

Brimbank City Council Complaints Policy

Scope

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies. We are committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

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

Our complaints policy applies to all complaints from members of the public about Council staff, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.

What is a 'complaint'?

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

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

In this policy:

'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.

How to make a complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: 9249 4000 (Monday – Friday: 8.45am – 5pm. After 5pm calls go to our after hours service).

Online: info@brimbank.vic.gov.au

Post: PO Box 70, Sunshine VIC 3020

In person:

Sunshine	Watergardens	Keilor Community Hub
Brimbank Community and Civic Centre 301 Hampshire Rd Sunshine	Station Street, Watergardens Town Centre (located within the Sydenham Library), Taylors Lakes	704b Old Calder Highway Keilor

Information to include in a complaint

The following is useful information to provide to us to assist us resolve your complaint:

- your name and contact details. You can complain anonymously, but this may limit how the Council responds to you
- the action, decision, service or policy you are complaining about, and why you are dissatisfied
- any relevant details, such as dates, times, location or reference numbers, and documents that support your complaint
- the outcome you are seeking from making your complaint
- whether you have any special 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 as an interpreter or TTY (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.

Our complaints process

When you complain to us, we will attempt to acknowledge your complaint as fast as possible, but take no more than five business days.

After our initial assessment, we may:

- take direct action to resolve your complaint; or
- refer your complaint to the relevant team or manager for investigation; or
- 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).

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.

If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will tell you who you can contact about the investigation.

We will attempt to complete any investigations necessary and resolve the complaint as fast as possible, but seek to complete the process in no more than 30 business days. If a complex matter, we will tell you if the investigation will take longer. We will aim to provide regular updates, but will update you no less than every 30 calendar days until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff. We may change the way we communicate with you if your behavior or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

How to request an internal review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Council officer, and the review will be independent of

- the person who took the action; and
- the person who made the decision; and
- the person who provided the service.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days.

How to request an external review

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

You can request an external review from the following organisations. Council has, and may exercise its, discretion to refuse to deal with a complaint which is otherwise subject to statutory review.

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council staff and contractors. 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> (Vic)	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy. Complaint about a freedom of information application	Office of the Victorian Information Commissioner 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

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 our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them.

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.

When you complain to us we ask you to provide:

- your name and contact details;
- whether you have any communication or assistance needs that can be reasonably accommodated;
- demographic information to help us understand the needs of our community (if you consent to giving us this information);
- what you are complaining about;
- what outcome you are seeking.

If we publish complaint data, we will remove any personal information.

Title and version number	Version 1 – 1 January 2022
Record number	21/485072
Effective date	1 January 2022
Responsible officer	Director, Advocacy, Partnerships and Community Engagement
Date of approval	14 December 2021
Review date	14 December 2025
Relevant legislation	<i>Local Government Act 2020</i> <i>Public Interest Disclosures Act 2012</i>
Related policies and procedures	Customer service charter Public Interest Disclosure Policy
Related legislation	<i>Gender Equality Act 2020</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Equal Opportunity Act 2010</i> <i>Planning and Environment Act 1987</i>

Local Government Act 2020 Compliance Statement

Section 9(1) of the *Local Government Act 2020 (the Act)* requires Council to give effect to the overarching governance principles, in the performance of its role. Section 9(2) of *the Act* specifies the governance principles as follows:

- a) Council decisions are to be made and actions taken in accordance with the relevant law (**Compliance with the law**);
- b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations (**Achieve best outcomes for the community**);
- c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted (**Promote the sustainability of the municipality**);
- d) The municipal community is to be engaged in strategic planning and strategic decision making (**Engage the community in strategic planning and decision making**);
- e) Innovation and continuous improvement is to be pursued (**Strive for innovation and continuous improvement**);
- f) Collaboration with other Councils and Governments and statutory bodies is to be sought (**Collaborate with all other levels of government and government agencies**);
- g) The ongoing financial viability of the Council is to be ensured (**Secure the ongoing financial viability of Council**);
- h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making (**Strategic planning and decision making must take into account plans and policies in operation at all levels**);
- i) The transparency of Council decisions, actions and information is to be ensured (**Council decisions, actions and information must be transparent**).

In developing the Complaints Policy, Council has considered and given effect to the overarching governance principles, as summarised below:

	Governance Principle	Considerations
(a)	Compliance with the law	<p>All relevant legal requirements have been considered in developing the Policy. Including section 107 of the Local Government Act 2020 which requires Council to develop and maintain a complaints policy that sets out:</p> <ul style="list-style-type: none"> • process for dealing with complaints made to Council; • process for reviewing the actions, decisions or service in respect of which the complaint is made; • a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and • the prescribed processes for dealing with complaints about the Council; and • the prescribed processes for internal review of complaints made to a Council; and • the prescribed processes for exercising the discretion to refuse to deal with a complaint otherwise subject to statutory review; and • any other matter prescribed by the regulations.
(b)	Achieve best outcomes for the community	Refer to the comments under (i) below
(c)	Promote the sustainability of the municipality	Not applicable for the Policy.
(d)	Engage the community in strategic planning and decision making	In developing the Policy, Council undertook a community consultation process, in accordance with Community Engagement Principles in section 55 of <i>the Act</i> and Council's Community Engagement Policy.
(e)	Strive for innovation and continuous improvement	<p>The Local Government Act 2020 prescribes that a Complaints Policy must be in place by 1 January 2021. Brimbank has drafted the Complaints Policy based on the Model Complaints Policy included in the Victorian Ombudsman's Council and Complaints a Good Practice Guide 2nd edition (2021)</p> <p>https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/councils-and-complaints-a-good-practice-guide-2nd-edition/</p> <p>Council will review the Policy and pursue innovation and continuous improvement as the policy is embedded into Council practice.</p>

(f)	Collaborate with all other levels of government and government agencies	The draft Complaints Policy is based on the Model Complaints Policy released by the Victorian Ombudsman.
(g)	Secure the ongoing financial viability of Council	Not applicable for the Policy.
(h)	Strategic planning and decision making must take into account plans and policies in operation at all levels	Not applicable for the Policy.
(i)	Council decisions, actions and information must be transparent	The Policy sets out the policy and process for making a complaint to Council which will provide greater transparency of the way in which Council responds to complaints and provides review of its decisions.