

CITY OF GREATER BENDIGO COMPLAINT HANDLING POLICY

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Title and Version Number	City of Greater Bendigo Complaint Handling Policy
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Relevant Legislation	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014</i> <i>Local Government Act 1989</i> <i>Protected Disclosure Act 2012</i> <i>Racial and Religious Tolerance Act 2001 (Vic)</i> <i>Occupational Health and Safety Act 2004</i> <i>Equal Opportunity Act 2010</i> <i>Age Discrimination Act 1992 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i>
Related Policies	Code of Conduct Protected Disclosure Act Procedures Respecting Each Other in the Workplace Policy Discrimination and Harassment Prevention Policy Fraud and Corruption Prevention Policy Bullying Prevention Policy Social Media Policy Communications and Media Policy IT Use Policy Staff Gift Policy Managing Underperformance Procedure Managing Underperformance Behaviours Managing Misconduct Procedure

Introduction

At the City of Greater Bendigo we strive to recognise, promote and protect the public's right to make complaints.

Essential to supporting this commitment is the need for a complaints handling process that is:

- fair, easily accessed and efficient,
- reflects the needs, expectations and rights of members of the public, and
- fosters a culture that encourages us to learn from complaints to improve performance.

Such a process is critical to achieving the vision of *working together to be Australia's most liveable regional city*.

And it reinforces the City's key values to respect, respond, care, contribute and learn in all it does to serve the community.

This Complaint Handling Policy is based on the good practice guide for complaints involving Councils, published by the Victorian Ombudsman's Office in 2015.

The policy applies to:

- All complaints received by us about services, staff and contractors, and directs how complaints will be handled.

The policy does not apply to:

- Service requests.
(The policy draws a distinction between complaints and service requests. It is important to refer to the definitions and the examples which distinguish the two on pages 4 & 6.)
- Complaints about a councillor or a group of councillors.
(A separate policy addresses handling a complaint about a councillor(s).)
- An expression of dissatisfaction with the general direction or performance of the Council.
- Third party complaints and anonymous complaints found to lack the necessary supporting documentation.
- Matters not the responsibility of Greater Bendigo City Council.

Objectives

This policy aims to:

- Provide an open and transparent complaint handling system
- Specify the key performance indicators to which the City is accountable
- Establish timeframes for resolving complaints
- Clarify the roles and responsibilities of staff
- Ensure staff handle complaints fairly and objectively
- Direct how staff record and analyse complaint data to identify where service improvements can be made.
- Provide options when the City cannot resolve a complaint despite its best endeavours.

Guiding Principles

This policy is underpinned by the set of values and behaviours that describe how the City will work to serve the community. (For more information on the City's chosen values and behaviours visit the website at www.bendigo.vic.gov.au)

This policy has seven guiding principles, as outlined in the Ombudsman's *Councils and complaints – A good practice guide*.

1. **Commitment:**

The City is committed to resolving complaints it receives. The organisation recognises people's right to complain and consider complaint handling to be part of the core business of serving the community and an opportunity to improve service delivery.

2. **Accessibility:**

People can easily find out how to complain to and the City actively assists with the complaints process.

3. **Transparency:**

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. **Objectivity and Fairness:**

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. **Confidentiality:**

The complaint handling system protects the personal information of people making a complaint, and staff are informed only on a 'need to know' basis.

6. **Accountability:**

The City is accountable, both internally and externally, for its decision making and complaints handling performance. It provides explanations and reasons for decisions, and ensures decisions are subject to appropriate review processes.

7. **Continuous Improvement:**

The City regularly analyses complaint data to find ways to improve how it operates and delivers services.

Scope

This policy applies to all City of Greater Bendigo staff *and* to third party contractors carrying out services on its behalf.

Definitions

“complaint” means an expression of dissatisfaction with: –

- the quality of an action taken, decision made, or service provided by the City or its contractor
- a delay or failure in providing a service, taking an action, or making a decision by the City or its contractor

There are two main categories of complaints:

1. Complaints about the service standard – the quality benchmark set for a particular service e.g., the response time allowed to repair a garbage bin (3 days) or to inspect a pothole (10 days).
2. Complaints about the quality of the service including failure to meet the standard itself (written or implied), how the City responds to requests/complaints e.g. a failure to return a call, failure to close the loop or perceived abrupt or dismissive behaviour.

