

Final Draft Complaints Policy

November 2023

DRAFT

1 POLICY PURPOSE

This policy aims to articulate Council's commitment to dealing with complaints as a core part of our business and a customer's right to make a complaint. Council values complaints and encourages people to contact us when they have a problem with our services, actions, decisions, and policies. Council is committed to:

- Enabling members of the public to make complaints about Council.
- Responding to complaints by taking action to resolve them promptly and deal with them efficiently, impartially and courteously.
- Learning from complaints to improve our services.

Council treats every complaint on its merits through clear and consistent processes.

This policy is based on the Victorian Ombudsman's – Guide Councils and Complaints: A Good Practice Guide 2nd Edition (April 2023).

2 POLICY SCOPE

- 2.1 This policy covers all complaints from members of the public about Council services, Council officers, Council contractors and decisions made at Council meetings.
- 2.2 This policy applies to all council officers, including third-party contractors carrying out services on Council's behalf.
- 2.3 This policy excludes complaints governed by relevant legislation or acts subject to statutory review that are dealt with through separate mechanisms. The following list provides examples but is not exhaustive, and complaints falling under these must be handled according to their respective requirements:
 - Building Act 1993
 - Charter of Human Rights and Responsibilities Act 2006
 - Disability Discrimination Act 1992
 - Health Records Act 2001
 - Infringements Act 2006
 - Local Government Act 2020
 - Planning and Environment Act 1987
 - Privacy and Data Protection Act 2014
 - Public Health and Wellbeing Act 2008
 - The Australian Standard on Fraud and Corruption Control (AS 8001:2021)
 - The Child Wellbeing and Safety Act 2005
 - The Public Interest Disclosures Act 2012
- 2.4 This policy does not cover complaints against Councillors or the Chief Executive Officer.
- 2.5 This policy does not cover internal staff grievances, internal allegations of staff or contractor misconduct.

3 DEFINITIONS

For the purposes of this policy, Council adopts the following definitions:

Term	Definition
Complaint <i>Refer to the table below for examples of a complaint</i>	A communication, whether orally or in writing, to the Council by a person of their dissatisfaction with: <ul style="list-style-type: none">• The quality of an action taken, decision made, or service provided by an officer or a contractor engaged by the Council.• The delay by a Council officer or a contractor engaged by the Council in taking an action, making a decision or providing a service.• A policy or decision made by a Council officer or a contractor.
Contractor	Third parties carrying out services on behalf of Council.
Council Officer	A paid employee of Council.
Customer	The person/people (resident, ratepayer, business owner, visitor) who has expressed dissatisfaction (refer to complaint definition above).
Customer facing staff	Council staff whose primary role involves interacting with customers to respond to enquiries, accept payments, and provide subject specialist advice and services to users of Council services.
Resolution	A complaint is considered resolved once an initial investigation has been conducted and the customer has been updated regarding the service recovery action taken or planned.
Service Request <i>Refer to the table below for examples of a service request</i>	A request for help in obtaining a new service, getting information from Council, or to inform us about a matter for which Council has responsibility.

The table below demonstrates examples of a request for service and a complaint. This is an extract from the [Victorian Ombudsman's Complaints Best Practice Guide](#).

Complaint	Service Request
My bin was out but wasn't collected this morning. Can you pick it up?	I forgot to put my bin out, can someone collect it?
You haven't sent out my rates notice.	Can you tell me when my next rates payment is due?
The Council shouldn't have approved a development on Main Road.	What is the process for objecting to the development on Main Road?

Complaint	Service Request
The Council's website doesn't have enough information about when a planning permit is needed for a pool.	Can you tell me whether a planning permit is required for a backyard pool?
Council's investigation into noise from a business wasn't rigorous, and didn't look at peak times. More investigation is needed.	My neighbour's business is very noisy. Can you make it stop?
A pothole I reported to Council two months ago hasn't been fixed, and is getting worse.	Could Council fill in a pothole in my street?

