



Maribyrnong
CITY COUNCIL

Complaints Policy

Policy number:	8673	Endorsed by:	Council
Date endorsed:	19 October 2021	Policy Author:	Manager Customer Engagement
Policy owner:	Manager Customer Engagement	Review date:	October 2025
Policy Status:	Current	Policy type:	Council

REVISION RECORD

Date	Version	Revision Description
10/09/2021	0.0	Update to Customer Complaint Resolution Procedure 2017 as required under the <i>Local Government Act 2020</i>
14/09/2021	1.0	Reviewed
21/09/2021	1.1	Updated
19/10/2021	1.2	Endorsed by Council

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Introduction

In October 2021, Council adopted the *Putting Customers First* Strategy designed to embed service excellence across the organisation and ensure customer service is the very best it can be. It applies to all customers external and internal.

This Strategy is to be implemented across three years and built on year-on-year to support Council to lead in the customer experience space. Council's Complaints Policy is a part of this Strategy.

All members of the public have the right to complain about the services Council provides. This Policy details Council's commitment to providing a fair and transparent process for customers to make a complaint.

This Policy aims to:

1. Put in place an open and transparent complaints management process;
2. Establish timeframes for resolving complaints;
3. Ensure Council's complaints management process complies with the *Local Government Act 2020*;
4. Ensure complaints are handled fairly and objectively from initiation to completion
5. Clarify the roles and responsibilities of Council staff; and
6. Assist business units to identify ways Council can improve its service delivery.

Purpose

The Complaints Policy has been developed in accordance with section 107 of the *Local Government Act 2020* (Victoria) and in accordance with the Best Practice Guidelines of the Victorian Ombudsman.

It underpins our drive for service excellence and is designed to:

- Document Council's position in relation to complaints management.
- Provide a friendly and accessible avenue for customer communication, feedback and complaint management.
- Ensure complaints are dealt with in a fair, unbiased, timely and confidential way.
- Enable Council to use the data and information received to understand the needs of customers to improve service and works delivery, satisfaction and performance.

"The goal is not to receive zero complaints. The goal is to record instances where a service has not been delivered, and analyse this data to see if improvements can be made" – Victorian Ombudsman.

Scope

Council welcomes customer feedback on services and performance as a means of monitoring and improving service delivery, as well as enhancing organisational effectiveness and efficiency.

This Policy establishes procedures by which all customers and members of the public are able to express their views to us.

It also helps Council meet its legislative requirements through the provision of:

- A process for dealing with complaints made to Council against either councillors, employees or contractors.
- A process for reviewing any action, decision or service in respect of which the complaint is made.
- Discretion for Council to refuse to deal with a complaint which is otherwise subject to statutory review.
- Prescribed processes for dealing with complaints, internal review of complaints made to Council, and for exercising the discretion referred to above; and
- Any other matter prescribed by regulation.

This Complaints Policy applies to all complaints from members of the public about Council staff, contractors and their decisions. It does not apply to complaints about individual Councillors.

Complaints governed by specific statutory and regulatory processes fall outside the scope of this Framework and include:

- Requests for service.
- Complaints about allegations of fraud or corrupt conduct.
- Complaints about alleged privacy breaches.
- Complaints that are employment related.
- Complaints about matters for which there is a process of review or appeal or objection prescribed by legislation.
- Complaints that are claims against Council for personal injury or property damage or other loss or damage for which Council maintains a position on the basis of legal advice or precedent.

Principles

Council demonstrates its commitment to providing an effective complaints management system by adopting seven principles of good practice:

1. Commitment

Council values feedback, recognises the right of an individual to complain and recognises the potential for improvements to service delivery this provides. It is committed to effective complaints management.

2. Accessibility

People can easily find out how to complain to Council, the process for making a complaint is easy to access and use, including by our diverse community. Council assists customers with the complaints management system.

3. Transparency

Information on how to submit a complaint, where to make a complaint and how a complaint is handled, is well publicised via a direct link to 'complaints' on the home page of our website. Steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and Fairness

Complaints are dealt with in an equitable, objective and unbiased manner within established timeframes. All participants are treated with respect and courtesy and complaints are judged on merit and fact.

