

Complaints Policy

Policy Reference No.	POL/299
File No.	HCC21/1189
Strategic Objective	3.2 – Deliver responsible and transparent governance, services and assets that respond to community need
Adopted by Council	24 June 2024
Re-Adopted	
Date for Review	June 2029 [WITHIN 5 YEARS]
Responsible Officer	Manager Customer Experience
Department	Customer Experience

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1 POLICY STATEMENT

Hume City Council is dedicated to ensuring equitable and reasonable outcomes for our community. Despite our best efforts, there may be instances where individuals are not satisfied with our service delivery or handling of their enquiry. We welcome feedback as an opportunity to examine our policies, procedures and practices and to enact necessary changes. This policy outlines the procedures through which the Council addresses complaints.

Aligned with the Local Government Act (2020), this policy is informed through best practices outlined in the Victorian Ombudsman's 'Councils and Complaints – a Good Practice Guide 2nd edition' (2021), 'Revisiting councils and the Ombudsman Good Practice Guide (2019)' and the Managing Complaints involving Human Rights (2017).

2 PURPOSE

The Complaints Policy delineates our approach for ensuring a fair and consistent process in the handling of complaints. The policy details the framework used by our staff to manage complaints from inception to completion.

3 SCOPE

The Complaints Policy applies to complaints about the action, inaction or quality of a decision or service made or delivered by our staff, volunteers and contractors who work on our behalf.

In the first instance, the following may be considered to be a request for service and not a complaint:

- A request for works or services.
- 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).

At times, a complaint may need to be managed through a separate statutory or legislative appeals process, this could include:

- Complaints relating to individual Councillors.
- Complaints relating to a planning application or decision.
- Complaints relating to infringements.
- Complaints relating to a Council or committee resolution.
- 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 employees (i.e. complaints relating to their employment).

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- Complaints already reviewed by an external agency.

4 OBJECTIVE

Our Complaints Policy aims to:

- To ensure customers are kept informed about what they can expect during the complaints handling process and how they can escalate their issue if they are not satisfied.
- Protect our customers' right to comment.
- Handle feedback in a way that is fair, unbiased and consistent, 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.
- To deliver on Council's Plan 2021-2025, 3.2 – *Deliver responsible and transparent governance, services and assets that respond to community need.*

5 POLICY IMPLEMENTATION

We aim to resolve complaints in a timely way

We will acknowledge complaints within two business days. When we cannot resolve complaints immediately, we aim to provide a response within ten business days.

Where a formal investigation is required or a complaint cannot be responded to within ten business days, the complainant will 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 complaints are handled in line with our Information Privacy Policy and will only be used for the purpose of investigating the complaint.

Anonymous complaints

In some circumstances, people are more comfortable making an anonymous complaint. We will do our best to review anonymous complaints, where required, however it can be challenging to resolve issues or to enforce legislation without the ability to thoroughly investigate.

How do we handle complaints?

We have a four-level approach to handling complaints.

	We will	Responsibility	Timeframe
Frontline resolution Complaints about delays or inaction for services or decisions.	• Make sure we understand the issue and the complainants'	Frontline staff and officers who directly receive complaints.	Immediately if we are able to, or an acknowledgement within two business
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	<p>desired outcome.</p> <ul style="list-style-type: none"> • Communicate complaints process. • Provide a reference number. • Provide a response and/or resolution timeframe. • Communicate outcome. 		<p>days and resolution or update within ten business days.</p>
<p>Assessment and resolution</p> <p>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 complainants' desired outcome. • Communicate complaints process. 	<p>Team leaders, Coordinators or Managers.</p>	<p>We will aim to resolve complaints within ten business days. If we need more time to investigate we will keep complainants informed.</p>
<p>Internal review</p> <p>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 timeframe. • Provide external review options. 	<p>Coordinator Customer Experience and/or the area's Manager, Director or the CEO.</p>	<p>Within 28 business days. If we need more time we will keep complainants informed.</p>
<p>External review</p> <p>When complainants are dissatisfied with how we managed a complaint, or wish to have the complaint referred to an external agency.</p>		<ul style="list-style-type: none"> • Victorian Ombudsman • Independent Broad based anti-corruption commission • Office of the Victorian Information Commissioner • Local Government Inspectorate • Australian Human Rights Commission • Victorian Equal Opportunity and Human Rights Commission • Victorian Civil and Administrative Tribunal 	

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Level 1 Frontline resolution

When first receiving a complaint, we will clarify the complaint and the outcome the complainant is seeking and if we are able try to resolve the issue immediately. If we are unable to resolve the issue, the complaint is referred to another staff member for advise and/or resolution.

Where complaints are referred to another staff member, 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 redirect the customer to that organisation.

Level 2 Assessment and resolution

If we are unable to resolve a complaint or a complainant is dissatisfied with our response, 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.
- the complaint is outside the staff member's delegation or area of expertise.

Across this process, 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

Where we cannot resolve an issue to a customer's satisfaction, complaints can be reviewed or investigated by the Coordinator Customer Experience, or an independent Manager, or Director, and/or Chief Executive Officer, when requested by the complainant.