For the purposes of this policy, an issue that is resolved at the first point of contact is not recorded as a complaint.

“service request” means a formal request for something to be provided. For example, a request for information, or to access childcare or HACC services, or to have a bin emptied, or a road graded, or for a progress report on a previous request.

Unlike a complaint, a service request is raised when the customer wants to procure something they don’t have in the first place. A complaint, on the other hand, deals with a failure (in the eyes of the customer) to satisfactorily respond to a request or expectation that a service will be provided.

Service requests must be recorded.

Complaint about the service standard	Complaint about the quality of the service itself, behaviour/response to a request/complaint, failure to close the loop.	Service Request
I expected the tree to be trimmed within in six weeks; now I’m told the service standard allows six months. That’s far too long to wait!	I have asked for the tree to be trimmed but no-one has responded.	Can someone trim the tree on my nature strip?
	I rang earlier this week to have my bin emptied because it was missed. Two days later it’s still sitting on the nature strip and no-one has returned my calls.	My bin was missed this morning can someone please call back to empty it?
I am trying to enrol my child at a City childcare centre, but I’ve been told there are no	I’m trying to enrol my child at a City childcare centre, but no-one will return my calls.	I would like to enrol my child at a City childcare centre. How do I do that?

places available. That's not good enough; the City should fund more child care places?	OR I am trying to enrol my child at a City childcare centre. I've been told there are no places available, but it took so long to find out and the staff were so abrupt.	
	They fixed the pothole outside my house last week and its already broken up again	

“complainant” means a person or entity affected by:-

- an action taken, decision made, or service provided by the City or its contractor; or
- a delay or failure in providing a service, taking an action, or making a decision by the City or its contractor,

and who brings this to the attention of the City in accordance with this policy.

A person who is not directly affected but who still makes a complaint will receive an acknowledgement and advice that the matter will be dealt with in accordance with this policy.

“complaints handling system” means the way individual complaints are dealt with by the City, including policy, procedure, technology, reporting, evaluation and improvement.

How to Make a Complaint

Complaints should be made to us as soon as possible after the issue giving rise to the complaint.

Anyone who has been affected by an action or inaction of an officer or a contractor carrying out services on its behalf can make a complaint.

The City provides information, including this policy, on its website and through its offices in Bendigo and Heathcote to advise members of the public on how to make a complaint and the steps involved.

This process will be promoted internally for staff and externally for members of the public. A complaint may be made in person, by telephone, post, or via a number of electronic options.

A complainant may use an advocate or authorised personal representative to progress their complaint.

If required, an interpreting service will be provided to facilitate the complaint.

The City accepts and responds to anonymous complaints, provided they include enough supporting documentation.

The City recognises the diversity of the community and complaints may be submitted in the format that is the most appropriate and comfortable for the complainant.

A complaint can be made in a number of ways.