5. Privacy/Confidentiality

Personal information collected in relation to a complaint is confidential and only used for the purposes of addressing the complaint and any follow up actions. Complaints are handled according to privacy laws and other relevant legislation.

6. Accountability

Council is accountable for its decision-making and complaints management performance. It provides explanations and reasons for decisions. Complaints management processes are clearly established and complaints and responses are recorded, monitored and reported. There is opportunity for internal and external review and/or appeal. Complainants are informed of these avenues.

7. Continuous Improvement

Complaint data will be analysed to identify and address recurring or systemic issues and to improve service and program satisfaction and performance.

Commitment

Council is committed to:

- Recognising a customer or member of the public's right to make complaints or suggestions about the standard and quality of services and programs provided.
- Providing an efficient, fair and accessible mechanism for resolving complaints.
- Ensuring all complaints are heard and equitably resolved as soon as possible.
- Monitoring complaints to improve the quality of services.
- Providing customers and members of the public with information about the complaints management process.
- Promoting a positive attitude towards resolving complaints.
- Assisting complainants who may be disadvantaged in any way and require additional support i.e. language or other impairment, and youth.

What is a complaint?

Our Complaints Policy applies to all complaints from members of the public about the performance of Council, staff, contractors and their decisions.

For the purposes of this Policy, in simple terms, a complaint is:

“An expression of dissatisfaction with the Council (verbal or written), related to its actions, services or delivery, or the complaints management process itself, where a response or resolution is explicitly or implicitly expected”.

Any person affected by an action, inaction or decision of Council can make a complaint.

Complaints includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with:

- The quality of an action taken, decision made or service provided by a member of Council staff or contractor engaged by the Council; or
- Delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or
- A policy or decision made by a Council or a member of Council staff or a contractor.

Complaints are free feedback; whether about a missed bin, blocked drain, rates notice or parking ticket, they say something about Council services.

Recording them as complaints, when raised as such i.e. my bin was not collected, my rates notice was not sent, does not mean they have to be handled differently.

Capturing them as complaints allows Council to consider what may be needed to address systemic patterns of dissatisfaction, to improve our service to the community.

A complaint **does not** include expressions of dissatisfaction, concerns or complaints received from customers in respect to:

- Policies or legislation outside the control of, and not the responsibility of the Council.
- Matters that are subject to current legal action in a court or tribunal.
- Decisions made by any Court of Law.
- Approaches made directly to the Local Government Minister or the State Ombudsman.
- Allegations of misconduct by council officers involving corrupt or criminal activities.
- Any grievance under the *Equal Opportunity Act 1984*.

Complaints Management Process

A consistent and effective complaints management process will ensure Council is able to learn from complaints and feedback received to better deliver services.

Where a complaint is handled poorly it undermines our relationship with our community, compromises our integrity and reputation, wastes time and resources where elevation to third parties occurs, and is a missed opportunity to learn and improve.

Council is committed to achieving the best possible outcomes for all complainants while we endeavour to resolve all complaints in an unbiased, fair and timely manner.

Complaints can be made in person, by phone, email, on-line or in writing. When received by customer service staff, or by any Council staff member, officer or Councillor we will:

- Record it in our Customer Request system.
- Take steps to resolve it immediately where possible.
- Acknowledge receipt within 48 hours and provide a customer reference number to assist the customer in tracking the complaint.
- Direct customer concerns to the most appropriate person within Council to attempt to resolve the complaint. They will be responsible for keeping the customer up to date on the progress of their complaint.
- Where a complaint is not fully understood, we may need to contact the customer to discuss their concerns to ensure we understand the issue correctly. Providing us with current contact details will help us to manage the response quickly.
- After investigating, we will respond and aim to resolve the complaint, giving reasons for our view.

Council takes a four-tiered approach to complaint resolution.

1. Frontline resolution

Council officer receives the complaint, assesses it and resolves the complaint immediately, if possible.

2. Investigation

If frontline staff are not in a position to resolve a complaint it will be forwarded to an appropriate officer/area of Council for investigation.

3. Internal review

If a complainant is unhappy with the process or outcome of the initial resolution/investigation, they can request an internal review by a more senior officer, which will generally be the Manager of the area the complaint was referred.

4. Access to external review

If the complainant is dissatisfied with the process or outcome of the internal review, Council officers will inform complainants of external review options.