4 STATEMENT OF POLICY PRINCIPLES

4.1 Commitment

Council recognises customers' right to complain and is committed to resolving the complaints Council receives. Council considers complaint handling part of our core responsibility to serve the community to continually improve service delivery, so our services are accessible equitable, inclusive, responsive and of high quality.

4.2 Accessibility

Council actively and respectfully assists the community throughout the complaints process, tailoring our assistance to meet their specific needs. This may include providing support in languages other than English, accommodating individuals living with disabilities, considering various educational levels, addressing the 'digital divide', or any other relevant requirements.

4.3 Transparency

Council makes it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond are recorded and will provide a trail of what has taken place.

4.4 Objectivity and Fairness

Complaints are dealt with courteously, respectfully, and impartially within established timeframes. They are assessed on merit and facts while paying attention to circumstances of hardship or other barriers to equity that the complainant might face.

4.5 Confidentiality

The complaints handling system protects the personal information of people making a complaint in accordance with our obligations under privacy laws and internal policy. Council provides clear information about how personal information is handled. Complaint data is de-identified if reported on more widely.

4.6 Accountability

Council is internally and externally accountable for our decision-making and complaints handling performance. Council will provide explanations and reasons for decisions and ensure our actions are subject to appropriate review processes.

4.7 Continuous Improvement

Council acts on complaints promptly, as set out in this policy. Council regularly analyses complaints data to find ways to improve how our operations and service delivery. Council then implements these changes.

5 SPECIFIC REQUIREMENTS

5.1 Making a Complaint

Customers may contact us by their preferred method to lodge a complaint. Council accepts complaints from authorised representatives if a person is unable or does not want to lodge a complaint themselves.

Telephone: 9249 4000 Monday to Friday: 8.45 am – 5 pm

Email: info@brimbank.vic.gov.au

Website: [Feedback and Complaints](#)

Post: PO Box 70, Sunshine VIC 3020

In-person: **Sunshine**
Brimbank Community and Civic Centre
301 Hampshire Rd, Sunshine

Keilor Community Hub
704b Old Calder Highway, Keilor

Accessibility: Brimbank is committed to ensuring that the information is available to the widest possible audience

Website Language Translations

Brimbank City Council Website can be translated into multiple languages by visiting the following webpage [Brimbank City Council Website Language Translations](#) and clicking on the language you wish to use.

Translating and Interpreting Service (TIS)

The Department of Home Affairs provides the TIS National Interpreting Service for people who do not speak English and for English speakers who need to provide information. TIS National has access to more than 1400 contracted interpreters across Australia who speak more than 160 languages and dialects.

The service is available 24 hours a day, seven days a week, for people and organisations needing interpreting services.

Hearing and speech impaired

If you're Deaf or Hard of Hearing, call us through the National Relay Service (NRS).

TTY users phone NRS on 133 677 and ask for 9249 4000.

Speak and Listen (speech-to-speech) users phone NRS on 1300 555 727 and ask for 9249 4000.

Note: Council will also accept anonymous complaints and thoroughly investigate the issue utilising all available information. Council cannot provide feedback, responses or information on the outcome of an anonymous complaint.

5.2 The Complaints Handling Process

Receiving the Complaint

- Customers lodge their complaints via their preferred method.
- Council aims to resolve complaints at the first point of contact and records all details of the complaint.
- If Council is unable to resolve a complaint at the first point of contact, it will be referred to the relevant department for investigation.
- Council will provide a reference number and let the complainant know the expected timeframes and what happens next.
- All complaints will be acknowledged within five business days.
- If the complaint does not relate to Council, Council will refer the complainant to an appropriate organisation or agency.

Four-Tier Approach to Complaints

Tier 1: Standard Complaint	
What is a standard complaint?	Standard complaints relate to the quality, delay or failure to deliver a service. The actioning officer can provide quick and mutually acceptable solutions to address any grievances raised at the first point of contact.
Who will it be assigned to for actioning	Any customer facing officer can receive and resolve a complaint.