Mail: Greater Bendigo City Council
P.O. Box 733
BENDIGO VIC 3552

Telephone: (03) 5434 6000

In person: Municipal Offices
195-229 Lyttleton Terrace
BENDIGO

Email: requests@bendigo.vic.gov.au

125 High Street
HEATHCOTE

Internet: www.bendigo.vic.gov.au

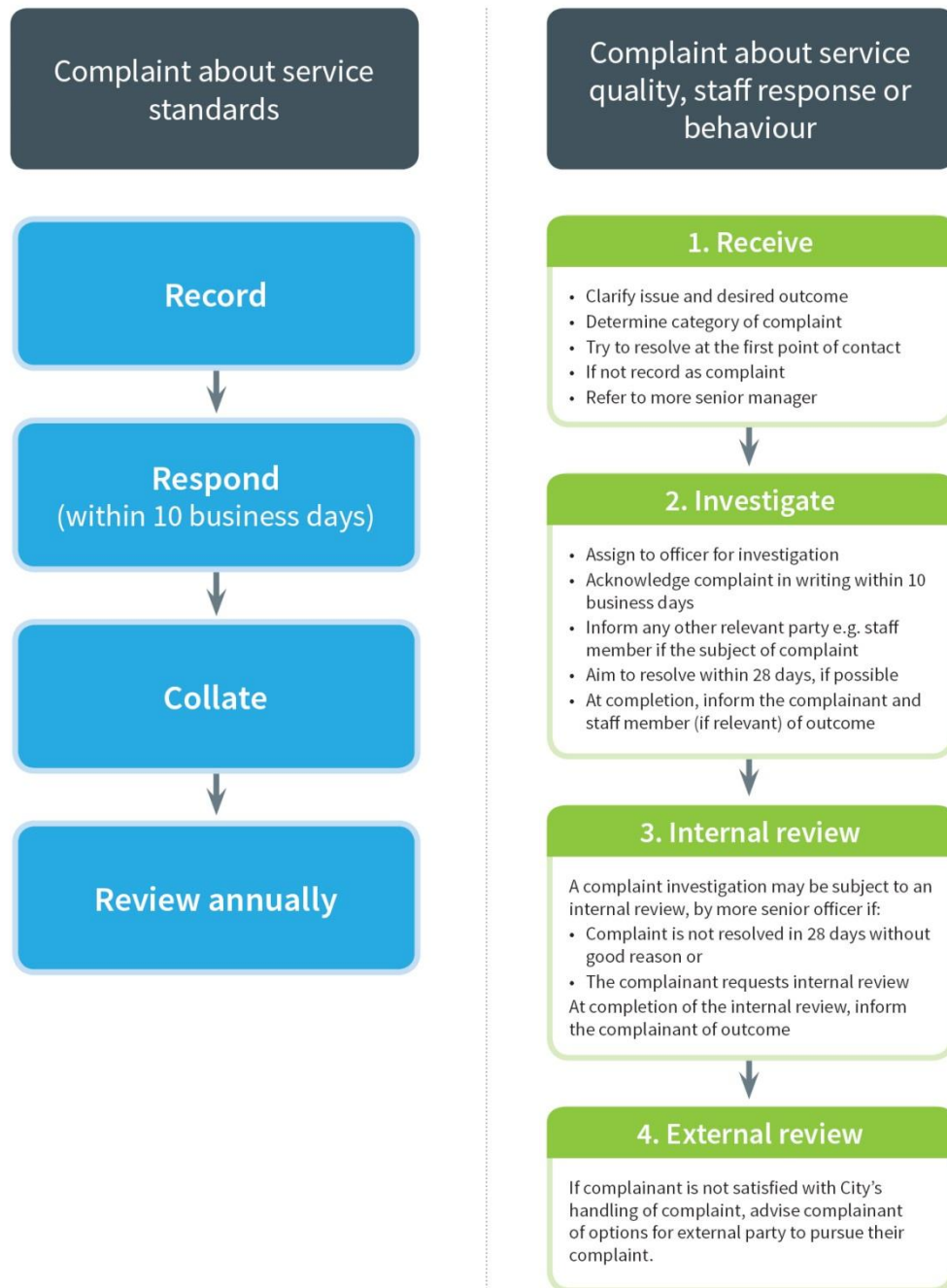
Fax: (03) 5434 6200

The complaint should include the following, if relevant-

- the date, time and location or event;
- the nature and description of the complaint; and
- a statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution.

Complaint handling process

At a glance



See over page for full details of the complaint handling process.

Complaint Handling Procedure

Frontline staff, other officers, the Chief Executive Officer, the Mayor or individual councillors may receive a complaint, either by telephone, email, post or in person.

All complaints will be recorded in writing and every interaction with the complainant will be documented (See page 9 for recording guidelines).

If the City is not the right organisation to respond to the complaint, staff will refer the complainant to an organisation that can help.

Procedure 1 - Complaints about Service Standards

The following process applies only to complaints about service standards; e.g., *“I expected the tree to be trimmed in six weeks. Now I’m told the service standard allows for six months. That’s far too long to wait!”*

The receiving officer will:

- Clarify issue and outcome the customer is seeking
- Confirm the complaint is about a service standard (see definitions and the boxed examples)
- Record Complaint
- Acknowledge/respond within 10 business days.

Complaints about service standards must be recorded, answered and subsequently collated for review on an annual basis to evaluate and better understand community expectations.

Procedure 2 – Complaints about the quality of the service, response to request/complaint or staff behaviour

1. Receive

The receiving officer will:

- Clarify issue and outcome the customer is seeking
- Determine whether it is a complaint or a service request (see definitions and the boxed examples)
- Aim, if possible, to resolve the issue at the first point of contact. (If this occurs, the matter will not be recorded as a complaint.)
- If the matter is not resolved at first point of contact, record the matter as a complaint (See page 9 for recording guidelines).
- Refer the complaint to a more senior manager.

