



WARRNAMBOOL
CITY COUNCIL

Complaints Policy

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1. INTRODUCTION

1.1. Purpose

The purpose of this policy is to deliver consistent and fair management and handling of complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

The policy aims to:

- Inform customers about what to expect during the complaints handling process and how they can escalate their issue if they are not satisfied.
- Ensure that feedback is handled in a fair, unbiased and consistent way, allowing for corrective actions to be put in place where necessary.
- Consider and respect human rights.
- Provide opportunities for continually improvement to our customers' experience and satisfaction with Council services and programs.

1.2. Scope

This policy applies to complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

This policy does not apply to requests for service which would include items such as:

- Customer requests for service, including for works or repairs, the reporting of damaged or faulty infrastructure or hazards (i.e. potholes, fallen trees, etc.), information, support or assistance from relevant officers, etc.
- Requests for information about services, policies, procedures and/or records, including Freedom of Information requests.
- Reporting of a suspected breach of or complaint made under Council's Local Laws.
- Reporting of a suspected breach under certain statutory regulations or legislation such as planning, building and environmental health.
- Appeals against decisions made under certain statutory regulations or legislation such as planning, building and environmental health.
- Complaints and reporting about suspecting privacy breaches.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Complaints made to external integrity agencies about Council for which Council is asked to provide information.
- Internal disputes between staff of a personal nature, or that are managed under human resource policies and procedures.

1.3. Definitions

Term	Definition
Complaint	includes the communication to the Council by a person of their dissatisfaction with— (a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or (b) 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 (c) a policy or decision made by a Council or a member of Council staff or a contractor.
Council Staff	Is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
Council Contractor	Is any third-party engaged by the Council to carry out functions on the Council's behalf.
The Council	Means the body of elected Councillors
Frontline Staff	Staff who are forward facing and regularly provide direct customer service, or the Council staff directly involved with or responsible for taking the action, making the decision or delivering the service at the centre of the complaint
Customer Requests for Service	Are a request made by a customer for an action, decision or service which may relate to an activity or service provided by the Council. Where a customer becomes dissatisfied with the action taken, decision made or service provided with respect to their customer service request, they may make a complaint to Council in accordance with this policy. Customer requests for service are handled under the customer service charter and are not treated as complaints.

1.4. References

- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Information Privacy Act 2000
- Local Government Act 2020
- Public Interest Disclosure Act 2012
- Victorian Ombudsman Councils and Complaints – A Good Practice Guide

2. POLICY

This policy is created in accordance with section 107 of the Local Government Act 2020 and addresses the following:

- a process for dealing with complaints made to the Council; and
- a process for reviewing any action, decision or service in respect of which the complaint is made; and
- a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review.

The Warrnambool City Council complaints handling structure will include a process whereby Council:

- enable complaints to be made;
- respond to complaints in a managed and consistent manner; and
- learn and improve service delivery through effective management and review of complaints data.

2.1. What is a complaint?

A complaint under this policy includes a communication to the Council which expresses dissatisfaction with:

- The quality of an action, decision or service provided by Council staff or a Council contractor.
- A delay in taking an action, making a decision or delivering a service by Council staff or a Council contractor
- A policy of, or decision made by the Council.

And, must be within this policy's Scope (clause 1.2) to be handled under this policy.

In accordance with s.107 of the Local Government Act 2020, complaints made under this policy can be received as communication by a person either orally or in writing.

Council accept anonymous complaints provided enough information is received in order to resolve the complaint, or undertake an internal investigation. Although Council may be able to review the subject matter of a complaint, an outcome or resolution of a complaint may not be able to be reached or communicated to an anonymous complainant.

2.2. Complaint Considerations

For a customer's expression of dissatisfaction to be treated as a complaint, complainants should be clear that they are making a complaint and seeking a resolution to that complaint.

