



# Customer Complaint Handling Policy

*Customer Service*





## Introduction

Wyndham City Council is committed to providing an approach to complaint handling that reflects the needs, expectations, and rights of customers. The following Customer 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, and section 107 of *The Local Government Act 2020*



## 1. Purpose

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

## 2. Objectives

### **2.1 Establish an Open and Transparent System:**

Create and maintain a complaint handling system that is open and transparent.

### **2.2 Review and Improve Decision-Making:**

Implement a systematic process for reviewing actions and decisions related to complaints, ensuring continuous improvement and accountability.

### **2.3 Clarify Covered Complaints:**

Provide clear definitions to specify the types of complaints covered by this policy.

### **2.4 Framework and Escalation Process:**

Develop a framework and escalation process to facilitate the resolution of complaints

### **2.5 Ensure Fair and Objective Handling:**

Establish guidelines and practices for fair and objective handling of complaints by staff.

### **2.6 Increase Community Satisfaction:**

Strive to increase community satisfaction with the services provided by Wyndham City Council through effective complaint resolution and measures for improvement.



### 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 Customer Complaints Handling 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 expressing dissatisfaction or making a complaint. .

**Staff:** Includes all Council staff including fulltime, part time, casual, volunteer and contract staff.

**Complaint:** In accordance with section 107 of *the Local Government Act 2020*, a complaint is a communication, whether verbal or written, expressing dissatisfaction with:

- The quality of an action, decision made, or service provided by a member of Council staff, or a contractor engaged by the Council.
- 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
- A policy or decision made by the Council or a member of Council staff or a contractor.

**Contract Managers:** Responsible for contract staff.

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

**Councillor:** Publicly elected member of a local council.

**Request for service:** Contact made with Council for assistance, advice, to access a new service, or to report issues within Council's responsibility.

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

**Escalation process:** Outlines how a complainant can escalate their complaint, if they are dissatisfied with the resolution or believe it was handled incorrectly.

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

**Front line 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.

**Natural justice:** A set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

**Unreasonable complainant conduct:** Any behaviour by a current or former complainant that due to its nature or frequency raises substantial health, safety, resource or equity issues for Council, council staff, contractors, agents, volunteers of council, other service users or the complainant themselves.



## 5. How to make a complaint

### 5.1 Lodging Complaints:

Complaints can be made with Council in the following ways:

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

### 5.2 Anonymous complaints

Where possible, we accept and respond to anonymous complaints, provided there is sufficient information for us to address the issue.

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 informed 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 [www.lgi.vic.gov.au/make-complaint-local-government-inspectorate](http://www.lgi.vic.gov.au/make-complaint-local-government-inspectorate)) and the Independent Broad-based Anti-corruption Commission (refer to [www.ibac.vic.gov.au/reporting-corruption](http://www.ibac.vic.gov.au/reporting-corruption)).

#### 5.4.4 Complaints about Child Safe Incidents or Concerns

The Wyndham City Child Safe Officer is available to discuss a child safety concern or potential reportable conduct allegation: Email: [childsafecofficer@wyndham.vic.gov.au](mailto:childsafecofficer@wyndham.vic.gov.au)



## 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: Managing Complex Complainant Behaviour 2020.

## 7. Privacy & confidentiality

Complainants have a right to expect that their complaint will be investigated in confidence. To the extent possible, the identity of complainants will only 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. 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 attempt 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. Where a complaint relates to a decision, action or service that is being performed in accordance with an established Council or statutory strategy, policy or service standard, Council reserves the right to exercise discretion to refuse to escalate the complaint to the internal review process.

**Stage 3:** Internal Review – if the complainant is still not satisfied with the outcome after the investigation, in some instances, there may be reason 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 is appropriately required 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 and advise:
  - Register the complaint and provide the complainant with their reference number.
  - If necessary, clarify the complaint and the desired outcome.
- Timeline and communication:
  - The actioning officer will inform the complainant of the expected timeline for completion.
- Escalation:
  - If at any stage, the complaint falls outside of the responsibility of the actioning officer, it should be escalated to the next level manager.
- Reviewing officer guidelines:
  - When a complaint is escalated to the next stage, the reviewing officer must not have been involved in the original decision, action, or investigation. Where practicable, the reviewing officer 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 a decision they may call for a review. The review process must adhere to the following guidelines to ensure both compliance and ensure impartiality in the review process. It must include:

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

### 11.1 Review process

<b>Determine if the request is a complaint</b>	Receive the complaint and apply the Complaint Assessment Criteria to determine if the request is a complaint.
<b>Register the complaint</b>	If it is deemed a complaint, register the complaint in Council's customer request management system.
<b>Clarify the outcome</b>	If necessary, clarify the complaint and the desired outcome.
<b>Assess the complaint</b>	Assess the complaint to determine how it should be dealt with. This may include considering external assessment processes.
<b>Notify the complainant</b>	Acknowledge the complaint by providing the reference number together with your details and the estimated time of the next contact within 48 hours (2 business days) of receiving the complaint.  Note: While it is important to maintain consistency in response time, it is crucial to manage each case individually. Regular and timely communication with the complainant throughout the process is essential.
<b>Escalate where necessary</b>	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 allocated officer will be an appropriately authorised officer.  The allocation of the review will be guided by the nature and complexity of the complaint.



## 11.2 Complaint outcomes

When a complaint is substantiated, Council will take appropriate steps to address and rectify 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.

## 11.3 Recording of complaints

All complaints are recorded within Council's customer request management system. 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 of Customer Service.

## 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.

At 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:

- *Local Government Act 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Domestic Animal Management Plan*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Building Act 1993*
- *Independent Broad-Based Anti-Corruption Act 2011*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Child Safety and Wellbeing Act 2005*

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

- Complaint Handling Procedures
- Unreasonable Customer Conduct Procedures
- Fraud and Corruption Policy
- Corporate Information Management Policy
- Councillor Code of Conduct
- Staff Code of Conduct
- Public Interest Disclosure Policy

### Related supporting documents include but are not limited to:

- Victorian Ombudsman Councils and Complaints - A Good Practice Guide 2nd Edition.
- Victorian Ombudsman Good Practice Guide: Managing Complex Complainant Behaviour 2020.

## 13. Availability of the policy

This policy is available on the Council website - [www.wyndham.vic.gov.au](http://www.wyndham.vic.gov.au)

It can be made available in hard copy format upon request.

## 14. Review

Adopted by the Executive Leadership Team on 24 January 2024.

Review Period:	Next review date	Objective Reference
Updated: January 2024	Next review: January 2028	Ref: A4248628

**Document Owner**  
**Manager Customer Service**

