

HOBSONS
BAY CITY
COUNCIL



Hobsons Bay Complaints Handling Policy

2021 Version 2.0

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

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1. Purpose

Hobsons Bay City Council recognises that good complaint handling is integral to providing excellent customer service to residents, ratepayers and customers.

Complaints tell Council what is working, what expectations customers have and where improvements need to be made. Complaints are an important and practical way of improving Council's service delivery

This policy details the complaint handling system that Council has in place and it will:

- identify how, where and to whom a complaint can be made
- detail how a complaint will be handled and the steps involved
- provide Council officers who handle complaints with standards to ensure that each complaint is handled consistently, fairly and objectively
- establish timeframes for resolving complaints
- discuss the recourse options for review if the complainant is dissatisfied with the outcome of their complaint
- clarify the roles and responsibilities of Council officers and complainants
- set out how Council will analyse complaint data to improve services

This policy should be read in consultation with the Complaint Handling Procedural Guidelines.

2. Our Service Standards

Hobsons Bay City Council is committed to providing excellent customer service. The Customer Focus Charter details Council's service commitment to the community, visitors, Councillors and Council officers.

Council is committed to:

- responding to enquiries, requests and feedback efficiently and effectively
- resolving enquiries in the first instance or, if specialised advice is required, referring the complaint to a subject expert for resolution
- making it easier to connect through a range of contact methods (online chat, online form, email, telephone, letters)
- being courteous, polite and professional at all times
- providing consistent and accurate information
- respecting and protecting personal information and privacy
- encouraging feedback and using that information to continuously improve and develop the services provided
- ensuring that service options are accessible to customers with diverse needs and backgrounds
- providing environmentally sustainable service options

3. Scope

This policy applies to all Hobsons Bay Councillors, Council officers, contractors and volunteers carrying out services on behalf of Council.

This policy also discusses the role and expectations of the customer when making a complaint.

4. Guiding Principles

This policy is based on seven principles:

1. Commitment

Council is committed to resolving complaints and promotes a culture that supports an individual's right to complain. Council values complaints and recognises them as being part of the business of serving the community and improving service delivery.

2. Accessibility

People with a range of needs can easily complain and staff will actively assist them to navigate the complaints process to resolution.

3. Transparency

Council makes it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

5. Privacy

Complaint information is handled according to privacy laws and other relevant legislation. Council provides clear information about how it will handle personal information.

6. Accountability

Council is accountable internally and externally for its decision making and complaint handling performance. Council provides explanations and reasons for decisions and ensure its decisions are subject to appropriate review processes.

7. Continuous Improvement

Acting on, learning from and using complaint data helps us identify problems and improve services.

5. Definitions

Appeal

A complainant has the right of appeal to any decision if dissatisfied with the initial resolution of their complaint by Council. Where following an internal review process the complainant remains dissatisfied, the complainant will be referred to an external agency such as the Victorian Ombudsman or the Office of the Victorian Information Commissioner.

Complaint

An expression of dissatisfaction with the quality of service provided, action taken, or decision made by Council or its contractor; or a delay or failure in providing a service, taking an action, or making a decision by Council or its contractor.

Complainant

The person or organisation making a complaint.

Complaint handling system

All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

Contractor

A person who is not employed by Council but engaged to carry out work on Council's behalf.

Council

Refers specifically to Hobsons Bay City Council.

Council officer

An employee of Council, who is not a Councillor. A Council officer can be employed full time, part time or casual.

Councillor

Refers specifically to an elected Hobsons Bay City Council Councillor.

Feedback

Opinions, comments and expressions of interest or concern, made to or about Council, where a response is not expected or legally required. This may include comments made directly or indirectly, explicitly or implicitly, to or about Council or services delivered by Council.

Grievance

An expression of dissatisfaction by an employee of Council about the way in which they have been treated by another member of staff (including supervisors).

Maladministration

A situation in which Council fails to comply with proper procedures or the law, resulting in inefficient or improper administration. This may involve either direct action(s) of Council or a failure to act.

Outcome Letter

Written correspondence to a complainant following an internal review by a senior Council officer.

Procedure

A set of established rules and methods that Council will follow when performing a task or process.

Public Interest Disclosures

Formerly known as 'protected disclosures', public interest disclosures are allegations of corrupt conduct, maladministration or serious and substantial waste that may be subject to the Public Interest Disclosures Act 2012.

Privacy

Council protects the privacy of individuals or organisations that make a complaint. It will only collect and use the personal information that it collects for the purpose it was collected and share it with Council officers on a need-to-know basis.

Resolutions

Decisions made by the Hobsons Bay City Council during the course of an Ordinary Meeting of Council.

