



OCTOBER 2021

Complaint Handling Policy



City of
STONNINGTON

Purpose



The purpose of this Complaint Handling Policy is to outline how the City of Stonnington manages complaints.

Objective

While every effort is made to deliver high quality services, Council recognises that there may be occasions when the community may not be fully satisfied with the service they have received.

Council is committed to providing a fair and consistent process for customers making a complaint to Council. This policy aims to:

- » provide an open and transparent customer complaint handling system
- » ensure staff handle complaints fairly and objectively
- » establish our timeframes for resolving complaints
- » clarify the roles and responsibilities of Council staff, and
- » set out how Council will record, respond to, and report on complaints to improve our service.

Guiding principles

Council is committed to the following principles set out in the Victorian Ombudsman's *Councils and Complaints – A good practice guide* (February 2015).

Commitment

Council is committed to resolving customer complaints that are received and considers complaint handling to be part of its core business of serving the community and improving service delivery.

Accessibility

People can easily find out how to make a complaint and Council will actively assist them with the process.

Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled.

Objectivity and fairness

Under the complaint handling system, both complainants and staff are treated with respect and courtesy and complaints are judged on merit and fact.

Confidentiality

Council's Privacy Policy protects the personal information of people making a complaint and council staff are informed only on a 'need to know' basis.

Accountability

Council is accountable for its decision-making and complaint handling performance. Council will provide reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

Continuous improvement

Council will analyse complaint data to find ways to improve how we operate and deliver our services.

Scope



This policy applies to all employees. The policy also extends to contractors, agents and volunteers of the City of Stonnington, to the extent provided for in their contract and/or agreement with Council. Employees, contractors, agents and volunteers will be referred to throughout this policy as Council staff.

This policy does not apply to decisions or processes that have separate statutory or other legislative appeal processes. Examples of service areas in which there are separate statutory or legislative appeal processes include but are not limited to:

- » Complaints relating to a planning application or decision.
- » Complaints relating to parking or local law infringements.
- » Complaints relating to building, health and food services.
- » Complaints relating to a Councillor when not performing his/her role as a Councillor.
- » Complaints alleging fraud, corruption or other criminal behaviour.
- » Freedom of information requests.
- » Work related grievances from Council staff (i.e. complaints relating to their employment).
- » Complaints already reviewed by an external agency.

Council recognises these complaints are still valid from a community perspective, however these will be managed separately from the complaint handling policy and will not be investigated as part of this policy and procedure.

Where a complaint is outside Council's service responsibility, we will endeavour to direct the complainant to the appropriate authority or service provider.

Definitions



Term	Definition
Complaint	An expression of dissatisfaction with: <ul style="list-style-type: none"> » the quality of an action taken, decision made, or service provided by the Council or its contractors, » a delay or failure in providing a service, taking an action, or making a decision by the Council or its contractors, and/or » a policy or decision made by a Council or a member of Council staff or a contractor.
Complainant/customer	A person or group that utilises the services of the Council and/or makes a compliment, request for service or complaint.
Complaint handling system	The way individual complaints are dealt with by Council including the policy, procedures, practices and technology.
Complex complaint	Complex complaints are those which cannot be resolved/managed at the first point of contact and are generally of a more serious or complex nature than simple complaints. They typically require cross functional collaboration to resolve, a number of interactions or discussions with the complainant and may involve commitment of resources.
Compliment	An expression of praise for staff, processes or services provided and the experience of the interaction.
Council officer	The Chief Executive Officer, Council staff and persons authorised by Council.
Customer request system	Council's corporate system to record information and administer workflows related to community and resident requests for services, enquiries and complaints.

Definitions (continued)

Term	Definition
Feedback	Feedback may take the form of positive and negative comments about a service, product, experience or process of Council. The feedback may not require corrective action, change of services or a formal review of a decision. Feedback may be used to influence future service reviews and delivery methods.
First point of contact	The person who the complainant first contacts to express their complaint. This could be any council officer or a Councillor.
Frontline staff	All staff and their teams who have authority in their role to manage simple complaints. This is typically staff who have direct contact with customers but could be any staff member who initially receives a complaint, regardless of their position or role within the organisation. This is not limited to the function of customer service.
Internal review	Internal review can be requested if the complainant is not satisfied that the complaint has been resolved or was handled correctly. The review will be handled by a senior staff member who has not been involved with the original decision, action or investigation.
Request for service	A request for service is when a customer asks the Council for assistance, information, advice, action to be taken to address a problem, report of damaged or faulty infrastructure, a maintenance request, or a change to the way the Council delivers a service. A request for service might become a complaint if the request is not properly dealt with. A request for service does not include a compliment, suggestion or general feedback.
Standard complaint	Straight-forward expressions of dissatisfaction which may be managed at the first point of contact by frontline staff. Although they may require the advice of a subject matter expert within the Council, they do not typically require cross functional collaboration to resolve.

