

Management report to Council

Agenda item 6.6

Customer Complaint Policy

Council

Presenter: Michael Tenace, Chief Financial Officer

14 December 2021

Purpose and background

1. The purpose of this report is to present a Customer Complaint Policy (Policy) to Council for endorsement.
2. Section 107 of the *Local Government Act 2020* (Act) requires Council to develop and maintain a complaints policy. While formal adoption by the Council is not required, endorsement will further reinforce Council's openness to listening to and responding to feedback from customers and community.
3. The Act stipulates a prescribed definition of a complaint that is common across all Victorian Councils. The Policy must also include a process for dealing with complaints made to Council, a process for reviewing any action, decision or service in respect of which the complaint is made and provides discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review. The Policy must be developed by 31 December 2021.
4. To assist the local government sector enable, respond and learn from complaints, in late July 2021 the Victorian Ombudsman (Ombudsman) published 'Councils and Complaints – good practice guide 2nd edition'. The guide included a model complaint policy to be customised to reflect each council's context.
5. Council has had both a complaint policy and a process for handling complaints in place for over ten years. A review of the existing policy and associated processes was undertaken to ensure alignment with the Act, the Ombudsman's good practice guide and the model policy. The revised Policy is attached (Attachment 2).

Key issues

6. In developing the good practice guide and the model policy, the Ombudsman's office engaged with ten organisations that represent Victorians including the Victorian Equal Opportunity and Human Rights Commission, Ratepayers Victoria, the MAV, Disability Justice Victoria and other organisations.
7. Based on the broad consultation already completed by the Ombudsman, Management do not recommend the Policy be released for broad community consultation.
8. Adopting the definition of a complaint prescribed in the Act will result in an increase in the number of customer requests that will be categorised as a complaint. For example, if a customer contacts Council and advises that their waste bin was not emptied on collection day, the prescribed definition requires this contact to be recorded as a complaint. Previously Council categorised that as a request for service.
9. Consultation with other Victorian Councils indicates that there will be sector wide increase in the number of complaints resulting from the new requirements under the Act.
10. The Policy will commence from 1 January 2022. Council will commence reporting complaints in the 2021–22 Annual Report.

Recommendation from management

11. That Council:
 - 11.1. endorses the Customer Complaint Policy (attachment 2)
 - 11.2. notes that the Customer Complaints Policy will be maintained and amended from time to time, by management, under delegation.

Attachments:

1. Supporting Attachment (Page 2 of 11)
2. City of Melbourne's Customer Complaint Policy (Page 3 of 11)

Supporting Attachment

Legal

1. Section 107 of the Act requires Council to develop a complaints policy and associated procedures within six months of the commencement of that section. Section 107 commenced on 31 July 2021, therefore the policy must be in place by 31 December 2021.

Finance

2. Implementation of the policy is covered under the recurrent budget.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

4. In developing this proposal, no Occupational Health and Safety issues or opportunities been considered.

Stakeholder consultation

5. Due to the extensive engagement undertaken by the Victorian Ombudsman in creating a model policy (on which the Policy is based), Council has not undertaken additional community engagement.

Relation to Council policy

6. This is a new Council policy, required under Section 107 of the Act.

Environmental sustainability

7. Environmental sustainability issues or opportunities are not considered relevant in the development of this Policy.



CUSTOMER COMPLAINT POLICY

City of Melbourne

December 2021

1. Policy

The Council prides itself on being a dynamic city, constantly seeking innovative ways to anticipate and meet the changing needs of the community, the economy and the environment. We are committed to meaningful and effective engagement in ways that are inclusive, transparent and respectful. We strive for exemplary customer experiences and are committed to delivering high quality products and services.

We welcome feedback about our work and regularly provide opportunities for customers to tell us about their experiences. We use insights to enhance service provision.

We realise that sometimes, despite our best efforts, customers may not be happy with the ways we have delivered a service or the decisions that we make.

The Council is committed to enabling customers to make complaints when they have a problem with our services, actions, decisions and policies. We respond to complaints by taking action to resolve complaints as quickly as possible and we learn from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

This policy is maintained in accordance with section 107 of the *Local Government Act 2020*.

2. Scope

Our complaints policy applies to all complaints from members of the public - our customers - about employees of the Council, Council's contractors, decisions made at Council meetings and delegated committees of Council. This policy does not apply to complaints about individual Councillors.

Complaints about Councillors will be dealt with under the Councillor Code of Conduct.

3. Definitions

3.1 What is a complaint?

A complaint includes a communication (verbal or written) which expresses dissatisfaction with:

- the quality of an action taken, decision made or service provided by an employee or a contractor engaged by the Council (contractor)
- the delay by an employee or a contractor in taking an action, making a decision or providing a service
- a policy or decision made by the Council, an employee or a contractor.