The Coordinator Customer Experience, independent Manager, Director or Chief Executive Officer will advise complainants of the outcome in writing within 28 business days. If we cannot provide a response within 28 business days, complainants will be kept informed about when an outcome can be expected.

Level 4 External review

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

Complainants may refer their complaint to an outside agency themselves, such as the Victorian Ombudsman Service (www.ombudsman.vic.gov.au).

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Recording complaints

Customers can raise complaints with us through their choice of contact channel.

When we receive a complaint it will be recorded in our Customer Relationship Management system (CRM). The complainant will be provided with a reference number.

The following will be recorded for each complaint:

- The complainant's details; when provided.
- 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.

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, Hume City Council, PO Box 119 Dallas Vic 3047.

Complaints about conduct of Councillors

Complaints about Councillors are sent to the Mayor and handled in accordance with the Councillor Code of Conduct. Complaints concerning the Mayor will be reviewed by the Deputy Mayor in line with the Councillor Code of Conduct.

Complaints about conduct of Chief Executive Officer

Complaints about the conduct of the Chief Executive Officer will be referred to the Mayor, and 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 Chief Executive Officer, the matter may be reviewed by an independent external party.

Public Interest Disclosure Act complaints

If a complaint involves allegations of corrupt conduct by Council staff, 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 Anticorruption Commission (IBAC).

Disclosures can be made to Council by marking their complaint Private and Confidential and sending it to Council's Coordinator Integrity Support. Complaints involving a Councillor will be referred to the Independent Broad-based Anticorruption Commission (IBAC) or the Victorian Ombudsman.

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Managing challenging behaviour

While the majority of complainants have legitimate concerns and are genuinely seek resolution, a small proportion of complainants behave in ways that are inappropriate and unacceptable.

Challenging behaviour is defined as “unreasonable behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues”. Continued challenging behaviour may result in restrictions being placed on a complainant in relation to access to Council staff and/or buildings, or the refusal to accept a complaint.

6 ROLES AND RESPONSIBILITIES

Roles	Responsibilities		
Frontline staff	Frontline staff in Customer Experience and staff who have direct contact with customers are responsible for clarifying the complaint and attempting to resolve customers’ issues in the first instance. 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.		
Team Leaders and Coordinators	Will assist frontline staff to find a solution or support managers if the issue needs assessment or investigation.		
Coordinator Customer Experience	Works alongside Managers or Directors to evaluate and oversee/coordinate complaints under internal review.		
Manager Customer Experience	Oversees the Complaints Policy on behalf of Council, including processes and procedures.		
Managers	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.		
Directors	Directors who have not been involved in or are not the subject of a complaint are responsible for performing an internal review. This may include managing investigations and making recommendations to the Chief Executive Officer.		
Chief Executive Officer (CEO)	The CEO encourages an environment where complaints are handled fairly and comprehensively, and acts on complaints reporting data. Oversees any complaint that is made against a direct report to the Chief Executive Officer.		
Mayor	The Mayor is responsible for managing and overseeing any complaints made against the CEO with support and guidance from the Governance division.		
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Councillors	Councillors are responsible for ensuring all complaints received from members of the community are directed to the Mayor and Councillor support staff to record.
All Council staff	All Council staff are responsible for recording complaints in line with this Policy. As well as to receive, investigate and manage any referred complaints in accordance with this policy.
Contractors	<p>Assess and respond to complaints in accordance with the contractor's own complaint handling process.</p> <p>All written correspondence from contractors regarding the complaint must also include the contact details of the Council staff member whom the complainant can escalate their complaint to, if needed.</p>

7 DEFINITIONS AND ABBREVIATIONS

Complaint

The communication, whether verbally or in writing, to Hume City Council by a person on their dissatisfaction with:

- the quality of an action or inaction taken, a 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 a member of Council staff or a contractor acting on behalf of Council.

Complainant

Person or entity affected by the action or inaction of Council.

Contractor

Third parties carrying out services on behalf of Council.

Council Operations

Refers to all Council services, activities, processes, policies, buildings, employees and contractors.

Customer(s)

Any party that interacts with Council.

Public Interest Disclosure

A specific class of Complaint (governed by the Public Interest Disclosure Act 2012) that requires a high level of confidentiality and protection of the Complainant.

Request for Service

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Refers to a request by a customer for a particular service provided by Council.

Customer(s)

Any party that interacts with Hume City Council.

Customer Service Request

Refers to a request by a customer for a particular service provided by Hume City Council.

8 RELATED DOCUMENTS

Legislative requirements

- Local Government Act 2020
- Public Interest Disclosures Act 2012
- Privacy and Data Protection Act 2014
- Health Records Act 2001
- Victorian Charter of Human Rights and Responsibilities Act 2006
- Health Complaints Act 2016
- Infringement Act 2006

Council Policies

- Information Privacy Policy
- Infringement Management Policy
- Privacy Policy
- Public Transparency Policy
- Child Safe Policy
- Employee Code of Conduct
- Councillor Code of Conduct

Other supporting information

- Victorian Ombudsman's 'Councils and Complaints – a Good Practice Guide 2nd edition' (2021)
- Victorian Ombudsman, Good Practice Guide: managing complex complainant behaviour (2022)
- Victorian Ombudsman, Managing Complaints involving Human Rights, 2017

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