Term	Definition
Subject Matter Expert	A staff member that has special skills or knowledge on a particular topic or function of Council.
Unreasonable complainant conduct	<p>Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which because of its nature or frequency raises substantial health, safety, resource or equity issues for:</p> <ul style="list-style-type: none"> » Council » Councillors » Council staff » contractors, agents or volunteers, and/or » other service users. <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> » unreasonable persistence » unreasonable demands » unreasonable lack of cooperation » unreasonable arguments, and » unreasonable behaviours. <p>Some types of behaviour are never acceptable. They include verbal abuse, offensive behaviour, threats and violence.</p>

How to make a complaint



A person can make a request in a number of ways.

The complaint should detail their name, address and contact phone number together with a brief description of the issue.



Online

Via Council's website
www.stonnington.vic.gov.au



Email

council@stonnington.vic.gov.au



Telephone

03 8290 1333



In person

Service Centres

Stonnington City Centre
311 Glenferrie Road, Malvern

Stonnington Services
and Visitor Hub
Prahran Square,
Chatham Street, Prahran



Mail

PO Box 58, Malvern 3144

Accessibility



Council has the following services in place to assist people with specific needs to make a complaint.

National relay service

TTY users

Phone: 133 677

Speak and listen (speech to speech relay)

Phone: 1300 555 727

Internet Relay users

Visit: www.relayservice.gov.au
and ask for **8290 1333**

Translating and interpreting service

Call the Stonnington Community Link, a multilingual telephone information service.

Mandarin	普通話	9280 0730
Cantonese	廣東話	9280 0731
Greek	Ελληνικά	9280 0732
Italian	Italiano	9280 0733
Polish	Polski	9280 0734
Russian	Русский	9280 0735
Indonesian	Bahasa Indonesia	9280 0737
All other languages		9280 0736

We accept and investigate, where possible, anonymous complaints, provided we have received enough information to do so.

Complaint handling Procedure and review process

It is policy that the City of Stonnington will follow a four-tiered approach to complaint handling.

1

Frontline resolution:

Frontline staff and subject matter experts receive the complaint and resolve it within the scope of their authority. Staff are empowered to resolve complaints wherever possible at first contact.

3

Internal review:

If the complainant is not satisfied that the investigation process did not resolve the complaint or manage the matter correctly, they can request an internal review.

2

Investigation if required:

If frontline staff cannot resolve the complaint, they will refer it to a more senior council officer responsible within the appropriate work area for investigation and response.

4

Access to external review:

If the complainant is not satisfied that the internal review process did not resolve the complaint or manage the matter correctly, they will be informed of the external avenues which they may pursue their complaint.

The following procedures outline the process and actions Council will take to manage and respond to complaints.

Level 1: frontline resolution

1. Frontline staff will receive complaints in a positive, receptive and professional manner.
2. Upon receipt of the complaint, the frontline staff must ensure that all complaints are registered in full detail on Council's customer request management system (CRM). Supporting documentation will be registered in Council's records management system (TRIM).
3. Frontline staff will assess the complaint to determine:
 - a. how it should be dealt with, and
 - b. who is the appropriate actioning officer/subject matter expert.
4. The frontline staff or subject matter expert will action the complaint as soon as possible, and/or within ten (10) business days and advise the complainant.
5. If further investigation is required, the frontline staff/subject matter expert will contact the customer in writing or by telephone within ten (10) business days from receiving the complaint to:
 - » acknowledge the complaint has been received
 - » confirm the accuracy of the complaint and seek further detail if required, and
 - » explain what will happen next (as per this policy) and the timeframe for response.
6. If Council is not the appropriate organisation to respond, the complainant will be advised and referred to another organisation that can assist.

Level 2: investigation

1. If frontline staff cannot resolve the complaint in the first instance, it will be assigned to a senior officer (for example coordinator or manager) for investigation. This additional level of complaint handling provides customers with the confidence that their complaint has been considered by a different person, holding a higher level of delegated authority.
2. The senior Council officer handling the complaint will acknowledge the complaint and advise the complainant within five (5) days who the contact person is and how long it will take to respond to the complaint.
3. Council will aim to resolve all complaints within 28 days.
4. If it takes longer than 28 days to resolve a complaint, the senior Council officer will contact the complainant prior to this time and explain the reasons for the delay and provide an updated timeframe for response.
5. Complaints that are not resolved within 28 days will be escalated to the relevant manager or general manager to ensure that a resolution is promptly achieved.
6. The senior Council officer responsible for handling the complaint will write (letter or email) to the complainant to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and the contact information for the responsible officer.
7. The senior Council officer handling the complaint may contact the complainant by telephone to discuss the outcome of their complaint either prior to or after sending the outcome correspondence.