How long will it take

We will do our best to resolve the complaint within 15 working days, though more complex matters may take up to 30 working days.

If we cannot resolve the complaint within this timeframe, we will contact the customer to explain why and provide them 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 the customer can next expect an update from us.

Lodging a complaint will not suspend or put the matter in question on hold.

Anonymous complaints may not be able to be assessed given the difficulties in investigating, if insufficient information is provided.

Vexatious, trivial or previously finalised issues will not be pursued.

Complaints about Councillors, the CEO or contractors

Complaints about **Councillors** will be forwarded to the Mayor and handled in accordance with the Councillor Code of Conduct.

Complaints about the **Chief Executive Officer** will be referred to the Mayor for investigation and action.

Complaints about **Council contractors** will be referred to the relevant business unit. If a complainant is not satisfied with the outcome or resolution of their complaint by a contractor, they should refer it back to the relevant business unit for review.

Complaints received by Councillors will be referred to the Office of the CEO and from there to the relevant business unit where they will be handled in line with Council's complaints management process. The complainant will be advised their complaint has been referred to Council administration for response. The Councillor will be advised of the outcome, after the complaint is finalised.

Right of Review

A complainant has the right to request a review of the resolution or outcome of their complaint. This process will be independent of:

- The person who took the action; and
- The person who made the decision; and
- The person who provided the service.

Internal Review

In the event a complainant feels the resolution or outcome is unfair or unreasonable or does not conform to any Council policy that is relevant to the complaint, they can request an internal review.

The complainant has 20 working days from receipt of the notice of the resolution of their complaint to lodge a request for an internal review. This information will be provided with written decision of the review.

The internal review is not an investigation or re-investigation of a complaint but a review of the complaints process and outcome.

The relevant manager will conduct the internal review and advise the complaint in writing of the outcome, except where the relevant manager was involved in the resolution of the original complaint when the internal review will be carried out by the relevant director.

The complainant will be advised of the outcome of the internal review within 30 calendar days of seeking the review along with an explanation of the reasons for the decision.

External Review

If a complainant is not satisfied with the resolution or outcome of an internal review, they may contact the Victorian Ombudsman who can advise of additional external avenues through which the complaint may be pursued.

This step is only possible if Council's complaints management process has been exhausted. If the Ombudsman decides to undertake an external review the investigation will be facilitated by staff of the Ombudsman's office.

The Victorian Ombudsman can be contacted by:

Telephone: 03 9613 6222

Email: ombudvic@ombudsman.vic.gov.au

Website: www.ombudsman.vic.gov.au

Complainants can also request an external review from the following organisations relation to the below matters:

Complaint	Organisation to contact
Breaches of the <i>Local Government Act</i>	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy, including complaints about a freedom of information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au
Council elections	Victorian Electoral Commission www.vec.vic.gov.au

Timeliness

Recognising delays can frustrate people and influence their perception of fairness and satisfaction, Council has established timeframes for responding to complaints.

Acknowledgement

This is a statement of commitment. It confirms receipt of the complaint and sets the tone for future contact. It is an opportunity to explain what will happen next and by when, and who to contact with further queries. It should include a reference number.

Acknowledgement will be made within 24 hours of receiving a complaint where this can be done by phone, email including via automated processes and voicemail messages. Where only a postal address is available, an acknowledgement letter will be posted within 48 hours of receipt of the complaint.

Initial assessment

This will occur at the earliest point possible to ensure Council is able to prioritise and allocate resources to support an investigation and produce a prompt and proportionate response for every complaint.

It may also be possible to resolve the complaint at this stage in some cases. Where that is not possible, the complaint will be referred to the relevant team or manager for investigation.

Council may also decline to deal with the complaint at this point if there is a right to statutory review, such as a right of appeal to VCAT.

Investigation

This is the point where Council looks at what the complaint is about, determines how, who and when to respond, taking into account the seriousness and urgency of the complaint.

We will assess the information against relevant legislation, policies and procedures, refer to Council documents and records, meet with the parties to consider possible solutions, and advise the complainant in writing of the outcome and the reasons.

Council will aim to complete any investigation within 30 calendar days and will advise a complainant if an investigation will take longer providing a new timeframe and regular progress updates until the investigation is complete.