Tier 2: Complex Complaint	
What is a complex complaint?	Complex complaints are grievances that cannot be resolved at the first point of contact and require investigation. A Council officer will conduct an investigation, gathering additional information to make an informed decision. You will be kept informed throughout the process, and Council will provide you with a written explanation of the decision at the end of the investigation.
Who will it be assigned to for actioning	The Complaints Resolution Officer will work with relevant staff and Senior Council Officers to resolve the issue.

Tier 3: Escalated Complaint	
What is an escalated complaint?	If the customer is dissatisfied with Council's response to their complex complaint, they will be offered the option to request an internal review, which is Tier 3 of our process. A senior officer will conduct an independent assessment to determine if the complaint should have been handled differently, and this could result in either upholding or overturning the original decision.
Who will it be assigned to for actioning	A senior officer who was not involved in the investigation or services at tier 1 or tier 2 of the complaints handling process.

Tier 4: External Review	
What is an external review?	If the customer remains dissatisfied with Council's decision, Council will guide the complainant on how to pursue an external review, which is Tier 4 of our process. At this stage, customers can refer complaints to independent oversight bodies such as the Ombudsman, Local Government Inspectorate, or a tribunal or court. Council actively participates and cooperates with the external review process during Tier 4.
Who will it be assigned to for actioning	<p>A senior officer will provide guidance to the complainant on the process for engaging the appropriate external organisation. These may include but are not limited to:</p> <ul style="list-style-type: none"> • Victorian Ombudsman www.ombudsman.vic.gov.au • Local Government Inspectorate www.lgi.vic.gov.au • Office of the Victorian Information Commission www.ovic.vic.gov.au • Independent Broad-based Anti-Corruption Commission www.ibac.vic.gov.au • Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au • Victorian Electoral Commission www.vec.vic.gov.au • Victorian Civil and Administrative Tribunal (VCAT) www.vcat.vic.gov.au • Fines Victoria www.online.fines.vic.gov.au

5.4 Timelines for Resolving Complaints

Council will endeavour to resolve your complaint on the same day. However, if your complaint cannot be resolved, it will be referred to the appropriate area for further investigation. Council has committed to the following timelines to provide timely resolutions of complaints.

Action	Timeline
Acknowledge receipt of the complaint.	Within 5 business days
Investigate and resolve the standard or escalated complaint and advise the complainant of the outcome.	Within 30 business days
Provide updates on the progress of a complaint or internal review where it is taking longer than 30 business days to investigate and resolve.	Within 30 business days and ongoing every 30 business days
Acknowledge the request for an internal review.	Within 5 business days
Complete the internal review and advise the complainant of the outcome.	Within 30 business days

5.5 Outcomes and Remedies for Resolving Complaints

Where Council finds that we have made an error, Council will always offer an acknowledgement and apology to the complainant. Council will also take steps to address the situation.

Possible outcomes may include:

- An explanation of why the error occurred and the steps taken to prevent it from happening again.
- A reversal of a decision.
- A subsequent change in policy, procedure or practice.
- Disciplinary action.
- Referral to another agency.

5.6 Unreasonable Complaint Conduct

Most complainants who lodge a complaint with Council act reasonably and responsibly in their interactions with us.

Unreasonable conduct is behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues. Complainant's behaviour will be inappropriate and unacceptable when they involve:

- Unreasonable persistence – can include excessive communication, seeking different answers from various officers, reframing old complaints, and refusing to accept investigation outcomes.
- Unreasonable demands – can involve insisting on immediate responses, addressing every minor point, demanding unauthorised information, and seeking higher-level involvement without reason.
- Unreasonable lack of cooperation – encompasses sending excessive information, providing minimal details, offering information incrementally, rejecting reasonable requests for information.
- Unreasonable arguments – can involve emphasising minor issues and making baseless allegations.
- Unreasonable behavior – can entail verbal abuse, aggression, harassment, and making threats.