Level 3: internal review

1. The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or managed correctly. This request must be made in writing.
2. Complaints received for internal review will be coordinated by corporate counsel or his or her nomination who may elect to respond to the matter in one or more of the following ways:
 - a. respond directly
 - b. instruct another council officer to deal with the complaint
 - c. request further information
 - d. refer the matter to the relevant general manager for review
 - e. seek independent external advice from a suitably qualified person/s, and/or
 - f. for more complex matters, refer a request to an internal review panel.
3. Corporate counsel or his or her nominee will contact the customer within five (5) business days to explain the process and timelines.
4. A written outcome letter will be provided to the complainant at the conclusion of an internal review.

Level 4: external review

If a complainant is not satisfied with the process or outcome of the internal review, they have the right to take their complaint to an external agency:

Statutory Breaches

Local Government Investigations & Compliance Inspectorate

The Inspectorate accepts complaints about council operations and potential breaches of the Local Government Act, including:

- » misuse of position
- » conflict of interest
- » disclosure of confidential information
- » electoral offences
- » councillor conduct.

Maladministration

Victorian Ombudsman

The ombudsman can take complaints about the actions and decisions of councils, including complaints about:

- » services
- » communication
- » complaint handling
- » compliance with policies, procedures or law
- » other actions or decisions which may be unreasonable.

Corruption

IBAC

IBAC accepts complaints about suspected corruption and misconduct in the public sector and Victoria Police, including:

- » taking and offering bribes
- » using a position of influence dishonestly
- » committing fraud or theft
- » misusing information from the work place.

Other complaints

Type of complaint	Specific handling procedure
Allegations of improper conduct by Council staff (including the Chief Executive Officer) including under the Protected Disclosure Act 2013	<p>If a complaint involves allegations of improper conduct, the complaint will be forwarded to the Chief Executive Officer (CEO) for investigation and action.</p> <p>Complaints about the Chief Executive Officer will be forwarded to the Mayor for investigation and action.</p> <p>Information about making a complaint under the Protected Disclosure Act 2012 is available on Council's website. Disclosures should be made directly to Council's Protected Disclosure Officer.</p>
Allegations or suspicions of misconduct or reportable conduct by Council staff (including Chief Executive Officer), relating to the safety of children and young people, as defined by the Child Wellbeing and Safety Act 2005	<p>If a complaint involves allegations of misconduct or reportable conduct, the complaint will be forwarded to the Chief Executive Officer for investigation and action.</p> <p>Complaints about the Chief Executive Officer will be forwarded to the Mayor for investigation and action.</p> <p>Information about making a complaint under the Reportable Conduct Scheme is available on Council's website. Disclosures should be made directly to:</p> <p>Council's manager governance and/or manager people and culture.</p>

Other complaints (*continue*)

Type of complaint	Specific handling procedure
Complaints about Councillors	<p>The prescribed standards of conduct set out in schedule 1 to the <i>Local Government (Governance and Integrity) Regulations 2020</i> state that “A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor - c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors.</p> <ol style="list-style-type: none"> 1. Complaint against a Councillor from a member of the public should be made to the Local Government Inspectorate and/or Independent Broad-based Anti-corruption Commission. 2. If a complaint is made to Council <ol style="list-style-type: none"> a. Upon receipt of a complaint against a Councillor from a member of the public, the Mayor will be advised of the complaint and, in accordance with section 18(1)(e) of the Act have the opportunity to promote behaviour among Councillors that meets the standards of conduct. b. The Mayor will request the complainant to refer the matter to the Local Government Inspectorate and/or Independent Broad-based Anti-corruption Commission. 3. The Mayor, Councillors, Chief Executive Officer or staff will not determine whether a breach of the Code of Conduct has occurred, that is the express role of the Local Government Inspectorate. <p>Local Government Inspectorate https://www.lgi.vic.gov.au/make-complaint-local-government-inspectorate</p> <p>Independent Broad-based Anti-corruption Commission https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form</p>

Type of complaint	Specific handling procedure
Complaints about Council staff	Any complaints received about Council staff will be handled according to the above procedure and in accordance with Council's Employee Code of Conduct and Disciplinary Policy .
Complaints about contractors	Any complaints received about Council contractors will be handled according to the above procedure and/or any relevant contractual requirements.

Remedies

Where an investigation shows that Council has made an error, Council will respond in an appropriate way. Possible responses include, but are not limited to:

- » an explanation of why the error occurred and how it will be prevented in future
- » a reversal of a decision
- » a correction of Council records
- » providing a means of redress, and/or
- » an apology.

Where complaints are reported via a Councillor, the Councillor will receive a copy of the acknowledgement and final response.