Where possible, complainants should seek to raise their dissatisfaction with the Council staff or contractors involved in the matter in the first instance. Alternatively, information about how to make a complaint via other means is available below in the 'How to make a complaint' section of this policy.

Complaints should include information about:

- The specific action, decision, service or policy at the cause for the complaint
- What is the cause of or has resulted in the dissatisfaction
- Relevant details such as the dates, times, location, related documentation or references that support the complaint
- Outline any other action or communication you have had with Council staff, contractors, Councillors or external agencies with respect to your complaint
- What outcome you are seeking by making the complaint
- Any preferences or needs you have about communication with Council such as an interpreter or TTY, having someone act on your behalf in relation to the complaint, or a preference to have communication provided verbally.

3. PROCEDURE

3.1. How to Make a Complaint

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

Mail	PO Box 198, 25 Liebig Street, Warrnambool Victoria, 3280
Telephone	1300 003 280 or 03 5559 4800
Email	contact@warrnambool.vic.gov.au
In person	25 Liebig Street, Warrnambool, or the Council facility the complaint relates to.
Fax	03 5559 4900
Internet	https://www.warrnambool.vic.gov.au/

3.2. How a Complaint will be Handled

The council takes a four-tiered approach to complaint handling, as follows:

1. **Frontline resolution:** frontline staff receive the complaint and resolve it immediately.
2. **Escalation:** where frontline staff cannot resolve the complaint, they will escalate the complaint to their Coordinator/Service Manager/Team Leader for resolving.
3. **Internal Investigation:** if the complainant is not satisfied with the outcome or resolution of their complaint, they can request an internal investigation where a review of the complaint and decision will be undertaken.
4. **External Review:** if the complainant is not satisfied with the process or outcome of the internal investigation, they will be informed of any external avenues through which they can pursue their complaint.

3.2.1. Frontline Resolution

Where possible, frontline staff will seek to resolve the complaint at the time of first contact by the complainant or within 10 business days of receipt of the complaint.

The frontline resolution process will be undertaken as follows:

- Where needed, frontline staff will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- Frontline staff will assess the complaint and, where possible, determine an outcome and respond to the complainant accordingly.
- Frontline staff will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined by frontline staff that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.
- If it is determined by Frontline staff that the complaint is not easily and quickly resolvable, they may escalate the complaint to a Coordinator/Team Leader/Service Manager.

3.2.2. Escalation

Where Frontline staff are unable to quickly and easily resolve a complaint, the complaint may be escalated to a more senior staff member with knowledge of the service area or oversight of actions and decisions made within that Council service.

The Coordinator/Team Leader/Service Manager will acknowledge with the complainant that the complaint has been escalated to them with 2 business days of the escalation.

The process will be undertaken as follows:

- Where needed, the Coordinator/Team Leader/Service Manager will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- The Coordinator/Team Leader/Service Manager will assess the complaint and determine an outcome and respond to the complainant accordingly. Council will aim to complete a review and respond to the complainant with an outcome within 30 days.
- The Coordinator/Team Leader/Service Manager will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.

3.2.3. Internal Investigation

If a complainant is dissatisfied with the outcome of their complaint, they are able to request an internal review of the complaint.

The internal review will be conducted by the Manager Governance, Property, Projects and Legal, or a senior officer who has not had any prior involvement with the complaint.

The complainant will be informed of the outcome of the internal review, with reasons given for any decisions made with 45 days of the internal review being received by the reviewing officer.

3.2.4. External Review

There are external integrity agencies available to investigate different types of complaints about Council.

Complainants can request an external review from the following organisations by contacting them directly.

Where a complaint made to Council leads to findings that may require external investigation by an integrity agency, Council will forward the necessary information to the appropriate external agency for further assessment.