Communicating the outcome

Council will provide an outcome to a complainant within 30 days or sooner for less complex matters.

If this timeframe cannot be met, the complainant will be advised and provided a new timeline for resolution of their complaint and a point of contact who will keep them appraised.

Complainants can ask to have the decision reviewed.

Classification	Description	Complaint Manager	Timeframe
Any and all	Receipt of a complaint	Customer Service	Acknowledged between 24 – 48 hours.
Informal – simple	Resolved at point of service e.g. clear up a misunderstanding, error in a record, lack of information, minimal risk	Staff member	48 hours – 5 days
Formal – standard	Involves a single, low risk issue that can be easily resolved	Co-ordinator	Up to 15 working days
Formal – complex	May involve higher level of risk, and more than one issue or business area. Requires more time to investigate or co-ordinate responses	Manager	Up to 30 working days

Classification	Description	Complaint Manager	Timeframe
Internal review	A review of proper process undertaken to resolve the complaint	Director	Resolved within 30 working days
External Review	Independent review of finalised complaint	Ombudsman	Determined by Ombudsman

Privacy

Council keeps personal information secure. We will only use personal information to respond to the complaint. We may also analyse the information provided for the purpose of improving services that relate to the complaint. Where we publish complaint data, personal information will be removed.

When a person complains to us, we will ask them to provide and will record:

- Their name and contact details.
- Whether they have any communication or assistance needs we can reasonably accommodate.
- Demographic information to help us understand the needs of our community.
- The action, decision, service or policy they are complaining about and why they are dissatisfied.
- Relevant details such as dates, times, location or reference numbers and documents that support the complaint.
- What outcome they are seeking.

Complaints made by people who wish to remain anonymous will be handled to the extent possible without further contact with the complainant.

Costs

There is no charge or fee applied to the lodging of a complaint.

How to make a complaint to Council

Any individual can make a complaint by:

- Phone:** (03) 9688 0200
Email: email@maribyrnong.vic.gov.au
Website: By completing and submitting the “complaints form” available on Council’s website www.maribyrnong.vic.gov.au
In writing: Maribyrnong City Council, PO Box 58, West Footscray, Victoria 3012
In person: Footscray Town Hall, 61 Napier Street, Footscray
 Office hours: Monday to Friday: 8 am to 5.30pm
Mobile App: Visit the App Store to download our [App from iTunes](#) or [Google Play for Android](#).

Interpreting Services

If complainants would like more information, or to lodge a complaint in their own language, the free Telephone Interpreting Service is available by calling 131 450 and ask the service operator to contact Maribyrnong City Council on 9688 0200.

Deaf, speech or hearing impaired

Contact Council through the National Relay Service using one of the methods below. Once connected ask for 03 9688 0200.

- TTY users: 133 677
- Speak and Listen: 1300 555 727 (speech to speech users)
- Internet Relay users: relayservice.gov.au

Complainants are advised to try and raise their concerns directly with the Council staff member or contractor involved in the first instance – escalating only if the issue is unable to be resolved.

Recording complaint information

Where complaint data is captured via the centralised Contents Records Management System (CRM), complaints will also be categorised to enable Council to identify policies, procedures, and practices that may need to be reviewed to enable improved customer focus and outcomes.

All correspondence relating to the enquiry and feedback will be managed in accordance with Council's Customer Service Charter.

Continuous Improvement

Complaints information housed in the CRM will be regularly reviewed and analysed to come up with solutions about how we can improve our services. This will enable Council to assess the efficiency and effectiveness of the approach.

Any actual or proposed improvements to services and programs resulting directly from a complaint will also be followed up and acted upon.

Reports on complaints management and resolution will be provided to the Director of Corporate Services monthly and reported on to the Executive Management Team on a quarterly basis and to Council annually.