Privacy and confidentiality

Information gathered when investigating a complaint will be used only to deal with the specific complaint or to address issues identified in the investigation. Information may be de-identified and will only be shared with relevant staff.

Any queries regarding privacy should be directed to the manager governance.

Recording and reporting

All complaints in the scope of this policy will generally be recorded in Council's CRM, unless there is a requirement to protect the privacy of individuals that are involved in the complaint.

We may 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 Council officer responsible for handling the complaint
- » any action taken, including contact with the complainant, response times and the outcome, and/or
- » any recommendations for improvement, and who is responsible for implementing them.

Any staff queries regarding the recording of complaints should be directed to the coordinator customer service or the coordinator corporate information.

Managers are responsible for monitoring complaints and ensuring timeframes are met.

Level 2, 3 and 4 complaints will be reported to the Executive Management Team on a quarterly basis. The Executive Management Team is responsible for monitoring and improving the performance of Council's complaints system and responsiveness to the community.

Unreasonable conduct

Most complainants act reasonably and responsibly in their dealings with Council. In a small number of cases some complainants, despite our best efforts to help them, behave in ways that are inappropriate and unacceptable.

Unreasonable conduct is that which because of its nature raises substantial health, safety, resource or equity issues for our organisation, our staff, contractors and other service users.

In managing unreasonable conduct, we try to ensure that:

- » the complainant's expectations are clear and realistic
- » we maintain firm and clear communication, either in writing or verbally
- » a complainant understands what Council can do and not do in relation to the complaint, and
- » we provide clear reasons for our decisions.

Council may decide to deal with unreasonable conduct in one or more of the following ways:

Who they contact:

- » Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).
- » This staff member will exclusively case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and conflict.

What they can raise with Council

- » Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by Council, restrictions may be applied to the issues/subject matter the customer can again raise with Council.

When, where and how they can have contact

- » A customer's telephone, written or face-to-face contact with the Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff. It may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, Council may limit when, where and/or how the customer can interact with Council.

Roles and responsibilities



Role	Responsibilities
Frontline staff	<ul style="list-style-type: none"> » Frontline staff receive and assess complaints and if possible resolve the complaint at the point of contact, within the scope of their role. » Where a frontline staff member requires assistance of a supervisor the supervisor will assist and investigate to enable the complaint to be resolved at the point of contact. » Complaints that cannot be managed at first point of contact will be referred to the appropriate Coordinator/Manager for investigation and management of the complaint. » Ensure all complaints are recorded properly.
Contractors	<ul style="list-style-type: none"> » Must notify Council's contract manager/supervisor if they receive a complaint directly within two (2) working days.
Team leaders/ coordinators/ managers/general managers/ contractors	<ul style="list-style-type: none"> » Provide training and support to staff so that they understand the complaint handling process and are empowered to manage any referred complaints within the scope of their role. » Receive, investigate and manage any referred (level 2) complaints through to resolution. » Where a complainant requests a review of the decision made, refer it to the appropriate manager, general manager or Chief Executive Officer for internal investigation. » Conduct any allocated internal reviews through to completion.
Internal review panel	<ul style="list-style-type: none"> » The panel will independently review the complaint and report back to the relevant member of the Executive Management Team on its findings and recommendations.

Role	Responsibilities
Corporate counsel	<ul style="list-style-type: none"> » Council's corporate counsel or his or her nominee is to advise the Complainant in writing of the outcome of the internal review panel outcomes.
Chief Executive Officer	<ul style="list-style-type: none"> » Encourages an environment where complaints are handled seriously and comprehensively, and acts on complaints reporting data. » Oversees complaints made against general managers.
Manager Advocacy, Performance and Customer Experience	<ul style="list-style-type: none"> » Manages the Complaints Handling System on behalf of the Council, including policy, process and procedures.
Councillors	<ul style="list-style-type: none"> » Councillors are responsible for ensuring all complaints received from members of the community are directed to the Mayor and Councillor support staff who will record the complaint in Council's CRM.

References



Council is committed to providing a fair and equitable service and this Policy has been developed particularly in accordance with the following legislation, regulations, policy and standards:

- » Local Government Act 1989
- » Privacy and Data Protection Act 2014
- » Victorian Ombudsman: Councils and Complaints – A good practice guide
- » Protected Disclosure Act 2012.

Human rights review and statement



The Complaint Handling Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights. The Policy provides the framework for how people can raise complaints with Council and have them responded to. It is considered the Policy supports the principles contained within the Charter.

Review



The Complaint Handling Policy will be reviewed at least every two years, or more frequently if there are changes to legislation or internal processes impacted on the policy.

Approved by: Director of Customer & Technology

Approval Date: October 2021

Review Date: October 2023

No.	Change	Date
1.	Initial	18 December 2018
2.	Updated complaint definition	January 2021
3.	Updated Complaints regarding Councillors Updated contact us details	October 2021

