

POLICY:	COMPLAINTS MANAGEMENT POLICY
DATE ADOPTED BY COUNCIL:	2 March 2010
DIRECTORATE:	ORGANISATION DEVELOPMENT
DEPARTMENT:	CUSTOMER SERVICE / GOVERNANCE & COMMUNICATIONS
RESPONSIBLE OFFICER:	MANAGER CUSTOMER SERVICE MANAGER GOVERNANCE AND COMMUNICATIONS

This policy on the management of complaints has been adopted in accordance with the resolution of Council on 2nd March 2010.

Hobsons Bay City Council is fully committed to providing an effective complaints handling system that meets the needs, expectations and rights of complainants and will provide the necessary support for the system to operate effectively.

Complainants may not always agree with the decisions made by the Council or its staff. But it is important that complainants and other stakeholders have confidence in the manner in which decisions are made and complaints received are managed.

OBJECTIVES

- *Promote a high standard of customer service in all areas of Council operations by responding effectively and positively to complaints received;*
- *Recognise the importance of complaints about services and/or performance, and to use that information to improve services;*
- *Inform customers of the process for handling complaints;*
- *Ensure complaints are managed in a way that reflects high standards of probity and service culture.*

The protocols will:

- *reaffirm our commitment to the Customer Service Charter;*
- *define a complaint;*
- *provide guidance for those wishing to lodge a complaint;*
- *clarify who will be responsible for managing any complaints received;*
- *describe factors that will be considered in managing a complaint;*
- *note that some complaints are better dealt with by another agency;*
- *refer to the Whistleblowers Protection Act 2001;*

- ***provide assurance that complaints will be managed in accordance with privacy laws;***
- ***describe the principles for making decisions which could affect peoples' rights;***
- ***provide guidelines to staff in how to respond if confronted with a difficult customer;***
- ***help determine appropriate resolutions when a complaint is justified;***
- ***describe that the Council's decision will be communicated in writing; and***
- ***provide information regarding further appeal rights.***

APPENDIX

Hobsons Bay City Council Complaints Management Protocol

1. Introduction

The Hobsons Bay City Council Customer Service Charter states that Councillors and staff members are committed to:

- Providing polite and friendly service
- Listening to you and responding to your needs in a timely manner
- Treating you with respect and courtesy
- Being open, honest and accountable
- Valuing your feedback as a way of improving our service standards
- Catering for our diverse community by providing accessible and inclusive services
- Encouraging sustainable partnerships; and
- Protecting your privacy and treating your personal information confidentially.

Anyone with a request for action relating to a service provided by the Council, should first visit www.hobsonsbay.vic.gov.au and call, email or complete the feedback form.

The customer will be provided with a request number, details of who is handling the matter and the time for concluding the request.

We take pride in the standard of our services but there will always be room for improvement. So if the customer is still not satisfied, they may then use the Complaints Protocol as described below.

2. What is a complaint?

A 'complaint' is about:-

- not meeting our service promise; or
- not meeting legislated or policy requirements; or
- alleged poor behaviour or attitude by a staff member.

3. If you have a complaint

A person with a complaint should contact the Council by **phone, email or in writing** as described in www.hobsonsbay.vic.gov.au . In some cases the complaint will need to be in writing to be actioned. The Council cannot usually respond to anonymous complaints.

An 'Information To Assist In The Lodgement Of A Complaint' form is in Attachment 1.

4. What will we do?

If the issue cannot be resolved immediately, we will collect information and keep the complainant informed of our progress. We will advise who will get back to them, and when.

If the complaint relates to a member of staff it will be escalated to that person's supervisor or manager.

If the matter cannot be appropriately handled by the relevant Council department, it will be referred to a reviewer, including:-

- Department Manager; or
- Manager Customer Service; or
- Manager Governance and Communication; or
- relevant Director (where the complaint relates to a Manager).

That reviewer will:-

- establish and document the facts;
- reach conclusions based on evidence; and
- determine a suitable response.

If the reviewer or the relevant Director believes that:-

- there is an opportunity for service improvement as a result of the complaint; or
- that the complaint is of a nature that cannot be satisfactorily resolved by the responsible department,

the matter may be referred to the 'Infringements and Service Review Panel' for investigation and recommendation.

The investigation will be conducted and documented in accordance with the 'Investigation Plan and Documentation Template' as in Attachment 2 to this Procedure.

5. What will we consider?

- Did the Council act lawfully?
- Were decisions based on fact and clear criteria (such as policy and precedents) that can be objectively applied? and
- Does the decision consider the interests of the customer and of the wider community?

6. What we won't consider

The reviewer will not deal with a complaint under this Policy if he/she thinks:-

- that the complainant does not have a sufficient personal interest in the matter;
- that the complaint is trivial, and intended to cause annoyance or disruption;
- that the complainant has a more simple resolution available;
- that the issue relates to a matter that may be the subject of a prosecution or other legal action; or
- is made under the Whistleblower Protection Act 2001 (see below).

If the reviewer decides not to deal with a complaint for one of these reasons, they will write to the complainant setting out the reasons.

The complainant can still appeal to the Ombudsman or to the regulatory body for the service to which the complaint relates.

The reviewer may also consider the matter should be investigated by another agency, including the police, the Ombudsman, Building Control Commission or an Inspector of Municipal Administration. Those matters should be first discussed with the relevant Council Director then referred without delay to the new review agency.