Service request

A service request is not a complaint. The following are examples of service requests:

- requests for approval
- requests for action
- reporting a hazard
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by Council
- requests for explanation of policies, procedures and decisions

Vexatious customers








Complainants who seek to exercise excessive personal contact or engage in lengthy correspondence and will not accept Council's response, or determination of a matter. This also includes customers who exercise unreasonable personal attack, campaigns or threaten Council staff, Councillors or contractors.

Volunteer

A person providing services on behalf of Council in an unpaid capacity.

6. How to make a complaint

Anyone can make a complaint to Council. A complaint can be made in a number of ways:

Email 	customerservice@hobsonsbay.vic.gov.au
Online 	https://www.hobsonsbay.vic.gov.au/Services/Request-a-Service/Make-a-complaint/Make-a-complaint-form
Web chat 	Chat live with one of our officers via our website, available Monday to Friday between 8am and 5pm unless otherwise advised.
Phone 	Ph. 1300 179 944 Monday to Friday between 8am and 5pm, except public holidays, unless otherwise advised. Access Councils Language Line for interpreter services Ph. 9932 1212
In person 	Council Office Hobsons Bay City Council 115 Civic Parade Altona Vic 3018 Open Monday to Friday between 8am and 5pm, except public holidays, unless otherwise advised. Hobsons Bay Libraries - See our libraries' website for details
Mail 	Hobsons Bay City Council 115 Civic Parade (PO Box 21) Altona Vic 3018
 Interpreter	Translation and interpreter service available on request



Council uses the national relay service to communicate with people with hearing or speech impairments

7. What is not considered a complaint

The following circumstances are not considered to be complaints:

- contact with Council to seek assistance, access to a new service, advice or to make a report about something for which Council has responsibility
- reporting a hazard (e.g. fallen tree)
- reports concerning neighbours that are dealt with under legislation, local laws or other regulations administered or enforced by Council to be enacted (for example dog barking, noise issues)
- a request for information or an explanation of a Council policy or procedure
- decisions made under legislation which provides for separate avenues of appeal (for example Building Act decisions)
- an alleged breach under the Councillor Code of Conduct
- decisions by Council's Insurance Manager related to requests for compensation which has its own appeals process

8. Complaints that will not be investigated by Council officers

The Chief Executive Officer can direct Council officers when a complaint is not to be investigated.

Where the Chief Executive Officer determines that a complaint will not be considered or investigated, the complainant will be advised in writing.

For more information on complaints that will not be investigated by Council officers refer to section 11 of the Complaint Handling Procedural Guidelines.

9. Responsibilities

9.1. Hobsons Bay Councillors, Council officers, contractors and volunteers

All Hobsons Bay Councillors, Council officers, contractors and volunteers that deliver services on behalf of Council have responsibilities in regard to effective complaint handling and are expected to adhere to this policy.

For more information regarding the specific responsibilities refer to Section 12 of the Complaint Handling Procedural Guidelines.

9.2. Complainants

Complainants are required to:

- provide accurate information to support their complaint (preferably at the time of making the complaint)
- advise Council if their contact details have changed
- understand that Council will not be able to investigate or respond to anonymous reports where there is not enough information provided to do so
- cooperate with any enquiries or investigations
- treat Council officers with courtesy and respect

10. Unreasonable complainant conduct

Examples of unreasonable complainant conduct include:

- aggressive and verbally abusive behaviour
- threats of harm and violence
- excessive telephone calls and/or emails
- unreasonable expectations and demands of Council resources and/or time
- refusal to access decisions and recommendations in relation to their complaint

Council has a zero tolerance with regard to violence and aggressive behaviour towards Councillors and Council officers. Council has a duty to ensure that, as far as is practically possible, it reduces the risk of violence, aggressive or threatening behaviour towards its employees during the course of their work. Council affords the same protection to its elected members, volunteers and contractors. For more information on how unreasonable complainants and their complaints will be responded to and managed by Council please refer to Council's Managing Unreasonable Conduct by Complainants Policy.

11. Privacy

Council will only:

- use personal information to respond to a complaint or to address systemic issues arising from a complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with staff on a need to know basis

Complaints relating to the mishandling of personal information will be dealt with in accordance with [Council's Privacy Policy](#).

12. Complaint Management System

12.1. Overview

Council's follows a four tiered approach to complaint handling:

- Frontline resolution – Council officers receive the complaint, assess it, and resolve it immediately if possible
- Investigation - If the Council officer is unable to resolve the complaint in the first instance, they will refer it to a Complaints Officer for investigation

- Internal review – If the complainant is aggrieved with the process or outcome at the frontline resolution or investigation, they can request an internal review
- Access to external review – If the complainant is aggrieved with the process or the outcome of the internal review, Council informs them of any available external review options

12.2. Procedure

Refer to section 7.1 of the Complaint Handling Procedural Guidelines for a detailed workflow of how a complaint is handled through the four levels.

