

Complaints Policy

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1. POLICY OBJECTIVE (OR PURPOSE)

This *Complaints Policy* outlines Greater Dandenong City Council's approach to providing a fair, transparent, and consistent process for managing complaints about a service, action, decision, or policy made by Council, Council staff, Council contractors and Council volunteers.

2. BACKGROUND

Under Section 107 of the *Local Government Act 2020* Council has an obligation to develop and maintain a complaints policy. This policy has been developed with guidance from the Victorian Ombudsman – Council and complaints – A good practice guide 2nd edition July 2021.

3. SCOPE

This policy provides a framework for how Greater Dandenong City Council manages complaints. Complaints provide Council with valuable feedback and insight into how the organisation is performing and provides an opportunity to review services, procedures, practices and policies and make changes where needed. This *Complaints Policy* applies to complaints from members of the public about actions taken, decisions made or service provided by Council staff, Council contractors, Council volunteers and Council decisions. It does not apply to complaints about individual Councillors or staff grievances.

There are also some issues that may be raised that will not initially be considered as a complaint under this policy. These issues will be recorded as a request and include:

- A request for works or a service to be provided (e.g.: rubbish collection, tree pruning)
- Reports of damaged or faulty infrastructure (e.g.: damaged roads, playground equipment)
- Reports of hazards (e.g.: downed trees)
- Reports about nuisances or neighbours (e.g.: excessive noise, unauthorised building works).

If however, Council fails to adequately address the request it may subsequently be actioned under this policy.

Where a customer's complaint falls outside the scope of this policy and needs to be managed under a specific Council policy or by a separate statutory or legislative appeal process the customer will be referred to the relevant alternate mechanism. Examples of these include the lodgement of an appeal in response to receiving an infringement or an objection to a development application.

4. DEFINITIONS

Unless otherwise specified within the policy, the following words and phrases below are defined to mean the following in terms of this policy.

Complaint refers to a communication by a person to Council either verbally or in writing, expressing dissatisfaction about:

- The quality of an action, decision or service provided by Council staff or a Council Contractor
- A delay by Council staff or 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

Complainant refers to the person making the complaint

Customer refers to a person or group who avails themselves of a council service

Council means a body constituted under the Local Government Act 2020

Councillor means a person democratically elected by residents and ratepayers of a municipality who is responsible for reviewing matters and debating issues before their Council

Council staff is any persons employed by the Council to carry out the functions of the Council, including the CEO

Council contractor means a third-party engaged by the Council to carry out functions on the Council's behalf

Council volunteer means a person whose time is willingly given and without financial gain assists to carry out activities in designated volunteer positions.

Request for service means a request made by a member of the public for a service to be provided or for an action to be taken

5. POLICY

How to make a complaint

Any member of the public can make a complaint to Greater Dandenong City Council. Complaints can be made by:

Telephone: 8571 1000
Online: www.greaterdandenong.vic.gov.au/report
Email: council@cgd.vic.gov.au
Post: City of Greater Dandenong, PO Box 200, Dandenong, Victoria 3175

In Person: Dandenong Civic Centre
Level 2, 225 Lonsdale Street, Dandenong

Springvale Community Hub
5 Hillcrest Grove, Springvale

Customer Service Centre Parkmore
Shop A7 Parkmore Shopping Centre
317 Cheltenham Road, Keysborough

We are committed to ensuring that 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 authorised to act on your behalf if you cannot make the complaint yourself.

Information to include when making a complaint

When making a complaint it is important to provide as much relevant information as possible. Please provide the following information:

- Your name, address, and contact details
- A brief description of the issue and why you are dissatisfied
- Relevant details such as dates, times, locations, and any reference numbers
- The outcome you are seeking
- If you have any communication needs

Sometimes we may request a complaint be provided in writing to ensure that all the facts and issues are clear, especially in cases that are complex or may require escalation. Council can provide assistance to do this if needed.

Privacy

Greater Dandenong City Council respects your privacy. All personal and health information collected by Council is handled in accordance with Council's *Privacy and Personal Information Policy* which has been developed to meet the requirements of the *Privacy and Data Protection Act 2014 and Health Records Act 2001*. This policy regulates how Council uses personal information.

Anonymous complaints

To thoroughly investigate a complaint Council may need to contact the complainant to gather further evidence and information. While you can make a complaint anonymously this will limit how Council can respond. While Council will do its best to review and act on anonymous complaints, without being able to consult the complainant it may not be able to fully investigate the issue.

How we investigate complaints

Greater Dandenong City Council takes a 4-Level approach to investigating complaints.