In this policy:

Employee is any person employed by the Council to carry out the functions of the Council, and includes the CEO.

Contractor is any third-party engaged by the Council to carry out functions on the Council's behalf.

Council means the Melbourne City Council.

3.2 *What is not considered a complaint?*

The following will not be registered as a complaint for the purposes of this Policy:

A request for service – such as requesting something additional or new – For example, a request for a speed hump to be constructed, a request for a tree limb to be removed.

A request for information, documents or explanation of policies/procedures – For example, a question about when a next rates payment is due or whether a planning permit is required for the construction of a garage.

Allegations of fraud or corruption – Allegations of fraud or corruption will be considered under the Fraud and Corruption Policy/Public Interests Disclosure (Whistleblowers) procedure.

A complaint about a neighbour or about an event/service or business for which the Council is not responsible – While the Council provides many services within the City of Melbourne, we are not ultimately responsible for the behaviour, events and businesses within the city unless their actions infringe laws administered or enforced by the Council.

A complaint that involves an issue that is governed by State or Federal policy or laws or relates to conduct before a court, coroner or tribunal - Where a matter is currently before a court, we cannot conduct a parallel investigation.

A complaint that relates to the appointment or dismissal of any employee or an industrial or disciplinary issue – These complaints will be handled in accordance with relevant People, Culture and Leadership policies and procedures.

A complaint that is subject to a statutory process – Some matters have separate statutory requirements for investigation and resolution such as infringement reviews, planning matters and noise complaints. Statutory review processes are embedded in legislation and must be followed. We will consider complaints that relate to the provision of these services such as employee behaviour, timeliness, responsiveness and other feedback.

3.3 *Resolved complaints*

A resolved complaint refers to a complaint that has been finalised, regardless of the process used to finalise it or the outcome of the process.

4. **How to make a complaint**

Any person can make a complaint. Complaints can be made by:

Telephone: 03 9658 9658

Online: www.melbourne.vic.gov.au

Post: PO Box 1603, Melbourne, 3001

In person: Customer Service Centre, Melbourne Town Hall or the reception desk of the service or facility about which the complaint is being made

Social media: Facebook, Twitter, Instagram

We encourage customers to raise their concerns directly with the employee or contractor delivering a service in the first instance. We believe that better outcomes can be achieved when customers can express their concerns and a quick and mutually acceptable solution is agreed at the time.

If the complaint cannot be resolved, or a more thorough investigation is required, the complaint can be escalated to a more senior employee or a specialist complaint handler.

The complaint form on our website is designed to make it easy for customers to lodge complaints by collecting all the necessary information we require to resolve matters. We also understand that not everyone has access to or is able to use digital technology. For this reason, customers can contact us by telephone to make a complaint.

It is helpful if customers provide the following information when making a complaint:

- name and contact details (phone and email preferred). You can complain anonymously, but this may limit how the Council responds to you
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- give us relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted you previously and documents that support your complaint
- the outcome you are seeking from making your complaint
- whether you have any particular communication needs.

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such an interpreter (refer to website for language services) or Teletypewriter (call 133 677) for free
- talking with you if you have trouble reading or writing
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

5. Our complaints process

Council uses a four-tiered approach to investigating and resolving complaints.

5.1 Initial assessment and first actions (Tier one complaint)

When you complain to us, we will initially assess your complaint to decide how we will handle it. After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT)
- decline to investigate complaints that are considered frivolous, vexatious, concern a trivial matter or are not made in good faith.

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Early resolution of a complaint may involve providing advice or explaining why we are not going to take action on your complaint.

Timelines of resolution will vary depending on what service(s) or resolution is required for rectification.

It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration, investigation by a particular team or employee or must follow a statutory process.

5.2 Investigation (Tier two complaint)

If we have not been able to resolve the complaint when you first contact us or your complaint is about the conduct of an employee, we will refer your complaint to a team, a manager or a specialist complaint handler to investigate and resolve. The investigative actions taken will depend on the nature of the complaint.

A complaint investigation may include speaking with other council employees, contractors, external agencies, inspecting case notes and documents, conducting site inspections, assessment of relevant legislation, policies and procedures and allocating investigative tasks to employees.

We aim to complete investigations of Tier two complaints within 20 working days, and will tell you if the investigation will take longer.

5.3 Internal Review (Tier three Complaint)

If you are not satisfied with the process or outcome of the resolution or investigation of a Tier two complaint, you can request an internal review.

To ensure independence, the employee who will review your complaint does not contribute to the outcomes of Tier one or Tier two complaints.

The internal review is the final part of the internal complaint process. The same matter will not be re-considered once the review is completed.

