
WYNDHAM CITY COMPLAINTS HANDLING POLICY Community First





INTRODUCTION

Wyndham City Council is committed to providing an approach to complaint handling that reflects the needs, expectations, and rights of customers. The following Complaint Handling Policy provides a framework to ensure complainant concerns are addressed promptly and fairly with outcomes which will assist Council to improve its services for the future.

This policy is guided by the Victorian Ombudsman's Councils and Complaints – A Good Practice Guide 2nd edition, the Australian Standard: Customer satisfaction – guidelines for complaint handling in organisations (AS/NZS 10002:2014) and section 107 of The Local Government Act 2020



1. PURPOSE

The purpose of this policy is to define what a complaint is, and to facilitate a fair and reasonable resolution of all customer complaints. This policy provides Council with an organisational approach to complaints handling and supports and empowers staff in the facilitation and resolution of complaints in an efficient and transparent manner. It also ensures that Council is accountable both internally and externally for its decision making and complaint handling performance.

2. OBJECTIVES

The objectives of this Complaint Handling Policy are to:

- put in place an open and transparent complaint handling system.
- provide a process for reviewing actions and decisions made in regards to complaints.
- provide clarity around the types of complaints covered by this policy.
- establish a framework and escalation process for resolving complaints.
- ensure staff handle complaints fairly and objectively.
- increase the level of community satisfaction with Wyndham City Council's services.



3.SCOPE

This policy applies to all Council employees. The policy extends to third party contractors, agents and volunteers of Wyndham City Council, to the extent provided for in their contract / agreement with Council. These will be referred to through this policy as Council staff and contractors.

Council's Complaints Management Policy applies to its various complaints processes but does not apply to complaints already covered by other statutory review mechanisms or under corrupt conduct that should be directed to Independent Broad-based Anti-corruption Commission (IBAC).

Other Council policies and procedures must also be taken into consideration when carrying out duties and when applying this policy.

4.DEFINITIONS

Complainant Person or organisation who makes a complaint or expression of dissatisfaction.

Staff: Includes all Council staff whether employed fulltime, part time, casually, or as a volunteer, contract staff

Complaint: A complaint is an expression of dissatisfaction with:

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

Appropriately authorised Council officer – a Council officer who has the authority to make the decisions referred to in the outcome of a complaint. This will generally be a Manager, a Director, or in some cases, the Chief Executive Officer. In the case where a complaint has escalated to a Stage 3 Internal Review it will be an **independent** appropriately authorised Council officer.

Request for service: A request for service is to make contact with Council to seek assistance or advice, access a new service, or to inform / make a report about something for which Council is responsible.

Complaint handling system: The way individual complaints are dealt with by Council including the policy, procedures, guidelines, practices and technology.

Escalation process: The escalation process outlines how the complainant can escalate their complaint if they are not satisfied that the complaint has been resolved or was handled incorrectly.

First point of contact: The person who the complainant contacts to express their complaint. This could be any staff member at any level, or a Councillor.

Unreasonable complainant conduct: Unreasonable complainant conduct 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 Council, council staff, contractors, agents or volunteers of council, other service users and complainants or the complainant themselves.



5. HOW TO MAKE A COMPLAINT

Complaints can be made with Council in the following ways:

Online:	www.wyndham.vic.gov.au
Telephone:	Customer Service: 1300 023 411 National Relay Service: TTY 13 36 77 Speak and Listen: 1300 555 727
In person:	Wyndham City Council Offices - Civic Centre 45 Princes Highway, Werribee Point Cook Community Learning Centre 1-21 Cheetham Street, Point Cook Tarneit Community Learning Centre 150 Sunset Views Boulevard, Tarneit Manor Lakes Community Learning Centre 86 Manor Lakes Boulevard, Wyndham Vale
Mail:	Attention: Customer Complaint Resolution Team Wyndham City Council PO Box 197, Werribee, VIC., 3030

5.2 Anonymous complaints

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

Council’s ability to fully investigate the problem is dependent on the level of detail provided. If insufficient information is deemed to have been supplied, no further action will be taken.

If the complaint appears to relate to public safety or can be independently corroborated, then an investigation will commence, and rectification undertaken if necessary.

Due to the complainant’s anonymity, Council will be unable to provide reasons for any decisions or actions taken.