Level 1 – First point triage and resolution

Most issues can be resolved relatively quickly and where possible, Council will resolve a complaint when first contacted. When a complaint is received, Council staff will assess it to decide how to best deal with it. This may happen while talking to a staff member. After an initial assessment Council may decide the following:

- Take direct action to resolve your complaint
- Triage your complaint to the relevant team or Council contractor for resolution

- Decline to deal with your complaint if your complaint needs to be managed under a specific Council policy or by a separate statutory or legislative appeal process
- Refer you to another agency if your complaint doesn't fall within Council's remit.

Level 2 – Escalation to a senior officer, Manager or Director

When Council is unable to resolve a complaint at Level 1 or if a complainant is dissatisfied with the solution we will, on request, escalate the complaint to be reviewed by a more senior officer. The nature of the complaint will determine who the issue is escalated to. A complaint will also be escalated when:

- The complaint is about a staff member
- The complaint is about a contractor
- The complaint is outside the staff member's area of expertise.

If a complaint is about a staff member, Council will manage the complaint in line with our *Employee Code of Conduct*. We will inform the complainant about the process however we may not be able to advise details on outcome or actions taken with respect to the staff member.

Level 3 – Internal review

If a complainant is dissatisfied with the outcome of Level 2, they may apply for an internal review to the Chief Executive Officer (CEO). The CEO will delegate an independent officer to undertake an investigation and make recommendations to them. You will then be advised of the outcome.

Level 4 – External review

If the complainant is still not satisfied with an internal review of their complaint, or at any stage of the complaints process, the complainant may contact the Victorian Ombudsman for an external review. The Ombudsman is an independent body set up to review administrative action taken by government agencies and local government. 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)*.

The Ombudsman can be contacted in writing at Level 2, 570 Bourke Street, Melbourne VIC 300 or by phone on (03) 9613 6222. Further information is available on their website www.ombudsman.vic.gov.au

Dealing with your dispute

When dealing with your dispute Greater Dandenong City Council will:

- Treat it in confidence
- Treat you with respect and fairness
- Acknowledge and endeavour to resolve verbal complaints immediately
- Acknowledge written complaints within 5 working days
- If unable to resolve immediately, Council will investigate and respond within 15 working days, except for complicated issues where we will keep you regularly updated and advise you of when you can expect a response.

Recording and tracking of complaints

Complaints that fall within the scope of this policy will generally be recorded on Council's customer relationship manager (CRM) system, or electronic document management system. However, there may be exceptions to this if, for example, there is a requirement to protect the privacy of individuals involved in the complaint. Business unit managers are responsible for tracking complaints related to their areas and ensuring that timeframes are met.

Unreasonable conduct

In rare instances, complainants may act in ways that are inappropriate and unacceptable. Unreasonable conduct is conduct that by its nature raises substantial health, safety, resource or equity issues for Council, Council staff, contractors, volunteers and/or other customers.

Depending on its nature, Council may decide to deal with unreasonable conduct in one or more ways. This can include the following:

- If a customer demonstrates unreasonable persistence or demands, their access may be restricted to a delegated staff member.
- If a customer persists to engage in unreasonable requests about issues that have been comprehensively addressed, restrictions may apply to further raising the issue.
- If a customer is persistently rude, threatening, abusive or aggressive and/or unreasonably demanding on Council's time and resources, Council may restrict when, where and/or how the customer can communicate with Council.

Other complaints

Infringements

Infringements (after the internal statutory review process as per the Infringements Act 2006) can be referred to the Magistrates Court of Victoria

www.mcv.vic.gov.au

Planning

Disputes and appeals about planning permits can be referred to the Victorian Civil & Administrative Tribunal (VCAT)

www.vcat.vic.gov.au

Building

Building related complaints subject to statutory review can be referred to the Victorian Building Authority

www.vba.vic.gov.au

Privacy

After an investigation by Council's Information Privacy Officer, complaints can be referred to the Office of the Victorian Information Commissioner (OVIC)

www.ovic.vic.gov.au

Freedom of Information

Complaints about the outcome of a Freedom of Information application can be referred to the Office of the Victorian Information commissioner (OVIC)

www.ovic.vic.gov.au

Local Government Act

Breaches of the Local Government Act can be referred to the Local Government Inspectorate

www.lgi.vic.gov.au

Human Rights

Human Rights and discrimination complaints can be referred to the Victorian Human Rights and Equal Opportunity Commission (VHREOC)

www.humanrights.vic.gov.au

Council Elections

Complaints and feedback on Victorian council elections can be referred to the Victorian Electoral Commission

www.vec.vic.gov.au

Corruption

Allegations of corruption, fraud or other criminal behaviour can be investigated under Council's Public Interest Disclosures Policy and/or be referred to the Independent Broad-based Anti-corruption Commission (IBAC)

www.ibac.vic.gov.au

Complaints about the Mayor or Councillors

Where a complaint is received from the public in respect of a Councillor or Deputy Mayor, the matter will be referred to the Mayor for consideration and handled according to the *Councillor Code of Conduct*.