Responsibilities

Roles and responsibilities	
CEO	<ul style="list-style-type: none"> • Establish and maintain a complaints policy and complaints management system that complies with section 107 of the <i>Local Government Act 2020</i>. • Promote positive behaviours and practices relating to enabling, responding to and learning from complaints. • Support service improvements that arise from complaints. • Review and publish complaints data.
Executive Management Team	<ul style="list-style-type: none"> • Ensure the complaints policy and management system are followed within each directorate. • Ensure staff with roles in handling complaints have the right information, training and are empowered to resolve complaints promptly and in accordance with Council's complaints management system. • Include expectations/performance indicators in performance management plans. • Manage conflicts of interest in the complaints management process. • Report on and identify improvements from complaints data. • Support staff who deal with complaints. • Be involved in internal reviews as appropriate. • Refer allegations of misconduct immediately to the Manager People and Capability.
Managers	<ul style="list-style-type: none"> • Undertake the necessary actions to investigate a complaint. • Ensure the timely and effective resolution of complaints in accordance with the Policy. • Ensure all staff who deal with complaints have received the necessary training prior to dealing with a complaint. • Ensure their business area records all the necessary information related to customer complaints. • Monitor the progress of resolution and responses to complaints. • Are involved in internal reviews as appropriate.

Roles and responsibilities

Customer Engagement Manager	<ul style="list-style-type: none"> • Establish the systems and processes to support Council's approach – the Complaints Policy. • Provide guidance and advice to ensure adherence to this policy. • Report on complaints to EMT.
Communications and Engagement Team	<ul style="list-style-type: none"> • Ensure the complaints management processes are publicised and able to be easily accessed by our community. • Support staff to respond to complaints in a timely fashion to mitigate the risk of elevation.
Customer Service Co-ordinator	<ul style="list-style-type: none"> • Ensure complaints received by the Customer Service Team are logged and actioned to ensure they are appropriately managed. • Monitor trends and emerging issues. • Monitor, analyse and review complaints data to identify trends, impacts and timeliness of responses.
Staff	<ul style="list-style-type: none"> • Assist customers with resolving issues before they become a complaint. • Know and understand the Complaints Policy and Complaints Management System to be able to assist complainants in lodging a complaint where a resolution is not possible. • Elevate complaints immediately to ensure timely and appropriate management. • Adhere to timeframes and processes outlined in the complaints management system. • Treat members of the public respectfully and professionally.
Councillors	<ul style="list-style-type: none"> • Familiarise themselves with this Policy and the Council's complaints management process. • Refer any complaints to Office of the CEO.
Contractors	<ul style="list-style-type: none"> • Familiarise themselves with this Policy and Council's complaints management system. • Co-operate with Council's complaints management system.

Review

This Policy (and associated internal procedures) will be reviewed every four years from the date of adoption.

Definitions

Term	Definition
Complaint	As defined in the Act: includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with – <ul style="list-style-type: none"> a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or c) a policy or decision made by a Council or a member of Council staff or a contractor.
Customer	Refers to anyone who interfaces with Council on a transaction.
Complainant	A person or organisation that makes a complaint.
Complaints Management System	The way complaints are dealt with by Council, including policy and procedures, electronic systems and reporting mechanisms.
Customer Records Management System	The centralised records management system where enquiries are logged and followed up, which also houses the Complaints Register.
Request for Service	Contact with Council to seek assistance, to access a new service, to seek advice, or to inform or make a report about something for which Council has responsibility.

Other types of complaints

Complaints about **allegations of officer fraud or corrupt conduct** should be referred to the office of the Chief Executive and will be handled in accordance with Council's Fraud and Corruption Control Policy and/or the Public Interest Disclosure Procedure, as appropriate.

Complaints about **alleged privacy breaches** should be referred to Council's Privacy Officer.

Complaints about matters for which there is a process for review or appeal or making an objection prescribed by legislation e.g. planning and building matters and traffic and parking infringements, should be referred to the relevant business unit.

Complaints about the **awarding of tenders** and other third party contracts should be referred to the Director or Manager of Governance and Commercial Services.

The Local Government Inspectorate manages complaints about councillors, council staff or elections involving misuse of position, conflict of interest, disclosure or confidential information or election offences.

Complaints hotline 1800 469 359
inspectorate@lgi.vic.gov.au

Requests for service generally are not considered complaints and are referred to the relevant business unit unless they refer to services that have not been delivered and are raised as complaints.

Human Rights Charter Compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

Associated Documents

Customer Service Charter

Councillors' Code of Conduct

Staff Code of Conduct

Council's Fraud and Corruption Control Policy

Council's Public Interest Disclosure Act Procedure

Privacy Policy

Victorian Ombudsman Councils and Complaints – A Good Practice Guide, July 2021