Complaint	External agency to contact
External review of actions or decisions of a Council, Council staff and contractors. <i>This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy or a complaint about a freedom of information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission

	www.ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au
Council elections	Victorian Electoral Commission www.vec.vic.gov.au

3.3. Roles and Responsibilities

Role	Responsibility
Complainant	Be clear about what the complaint is, what and/or who it relates to, when it occurred and any related background and timeline information, and any additional information that may assist officers in quickly and efficiently reviewing and responding to the complaint.
Frontline Staff	<p>Frontline staff receive and assess complaints and if possible resolve the complaint at the point of contact, within the scope of their role.</p> <p>Where a frontline staff member requires assistance of a supervisor or the Manager Governance, Property, Projects and Legal, the supervisor or Manager will assist and investigate to enable the complaint to be resolved at the point of contact.</p> <p>Where a complainant requests a review of the decision made about their complaint by a frontline staff member, the staff member is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p>
Service Managers, Coordinators and Team Leaders	<p>Complaints that cannot be managed at first point of contact by Frontline Staff will be referred to the appropriate Coordinator/Service Manager/Team Leader for investigation and management of the complaint.</p> <p>Where a complainant requests a review of the decision made about their complaint by a Coordinator/Service Manager/Team Leader, the officer is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p> <p>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.</p>
Managers and Directors	<p>Where a complainant requests a review of the decision made, refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p> <p>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.</p> <p>Periodically review complaints data provided and apply findings to improve service delivery.</p> <p>Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.</p>

Manager Governance, Property, Projects and Legal	<p>Where a complainant requests a review of the complaints decision made in the first instance, the Manager Governance, Property, Projects and Legal will undertake an internal investigation.</p> <p>Present findings of any internal investigation to the appropriate Managers and Directors.</p> <p>Present findings of any internal investigation that uncover significant issues in the quality of, or delay in an action taken, decision made or service provided by a staff member or contractor to the Chief Executive Officer.</p> <p>Support staff in undertaking any complaints resolution process for which they seek assistance from the Manager Governance, Property, Projects and Legal.</p> <p>Where a complaint is assessed by the Manager</p>
Chief Executive Officer	<p>Establish an organisational culture where complaints are handled seriously and comprehensively.</p> <p>Promote positive behaviours and practices relating to enabling, responding to and learning from complaints</p> <p>Act on complaints reporting data and resolve any significant issues identified; and support service improvements that arise from complaints.</p> <p>Oversee complaints made against Directors or the Council.</p> <p>Receive and action internal investigation reports about complaints made against Directors or the Council undertaken by the Manager Governance, Property, Projects and Legal.</p>
Contractors	<p>Contractors are responsible for ensuring all complaints received from members of the community are issued to their Council staff member contact so they can be recorded in the CRM system for tasking to appropriate staff member.</p> <p>Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.</p>
All Council Staff	<p>Familiarise themselves with this policy and the Council's complaint process.</p> <p>Assist members of the public to make a complaint.</p> <p>Treat members of the public making a formal complaint with respect and professionalism.</p>
Councillors	<p>Councillors are responsible for ensuring all complaints received from members of the community are referred to Council staff to be dealt with in accordance with this policy.</p>

3.4. How Council learn from Complaints

Complaints made by people who use or who are affected by Council services provide valuable feedback about the quality of the service and their customer experience. Council will analyse this complaint data to identify trends and potential issues that deserve further attention.

4. GOVERNANCE

4.1. Owner

Manager Governance, Property, Projects and Legal.

4.2. Privacy

Council will record and use personal information to respond to a complaint and may also analyse the information provided for the purpose of improving services that relate to the complaint. Where Council report any complaints data, personal information is removed. Personal information Council may seek as part of a complaint includes:

- name and contact details
- any communication or assistance needs that can be reasonably accommodated
- demographic information to help Council understand the needs of our community (if you consent to giving us this information)
- what the complaint is about and why the complaint arose
- what outcome the complainant is seeking

4.3. Review

The Manager Governance, Property, Projects and Legal will review the policy for any necessary amendments no later than 4 years after its formulation or after the last review.

4.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

5. APPENDICES

Nil.