Unreasonable complainant conduct will be monitored and recorded by Council. Where Council identifies a complainant has become unreasonable, Council has the responsibility and authority to restrict access for the complainant, and may apply one or more of the following limitations:

- Who the complainant has contact with - limiting a complainant to a sole contact person.
- What the complainant can raise with us - restricting the subject matter of communications that Council will consider and respond to.
- When the complainant can have contact - limiting contact with our organisation to a particular time, day, or length of time, or curbing the frequency of contact.
- Where the complainant can make contact - limiting the locations where face-to-face interactions are held to secured facilities or areas of the office.
- How the complainant can make contact - limiting or modifying the forms of contact available.

Council takes the action of applying limitations very seriously. Before limiting contact, Council will consider the Victorian Charter of Human Rights and Responsibilities Act 2006 and any other legal obligations. Council will ensure that limits imposed on customers are proportionate to the conduct. Initial restrictions may be reviewed, and further restrictions applied if the complainant fails to follow the measures put in place.

The complainant will be informed in writing of the measures being implemented, the reason for the measures and the effective date. A review of restrictions will occur at least every six months to consider whether it is appropriate to retain the restrictions.

5.7 Other Complaints

Privacy complaints

If a person is dissatisfied with Council's handling of their personal, sensitive or health information, a complaint may be made to Council's Privacy Officer.

Complaints should be made in writing to:

Senior Freedom of Information and Privacy Officer
 Brimbank City Council, PO Box 70, Sunshine Victoria, VIC, 3020
 or via email to: privacy@brimbank.vic.gov.au

Disclosures about improper conduct, including corrupt conduct

Alleged improper conduct, which includes corrupt conduct, can be reported as Public Interest Disclosures. Disclosures may be made to the Council's Public Interest Disclosures Coordinator, Public Interest Disclosures Officer (PID) or the CEO, and they will be handled in accordance with the Council's Public Interest Disclosures Act Procedure.

The PID Coordinator may be contacted on 9249 4947 or 0409 421 690 or confidential@brimbank.vic.gov.au

Complaints about Councillors

Complaints about Councillors will be dealt with in accordance with the relevant legislation and procedures, depending on the nature of the complaint and whether it comes from a member of the public, Council officers, another Councillor or from a group of Councillors. Relevant legislation includes the Local Government Act 2020, Public Interest Disclosure Act 2012 and the City of Brimbank Public Interest Disclosures Procedures. There are a range of external integrity agencies that deal with complaints regarding Councillors, depending on the nature of the complaint. These include the Victorian Ombudsman, IBAC and the Local Government Inspectorate.

In the first instance, a complaint about a Councillor should be directed to the Manager Governance, who will undertake a preliminary assessment of the complaint and assist the complainant(s) in progressing the matter.

The Manager Governance may be contacted on 9249 4000 or GovernanceComplaints@brimbank.vic.gov.au.

Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer will be handled in accordance with the Local Government Act 2020, Public Interest Disclosure Act 2012 and City of Brimbank Public Interest Disclosures Procedures.

5.8 Privacy and Confidentiality

Council uses 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.

When gathering information to respond to a complaint, Council will only:

- Use it to deal with the complaint or to address systemic issues arising from the complaint.
- Release the information in a de-identified format when disclosing data to the public.
- Share the information with Council staff on a need to know basis.

Details about how Council collects and uses personal information can be found in the Information and Health Privacy Policy 2023

6 ROLES AND RESPONSIBILITIES

6.1 All Staff

Are responsible for:

- Complying with this policy
- Receiving, acknowledging, and assessing complaints and, where possible, resolving at the point of contact within the scope of their role.
- Escalating complaints that cannot be resolved at the first point of contact to the appropriate officer for investigation and handling.

6.2 Actioning Officers

Are responsible for:

- Carrying out investigations and handling complaints assigned for actioning.
- Ensuring complaint recovery action is accurately recorded in centralised systems.
- Ensuring customer receives adequate communication about the complaint.
- Escalating complaints to their direct supervisor when the complainant is unsatisfied with the outcome of the initial investigation and response.