12.2.1. Frontline resolution

- Council officers will receive the complaint and aim to resolve the complaint at the first point of contact
- Council officers will clarify the complaint and the outcome the complainant is seeking
- Where the complaint cannot be resolved at the first point of contact, the Council officer will assess the complaint to determine how it should be handled and refer it accordingly
- Council will acknowledge all complaints within five working days and provide the complainant with a CHARM reference number and the contact details of the Council officer that the complaint has been referred to for further investigation. This will be done via email, telephone or letter
- If the complaint cannot be resolved by Council and needs to be referred to an external organisation, the Council officer will advise the complainant of the organisation that may be able to assist

12.2.2. Investigation

- If the Council officer to receive the complaint in the first instance is unable to resolve it, the complaint will be assigned to a Complaints Officer for investigation
- The assigned Council officer handling the investigation will update the complainant with any new contact details and how long they believe it will take to investigate and respond to their complaint
- Council officers will aim to resolve all complaints within 21 business days from the date it was received
- The Council officer handling the investigation will contact the complainant where the complaint is not resolved within 21 business days, to inform them of the reason/s why the matter remains unresolved and provide a revised completion date. This will be done within the first 21 business days
- The Council officer handling the investigation of the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons

for the decision made and the contact information for the Council officer the complainant can make contact with to discuss the matter further

- The Council officer handling the investigation of the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter

12.2.3. Internal Review

If the complainant is dissatisfied with Council's response to their complaint, they can request an internal review of their complaint.

Council offers a Stage 2 Internal Review and if the complainant is still unhappy with the outcome, they can request a Stage 3 Internal Review.

Request for either a Stage 2 or Stage 3 Internal Review must be made in writing and detail the reasons why they consider that their complaint was not appropriately managed and/or which Council policies were not adhered to.

Refer to the Complaint Handling Procedural Guidelines for more information on the internal review process or contact Council's Manager Corporate Integrity (Legal Counsel) on 1300 179 944.

12.2.4. External Review

If a complaint remains unresolved or a complainant is dissatisfied with the way in which Council has dealt with their complaint, they can approach the Victorian Ombudsman or other appropriate body for further assistance.

A list of other external bodies that are available to assist the complainant with resolution of their complaint is included as an Appendix of the Complaint Handling Procedural Guidelines.

12.2.5. Recording complaints

Complaints regarding Council officers are recorded in Council's electronic document management system. All other complaints to Council are recorded in Council's Complaints Management System (CHARM).

The personal details collected by Council officers to progress a complaint are managed in accordance with the requirements of the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

12.2.6. Complaints that are handled differently – alternate procedures

It is important to note that not all complaints will follow the above procedure. The Complaint Handling Procedural Guidelines provides information on how the following complaints are handled by Council:

- Complaints about a Council officer
- Complaints about the Chief Executive Officer
- Complaints about a Councillor
- Anonymous complaints

- Complaints regarding a formal Council decision
- Complaints against a contractor
- Complaints about allegations of corrupt conduct

13. Remedies

Where Council becomes aware that an error has been made the following steps will be taken to remedy the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it from happening again
- a reversal of a decision
- an ex gratia payment or compensation
- disciplinary action taken against a staff member or contractor
- consider the provision of the remedy requested by the complainant

Where Council has made an error an apology will be made to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

14. Reporting on Complaints

Council's Coordinator of Governance and Information Management will collate complaint data and provides regular reports to Council's Executive Leadership Team on how Council can reduce complaints and improve services. Council's Senior Leadership Team is responsible for acting on the recommendations in these reports.

We will report against our complaint handling key performance indicators in Council's Annual Report where Council will also detail any service improvements made as a result of the complaints received.

15. Related Documents

Complaints Handling Procedural Guidelines

Managing Unreasonable Conduct by Complainants Policy

[Privacy Policy](#)

Hobsons Bay Public Interest Disclosures Policy and Guidelines

Community Experience (CX 2.0) transformation plan

Customer Service Charter

Employee Code of Conduct

Councillor Complaints Handling Policy

Fraud Risk Management Directive

Disciplinary Policy and Procedures

16. Related Legislation

Privacy and Data Protection Act 2014

Health Records Act 2001

Freedom of Information Act 1982

Victorian Charter of Human Rights and Responsibilities Act 2006

Independent Broad-based Anti-corruption Commission Act 2011

Public Interest Disclosures Act 2012

17. References

The development of this Policy has been informed by the following:

- Victorian Ombudsman Complaints: Good Practice Guide for Public Sector Agencies - September 2016
- Victorian Ombudsman Managing Unreasonable Complaint Conduct – 2012
- NSW Ombudsman Managing Unreasonable Complaint Conduct
- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014

18. Review date

This policy will be reviewed three years from the date of endorsement by Council, unless it is required to be updated sooner.

19. Further information

For further information concerning this policy please contact Manager Community Learning and Service Centres on 1300 179 944 and/or customerservice@hobsonsbay.vic.gov.au

20. Document control

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21. Version history

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