Where the complaint involves the Mayor, the complaint will be referred to the Deputy Mayor for consideration who will handle the complaint according to the *Councillor Code of Conduct*.

<https://www.greaterdandenong.vic.gov.au/councillor-code-conduct>

Complaints about the CEO

Where a complaint is received from the public in respect to the CEO, the matter will be referred to the Mayor for assessment and, if necessary, referred to the Local Government Inspectorate.

<https://www.lgi.vic.gov.au/make-complaint-local-government-inspectorate>

Other assistance

The following agencies may also be able to assist members of the public with complaints and other issues that Council is unable to assist with.

Consumer Affairs

Consumer Affairs (CA) advise and assist on topics including renting and accommodation, real estate agents, building, shopping and trading.

www.consumer.vic.gov.au

Dispute Settlement Centre of Victoria

The Dispute Settlement Centre of Victoria (DSCV) provides free dispute resolution services across Victoria, as well as training and accrediting mediators to national standards. DSCV's purpose is to empower and assist the Victorian community to prevent and appropriately resolve issues, alleviate pressure on the judicial system and help the community to thrive.

www.disputes.vic.gov.au

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

In accordance with Section 9 of the *Local Government Act 2020* this policy considers and responds to the following overarching governance principles:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) innovation and continuous improvement is to be pursued; and
- (d) the transparency of Council decisions, actions and information is to be ensured.

This policy makes the process of lodging a complaint more transparent to all those who are affected and provides an opportunity for members of the community to be involved in the continuous improvement of Greater Dandenong City Council services. This policy aligns with the *Council Plan 2021-25*, in particular the following priorities:

- Provide meaningful engagement opportunities which capture the voices of all ages, genders and cultures within the city;
- Encourage an organisational culture of innovation and leadership; and
- Ensure compliance with the *Local Government Act 2020*, Councillor and Staff Codes of Conduct, Council policies and all legislation relevant to Council.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Victorian Charter of Human Rights and Responsibilities Act 2006* has been considered in relation to whether any human right under the Charter is restricted or interfered with in anyway by enacting any part of this policy. It is considered that this policy is consistent with the rights outlined in the Charter.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents as it is purely administrative in nature and does not benefit any one gender group over any other.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

This policy has no impact on Council’s Declaration of a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030, or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because the protective and administrative measures in this Policy do not touch on the natural environment and do not seek to change any built environment.

10. RESPONSIBILITIES

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 Act in accordance with Council’s Staff Code of Conduct
Directors, senior leaders and managers	<ul style="list-style-type: none"> Recruiting, training and empowering staff to resolve complaints promptly and in accordance with Council’s policies and procedures Managing conflicts of interest in the complaint process Reporting on and identifying improvements from complaint data Supporting staff who deal with complaints Act in accordance with Council’s Staff Code of Conduct
All Council staff	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council’s complaint process Assisting members of the public to make a complaint Treating members of the public respectfully and professionally Act in accordance with Council’s Staff Code of Conduct
Councillors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council’s complaint process Referring complaints to Council staff to be dealt with in accordance with our processes Act in accordance with Council’s Councillor Code of Conduct
Contractors	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council’s complaint process Cooperating with the Council’s complaint handling processes
Volunteers	<ul style="list-style-type: none"> Familiarising themselves with this policy and the Council’s complaint process Cooperating with the Council’s complaint handling processes Act in accordance with Council’s Staff Code of Conduct
Complainant	<ul style="list-style-type: none"> Advise Council if their contact details change Cooperate with enquiries or investigations as required Treat Council officers with courtesy and respect

11. REPORTING, MONITORING AND REVIEW

Performance reporting

Council will report on complaints and complaint handling performance with the following indicators

- a) Number of complaints recorded
- b) Number of complaints closed
- c) Number of complaints closed within 15 working days.

These outcomes will be published in Greater Dandenong City Council's Annual Report and reported quarterly within Council.

How we learn from complaints

Greater Dandenong City Council recognises that complaints provide valuable feedback and insight into our performance. Analysing data from complaints allows Council to identify trends and helps uncover potential issues that may require further attention. Council will use this information to create solutions and ongoing improvements to our services.

12. REFERENCES AND RELATED DOCUMENTS

Legislation (in alpha order)

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Gender Equality Act 2020*
- *Health Records Act 2001*
- *Information Privacy Act 2000*
- *Local Government Act 2020*
- *Ombudsman Act 1973*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines (in alpha order)

- Greater Dandenong City Council Access, Diversity and Equity Policy
- Greater Dandenong City Councillor Code of Conduct
- Greater Dandenong City Council Privacy and Personal Information Policy
- Greater Dandenong City Council Public Interest Disclosures Policy
- Greater Dandenong City Council Staff Code of Conduct
- Victorian Ombudsman – Council and complaints – A good practice guide 2nd edition July 2021

Investigating Complaints Flowchart