5.3 Complaints about contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

Contract managers will ensure that all contractors are made aware of their obligations under this policy and will review any complaint during scheduled meetings.

Where Council has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance.

If the complainant is not satisfied with the outcome of the complaint they can ask for Council to review the decision.

5.4 Complaints about specific matters – alternative procedures

5.4.1 Complaints about allegations of employee conduct

Where a complaint involves an employee disciplinary or behavioural issue, it will be handled in accordance with the Employee Code of Conduct and any relevant legislative requirements.

5.4.2 Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Protected Disclosure Act 2012 and Council’s Protected Disclosure (Whistleblowers) Procedures 2015.

5.4.3 Complaints about Councillors

Complaints about Councillors will be handled in accordance with the Councillor Code of Conduct. Under certain circumstances complaints can also be made to the Local Government Inspectorate (refer to <https://www.vic.gov.au/lgi/complaints.html>) and the Independent Broad-based Anti-corruption Commission (refer to <http://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint>).



6. UNREASONABLE COMPLAINANT CONDUCT

While the majority of customers have legitimate concerns and genuinely seek resolution, a small number of complainants demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

It is important that all complainants be treated with fairness and respect.

Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.

When complainants behave unreasonably in their dealings with staff, their conduct can have a negative impact on Council's service delivery to other customers. Because of this, Council will take immediate action to manage complainant conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Complainant Conduct (UCC) can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

Council has developed procedures for managing unreasonable customer complaints in line with the Victorian Ombudsman's A Good Practice Guide to Dealing with Challenging behaviour May 2018.

7. PRIVACY AND CONFIDENTIALITY

Complainants have a right to expect that their complaint will be investigated in confidence, to the extent possible. The identity of complainants will be shared with Council staff on a 'need to know' basis.

All complaints lodged with Council are subject to the Freedom of information Act, 1982 and confidentiality cannot be guaranteed under the provisions of that legislation.

8. RECORDING OF COMPLAINTS

All complaints are recorded within Council's customer request management system, in the first instance. Whilst it is recognised that for privacy reasons, confidential information may not be captured in this system but rather linked to associated databases specifically used for such confidential interactions.

9. REPORTING ON PERFORMANCE

Appropriate performance data will be captured to enable Council to review the timeliness and efficiency of Council's complaint handling as well as identifying trends and patterns in complaints. Such data will be reported annually in Council's Annual Report.

10. COMPLAINT HANDLING PROCEDURE

Council will take a four-tiered approach to complaint handling. For detailed steps, refer to the Complaints Handling Procedures.

Stage 1: Frontline resolution- wherever possible, frontline staff will try to resolve the complaint at the first point of contact.

Stage 2: Investigation- If frontline staff are unable to resolve the complaint, or the complainant is not satisfied with the outcome, it may be referred to the next level manager or relevant officer with specific expertise for investigation. The Council officer will conduct the investigation in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

Stage 3: Internal Review- if the complainant is still not satisfied with the outcome after the investigation, there may in some instances be reason to refer for internal review. The complainant must clearly state on what grounds they believe the original decision is worthy of a review. Internal reviews are carried out by an independent appropriately authorised officer who will make recommendations. The Council officer will conduct the investigation in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

Stage 4: External Review – if council has exhausted all avenues, the complainant may choose to involve an external organisation to investigate such as the Victorian Ombudsman.

At all stages of the complaint management cycle, the following criteria will be applied:

- register the complaint and advise the complainant of their complaint reference number.
- if required, clarify the complaint and the outcome the complainant is seeking.
- actioning officer will advise the complainant of the expected timeline for completion.
- at any stage, if the complaint is outside of the responsibility of the actioning officer, the complaint should be escalated to the next level manager.
- where a complaint has been escalated to the next stage, the reviewing officer must not have been involved in the original decision, action or investigation and where practicable, should be from a different work area. The allocation of the review will be guided by the nature and complexity of the complaint.