We aim to complete investigations of Tier three complaints within 20 working days and will tell you if the investigation will take longer.

5.4 External review (Tier four complaint)

If you remain dissatisfied with Council's response, we will inform you of which external agency you can approach to have the matter reviewed.

Resolution timelines will depend on responsible organisation.

6. How to request an external review

There are external bodies that can deal with different types of complaints about us.

We encourage you to request an internal review before seeking an external review. In most cases, it is likely that the organisation you contact will direct you back to us for an internal review before they will consider a complaint.

You can request an external review from the following organisations:

Complaint	Organisation to contact for external review
<p>Actions or decisions of a Council, Council employees and contractors.</p> <p>This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006</i></p>	<p>Victorian Ombudsman www.ombudsman.vic.gov.au</p>
<p>Breaches of the <i>Local Government Act 2020</i></p>	<p>Local Government Inspectorate www.lgi.vic.gov.au</p>
<p>Breach of privacy. Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission www.ovic.vic.gov.au</p>
<p>Corruption or public interest disclosure ('whistleblower') complaints</p>	<p>Independent Broad-based Anti-corruption Commission www.ibac.vic.gov.au</p>
<p>Discrimination</p>	<p>Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au</p>
<p>Council elections</p>	<p>Victorian Electoral Commission www.vec.vic.gov.au</p>

7. Customers whose conduct is unreasonable

Council understands that some people who complain are justifiably disappointed and may be angry because they might have suffered harm through no fault of their own. Others may have been treated unfairly or disproportionately without reasonable explanation or may have been given incorrect information or advice that they relied on.

Despite these challenges, many people who make complaints are able to manage their frustration and anger, and productively engage with the systems, processes and people with whom they are interacting. Sometimes a person's behaviour is or becomes unreasonable.

Council does not expect our employees or our contractors to tolerate behaviour that is offensive, abusive, threatening, harassing or consumes disproportionate resources. We may change the way we communicate with customers where behaviour or conduct raises health, safety, resource or equity issues for employees involved in the complaints process, which includes:

Who you can contact – In some cases it may be appropriate to restrict access to a single employee (a case manager). This employee will manage the complaint(s) and the customers' interactions. This will ensure customers are dealt with consistently and effectively and will minimise the chances for misunderstandings or contradictions.

What you can raise - If a customer is unreasonable and persists with issues that have already been comprehensively considered and/or reviewed in line with this policy, restrictions may be applied to the issues/matters you can raise with us.

When and how you can have contact - A customer's telephone, written or face-to-face contact with us may place an unreasonable demand on time or resources because it affects the health, safety and security of employees and it may also be behaviour that is persistently rude, threatening, abusive or aggressive. We may limit when or how a customer can interact with us.

Access to services or facilities – Council reserves the right to deny access to services or facilities if a customer's behaviour causes unacceptable health and safety risk to other customers, Council employees or contractors.

In all cases we will advise complainants of the actions we will take and the reasons for our decisions.

8. How we learn from complaints

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse feedback about our services including complaints to identify trends and potential issues that deserve further attention. We use this information to determine solutions about how we can improve our services and take action.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data in our annual report.

9. Your privacy

We keep your personal information secure. We use your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

When you complain to us we ask you to provide all the information that you have about your complaint. We will record the information that you provide as part of your submission and any additional information you provide.

10. Responsibilities

All employees, Councillors and contractors are responsible for contributing to our complaints process.

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints. Supporting service improvements that arise from complaints. Reviewing and publishing complaint data.
Senior leaders and managers	<ul style="list-style-type: none"> Recruiting, training and empowering employees to resolve complaints promptly and in accordance with policies and procedures. Managing conflicts of interest in the complaint process. Reporting on and identifying improvements from complaint data. Undertaking internal reviews. Supporting employees who deal with complaints.
Employees	<ul style="list-style-type: none"> Familiarising themselves with this policy and the complaint process. Assisting customers to make a complaint. Resolving complaints as quickly as possible. Treating people respectfully and professionally.
Councillors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the complaint process. Referring complaints to employees to be dealt with in accordance with our processes.
Contractors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the complaint process. Cooperating with the Council's complaint handling processes.

11. Related policies and procedures

- Customer service charter*
- Complaint handling procedure*
- Code of Conduct – Employees*
- Code of Conduct - Councillors*
- Disciplinary Policy and Procedure*
- Fraud and Corruption Policy*
- Information Privacy Policy Statement*
- Public Interest Disclosure Policy and Procedure*

12. Key Related legislation and regulation

Local Government Act 2020

Gender Equality Act 2020

Charter of Human Rights and Responsibilities Act 2006

Equal Opportunity Act 2010

13. Revisions

The Council will review and amend this policy from time-to-time.