possible to resolve complaints to the satisfaction of the complainant. Council is bound by legislation and the public interest when determining an appropriate remedy to a complaint.

Under this policy, we consider a complaint resolved where:

- the complainant is satisfied with the action taken by Council.
- the issue identified by the complainant has been fixed or is scheduled to be fixed within a communicated timeframe.
- further action is unnecessary and unjustifiable because reaching a mutually agreeable solution would disproportionately consume Council resources or adversely affect other parties.
- proposed or requested actions would be incompatible with relevant policy or legislation.
- Council is confident that should the response be considered through an external review it would likely be upheld.

In all cases, for a complaint to be resolved it will include a response to the complainant outlining reasons for Council's decision and actions taken.

MANNINGHAM COMPLAINTS POLICY

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 that:</p> <ul style="list-style-type: none"> • Can be addressed and resolved by frontline staff. • Can be managed following existing standard process. | <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 and Senior Council Officers | <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 or relevant external agency. | |

MANNINGHAM COMPLAINTS POLICY

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 or refer it to be managed following existing standard process where applicable.

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

We will advise complainants of how we manage complaints and our role in the matter raised, 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 initial 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.

If we don't resolve an issue to a customer's satisfaction, the relevant manager will ensure a final response is provided, detailing the reasons for our decision, and advising of their right to review.

Level 3 Internal review

Complaints can be reviewed or investigated by an independent Senior Council Officer when requested by the complainant.

The appropriate, Senior Council 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.

MANNINGHAM COMPLAINTS POLICY

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.

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.

Unreasonable complainant conduct

While most 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”. It can include:

- Persistent, unrelenting, and incessant attempts to raise issues that have been comprehensively dealt with.
- Making demands for unattainable or constantly changing outcomes.
- A continual unwillingness to cooperate.
- Constant and repeated arguments that are not based on reason.
- Acts of aggression, threats, verbal abuse, derogatory, racist, or defamatory remarks.

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.

Where a person’s behaviour is considered unreasonable, we will take steps and implement strategies to manage it. Depending on the behaviour, it may involve calling out the behaviour, asking them to stop, and explaining the consequences if their unreasonable behaviour continues.

Unlawful behaviour may be reported to Victoria Police.

Customer Protocols

To manage unreasonable complainant conduct, we may need to limit access to Council services to protect staff wellbeing and resources. A Senior Council Officer may recommend the application of a customer protocol to guide the management of future contact between council and the person displaying unreasonable complainant conduct.

MANNINGHAM COMPLAINTS POLICY

Customer protocols will be applied as a last resort, with consideration for human rights, and without limiting legislative access or service rights. The application, approval and review of Customer Protocols will be overseen by Council's Manager Integrity.

Depending on the circumstances the Customer Protocol may include, but is not limited to one or more of the following:

- Specific requirements on how a customer may contact council (e.g. in writing only)
- Assigning a dedicated Council officer to manage all communications with the customer.
- Limiting or banning access to specified Council facilities or events.
- Limiting contact and response on the same or similar issues where the customer does not provide significant or substantial new information.

Customer protocols will be reviewed at least every 12 months. If a customer is dissatisfied with the application or extension of a customer protocol, they may request a review, after which they may refer to the Victorian Ombudsman.

How we learn from complaints

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 include 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 2023*
- *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*

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*

Accessing this policy

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

Policy Review

The Manningham Complaints Policy will next be reviewed by August 2026.