6.3 Coordinator Customer and Digital Experience

Is responsible for:

- Identify recurring trends and patterns of complaints to improve council customer service management and experience.
- Administering Internal Review complaints and nominating the key contact person.
- Providing information to relevant departments on the analysis of complaints data.
- Providing guidance and advice to departments on the handling, investigation and resolution of complaints.
- Reviewing incidents of unreasonable customer conduct and producing action plans for managing ongoing unreasonable conduct.

6.4 Manager Customer Experience and Service Innovation

Is responsible for:

- Encouraging an environment where complaints are handled transparently, seriously and comprehensively.
- Ensuring the operationalisation of this policy
- Reporting complaints data to the Executive Leadership team
- Ensuring resourcing for the function is adequate to meet the requirements of this policy and to raise any issue or concerns in relation to resourcing levels with the relevant Director.

6.5 Team Leaders, Coordinators and Managers

Are responsible for:

- Ensuring actioning officers are managing complaints allocated to them in timely manner.
- Managing escalated complaints that have not been resolved at the first or second point of contact within their team.

- Providing oversight of the complaints management process within their team.
- Escalating complex complaints to the next leadership level and redirecting out of scope complaints to the appropriate unit.
- Ensuring officers and contractors understand this policy.
- Ensuring the Mayor and Councillor support and Councillors are advised of the complaint resolution where complaints have been received via Councillors.
- Ensuring the customer is provided with an explanation including apology (if required) and confirmation of action taken when a complaint has been resolved
- Working with the Coordinator Customer and Digital Experience and their team to improve processes based on learnings from complaints data.
- Alerting the Coordinator Digital and Customer Experience to any conflict of interest prior to conducting independent assessments.

6.6 Directors and CEO

Are responsible for:

- Ensuring officers understand this policy.
- Ensuring that issues identified by the analysis of complaints data are investigated and improved.
- Ensuring the Mayor and Councillor support and Councillors are advised of the complaint resolution where complaints have been received via Councillors.

6.8 Councillors

Are responsible for:

- Encouraging residents to lodge their complaint directly with Council for it to be actioned accordingly under this policy.
- Forwarding a complaint for it to be actioned as outlined in this policy.

A Councillor cannot direct or influence the complaint handling process and the complaint will be investigated as outlined in this policy.

6.9 Contractors

Are responsible for:

- Ensuring they and their employees understand this policy.
- Ensuring contractual documentation complies with this policy.
- Managing any referred complaints in accordance with this policy and guidelines.
- Notifying Council's contract manager if they receive a complaint directly.
- Complying with this policy.

7 POLICY OWNERSHIP

Responsible Director:	Director, People, Partnerships and Performance
Responsible Officer:	Manager Customer Experience and Service Innovation
Directorate:	People, Partnerships and Performance
Unit:	Customer Experience and Service Innovation

8 APPROVAL

Approved by: Council

Date: TBC

9 RELATED POLICIES AND LEGISLATION

- Local Government Act 2020
- Building Act 1993
- Charter of Human Rights and Responsibilities Act 2006
- Disability Discrimination Act 1992
- Health Records Act 2001
- Infringements Act 2006
- Planning and Environment Act 1987
- Privacy and Data Protection Act 2014
- Privacy and Health Information Policy 2023
- Public Health and Wellbeing Act 2008
- The Australian Standard on Fraud and Corruption Control (AS 8001:2021)
- The Child Wellbeing and Safety Act 2005
- The Public Interest Disclosures Act 2012

INTERNAL USE ONLY

Version	Version notes	Adopted	Review date
1	TBC	TBC	November 2027

Brimbank City Council

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Post PO Box 70, Sunshine, VIC 3020

Hearing or speech impaired?

- TTY dial 133 677
- Speak & Listen 1300 555 727
- www.relayservice.gov.au, then enter 03 9249 4000



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131 450

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