11. REVIEW GUIDELINES

If a person is dissatisfied with the outcome, assessment or decision they may call for a review to take place. In order to both remain compliant and to ensure impartiality in the review process, it must include:

- A different person who took the action
- A different person to the one who made the decision
- And a different person who carried out the service

11.1 Review Process

Determine if the request is a complaint	Receive the complaint and apply the Complaint Assessment Criteria to determine if the request is a complaint.
Register the complaint	If it is deemed a complaint, register the complaint in Council’s customer request management system.
Clarify the outcome	If required, clarify the complaint and the outcome the complainant is seeking.
Assess the complaint	Assess the complaint to determine how it should be dealt with. This may include considering external assessment processes.
Notify the complainant	<p>Acknowledgement</p> <ul style="list-style-type: none"> • Acknowledge the complaint by providing the CRM reference number together with your details and the estimated time of the next contact within 48 hours (2 business days) of receiving the complaint. <p>Note: Whilst it is important to have some consistency around timeframes when responding to complaints, it is critical that each case be managed on its individual merits. The critical factor is ensuring regular and timely communication with the complainant through the entire process.</p>
Escalate where necessary	<p>At any stage, if the complaint is outside of the responsibility of the actioning officer, the complaint should be escalated to the next level manager.</p> <p>Where a complaint has been escalated to the next stage, the reviewing officer must not have been involved in the original decision, action or investigation and where practicable, should be from a different work area.</p> <p>The allocated officer will be an appropriately authorised officer.</p> <p>The allocation of the review will be guided by the nature and complexity of the complaint.</p>



11.2 Complaint Outcomes

Where a complaint is substantiated, Council will take steps to redress the situation. Possible outcomes include but are not limited to:

- An explanation of why the error occurred and steps taken to prevent it from happening again.
- An apology.
- A reversal of a decision.
- A correction of the Council records.
- A change to policy, procedure or practice.
- Disciplinary action taken against a staff member.
- Providing the means of redress requested by the complainant.
- Full or partial refund of monies paid or full or partial credit note.

11.3 Recording of Complaints

All complaints are recorded within Council's customer request management system, in the first instance. Whilst it is recognised that for privacy reasons, confidential information may not be captured in this system but rather linked to associated databases specifically used for such confidential interactions.

Council will analyse our complaint data and provide annual reports to Council on how we can reduce complaints and improve services. The Senior Leadership Team is responsible for acting on the recommendations in these reports.

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 staff member responsible for handling the complaint.
- any action taken, including contact with the complainant, response times and the outcome.

Any staff queries regarding the recording of complaints should be directed to the Coordinator Community First.

11.4 Reporting on Performance

Appropriate performance data will be captured to enable Council to review the timeliness and efficiency of Council's complaint handling as well as identifying trends and patterns in complaints. Such data may be reported annually in Council's Annual Report.

As a minimum we will report:

- number of complaints raised.
- number of complaints upheld, partially upheld, not upheld.
- customer satisfaction with complaint handling process.

Key performance indicators and services improvements as a result of the complaints will be detailed in the Annual Report.

12. RELATED DOCUMENTS

Relevant Legislation includes but is not limited to:

- Building Act 1993
- Charter of Human Rights and Responsibilities Act 2006
- Competition and Consumer Act 2010
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Food Act 1984
- Freedom of information Act 1982
- Health Records Act 2001
- Independent Broad-Based Anti-Corruption Act 2011
- Infringement Act 2006
- Local Government Act 2020
- Planning and Environment Act 1987
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Health and Wellbeing Act 2008
- Childrens Services Regulations and National Quality Standards
- Summary Offences Act 1988

Related Council policies and procedures include but are not limited to:

- Complaint Handling Procedures
- Unreasonable Customer Conduct Procedures
- Bullying Policy
- Corporate Information Management Policy
- Councillor Code of Conduct
- Customer Service Charter
- Staff Code of Conduct

Related supporting documents include but are not limited to:

- Victorian Ombudsman Councils and complaints – A good practice guide February 2nd edition, July 2021.
- Victorian Ombudsman Good Practice Guide to Dealing with challenging behaviour May 2018.

13. AVAILABILITY OF THE POLICY

This Policy is available from the Council website www.wyndham.vic.gov.au and can be made available in hard copy format upon request.

14. REVIEW

Adopted by the Executive Leadership Team on 13 March 2019.

Review Period	Next review date	Objective Reference
Executive Manager Corporate Affairs	Updated: August 2021 Next review: March 2023	A2093577

Document Owner
Executive Manager Corporate Affairs