Communication to the complainant regarding the referral will be as agreed with the new review agency.

7. Whistleblowers

The Whistleblowers Protection Act 2001 enables anyone to disclose improper conduct by any public officer or public agency. It also sets out the criteria to receive protections under the Act for improper conduct disclosures.

The disclosure must be about behaviour that is:

- corrupt;
- a substantial mismanagement of public resources;
- a substantial risk to public health or safety; or
- a substantial risk to the environment.

In order for the protections under the Whistleblowers Protection Act 2001 to be available the alleged conduct must be serious enough that it would constitute a criminal offence or reasonable grounds for dismissal.

Details regarding processes for Whistleblower allegations at Hobsons Bay City Council can be found at http://www.hobsonsbay.vic.gov.au/page/Page.asp?Page_Id=451&h=1 .

8. Maintaining privacy

The Council's Privacy Policy can be accessed at www.hobsonsbay.vic.gov.au .

Personal information provided in connection with a complaint will be used to investigate the complaint and will be handled in accordance with privacy laws.

Therefore information cannot be disclosed to those not involved in the matter concerned.

9. Fairness

It is important that 'natural justice' is provided to the complainant, and to the person being complained about. This means:-

- We treat all complaints with sensitivity, respect and courtesy.
- A complaint will be dealt with by an officer not previously involved in the matter.
- Decision-makers do not have a conflict of interest in the outcome.
- We act only on proper evidence, giving equal treatment to all people.
- Where possible, we inform people of the case against them and give them a right to put their case.
- We comply with the Victorian Charter of Human Rights and Responsibilities Act 2006.
- The reasons for the decision are clearly communicated to the complainant.
- The matter is properly resolved if the complaint is substantiated.
- We notify the complainant and provide further avenues of review.

10. Difficult customers

The Council has Occupational Health and Safety obligations to ensure that staff are not subject to bullying and intimidation.

10.1 Terminating abusive telephone calls and conversations

A call will be terminated if the customer:-

- speaks aggressively;
- uses racist insults or offensive language; or
- makes threats.

In these circumstances, staff should:

- name the behaviour and advise that it is unacceptable;
- warn the caller that any repeat behaviour will lead to termination of the conversation; and
- terminate the conversation if the behaviour continues.

10.2 Terminating correspondence

Correspondence may cease if:-

- the procedures contained in this complaints guide have been followed;
- the client has been able to exhaust the internal complaints process;
- reasons for the Council's position on the matter have been provided;
- advice regarding avenues of external review has been provided in writing; and
- a Director or the CEO has reviewed the handling of the complaint.

11. Resolution

The next step is to determine an appropriate resolution.

The resolution should be fair for all concerned. An investigation may lead to one or more possible resolutions. The resolution should be signed off by a manager or supervisor before being communicated. If the Council is wrong we should apologise and attempt to remedy the situation.

Council staff are also entitled to natural justice and protection of their privacy. Under no circumstances will staff counselling or disciplinary action be discussed publicly.

12. Communicating the decision

When a decision has been made we will write to the complainant including:-

- a summary of the complaint;
- steps taken to arrive at a decision
- the decision and reasons for the decision; and
- the rights of the complainant for further review.

The following may also be included as required:-

- an apology; and
- a description of any resultant change to service(s).

A copy of the letter will be provided to:-

- The Chief Executive Officer;
- Director of the relevant service area; and
- Manager Customer Service.

13. What if the complainant is still not happy?

If the complainant is not satisfied with the resolution they may request that the matter be referred to the Chief Executive Officer for review.

They may do so by writing to the Chief Executive Officer, Hobsons Bay City Council, 115 Civic Parade (PO Box 21), Altona, VIC, 3018, providing details of the matter and seeking a further review.

The Chief Executive Officer is able to determine how to review the complaint. This may include deciding:-

- to delegate the conduct and terms of reference of the review;
- to refer the matter to another agency, such as the Ombudsman; or
- that no further action be taken.

References:-

‘Good Practice Guide - Ombudsman Victoria’s Guide to Complaint Handling for Victorian Public Sector Agencies, Ombudsman Victoria’, November 2007.

http://www.ombudsman.vic.gov.au/resources/documents/Ombudsman_Victoria_complaint_handling_good_practice_guide1.pdf

ATTACHMENT 1:

Information to assist in the lodgement of a complaint.
1. Contact details for person making complaint:-
Name and Address
Phone No(s).
Email
2. Complaint/allegation(s) (Attach additional pages if necessary)
3. Council Reference No(s). (if known)
4. Staff spoken to regarding the matter:-
5. Other

ATTACHMENT 2:

INVESTIGATION PLAN AND DOCUMENTATION TEMPLATE	
PLAN	NOTES OF INVESTIGATION
1. Complaint/allegation(s)	
2. Issue(s) for investigation	
3. Standards/tests to apply (What are the standards/tests required to be met by the agency? e.g. legal, policy, etc)	
4. Avenues of investigation	
5. List of documents to be obtained	Date
6. Persons to be interviewed and/or sites to be inspected, resources required	Date

INVESTIGATION PLAN AND DOCUMENTATION TEMPLATE	
PLAN	NOTES OF INVESTIGATION
7. Expert opinion required (e.g. medical, legal, accounting, etc)	
8. Steps taken to ensure procedural fairness – e.g. report to complainants on adverse comment/give opportunity to respond to facts	
9. Other	
10. Estimated completion Date	Actual Completion Date