2. Investigate

The manager will assign the complaint to an officer for investigation.

As part of the investigation the investigating officer will:

- Acknowledge complaint within 10 business days of receipt and advise the complainant of the contact person for all inquiries and how long it is likely to take to respond to the complaint.
- If the complaint relates to a member of staff, notify that person that a complaint has been made and give the staff member an opportunity to respond to the complaint
- Aim to resolve the complaint within 28 days.
(Some regulatory processes mandate other timelines. If the complaint is to take longer than 28 days to resolve, the contact person will advise the complainant prior to or at this time and explain why.)
- At the completion of the investigation, inform:
 - a) the complainant, first by telephone and then in writing, of the outcome including the reasons for the decision, and
 - b) the staff member (where relevant) and their immediate superior of the outcome including the reasons for the decision.

3. Internal Review

A complaint investigation may be subject to an internal review, if:

- The complaint is not resolved in 28 days without good reason e.g., legislation or regulation that stipulates a different timeline, or
- The complainant is not happy with the outcome, in which case he or she can request an internal review.

The internal review will be conducted by a more senior manager, a Director or the Chief Executive Officer.

The investigating officer will, at the completion of the internal review, inform the complainant first by telephone and then in writing of the outcome including the reasons for the decision.

4. External Review

The City's aim is to resolve 100% of issues raised with the City.

If at any time, the complainant is not satisfied with the progress or outcome of an investigation the City will advise the complainant of any other external bodies to pursue their complaint i.e. the Victorian Ombudsman, or the Victorian Civil and Administrative Tribunal, Local Government Victoria or, depending on the nature of the complaint the Independent Broad-based Anti-corruption Commission (IBAC).

Procedure 3 - Complaints Requiring an Alternative Procedure

1. Complaints Received by Councillors

A complaint received by the Mayor or a councillor about a service, a staff member or a contractor will be referred to the relevant Manager, Director or the Chief Executive Officer.

The City will then respond to the complaint in accordance with this policy.

2. Complaints about Contractors

The City is responsible for services carried out by contractors on its behalf. However, if a contractor receives a complaint, the contractor will assess and respond to the complaint in accordance with its own complaint handling process.

If a complainant is not satisfied with the outcome, he or she can ask the City to review the decision.

All outcome letters written by contractors in relation to complaints must include the name and contact details of the City of Greater Bendigo staff member to whom the complainant may escalate their complaint.

3. Allegations of Corrupt Conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *Protected Disclosure Act Procedures*.

4. Complaints about Councillors

Complaints about councillors will be dealt with in accordance with the *Policy to Address Handling a Complaint about a Councillor*.

5. Complaints about the Chief Executive Officer

A complaint about the Chief Executive Officer will be referred in the first instance to the Chief Executive Officer. The Chief Executive Officer will discuss the complaint with the Mayor prior to a decision being made about who will respond.

Once an investigating officer has been appointed the process outlined above under Procedure 2 will apply.

However if the complaint relates to the conduct of the Chief Executive Officer involving bullying, victimisation or harassment including sexual harassment of:-

- A Greater Bendigo City Councillor, or
- A City of Greater Bendigo staff member, or
- Any other person in the course of the CEO performing his or her role,

Division 4 of Part 4 of the Local Government Act 1989 sets out the process to be used by Council.

Under the Act such complaints about the Chief Executive Officer will be referred in the first instance to the Chief Executive Officer who must immediately advise the Mayor about the complaint and, at the next meeting of the Council, advise the Council about the complaint when the meeting is closed to members of the general public.

The Chief Executive Officer may, at any time after advising the Mayor of the complaint, request the Secretary of the responsible Victorian Government Department to appoint a probity auditor in relation to the complaint.

If the Chief Executive Officer makes such a request, the Mayor will be advised accordingly. If the Mayor has not been advised, the Mayor may request the Secretary to appoint a probity auditor in relation to the complaint.

The primary duty of a probity auditor is to assist the Council to ensure probity in dealing with the complaint. The probity auditor may provide the Council with advice on probity matters in dealing with the complaint if the probity auditor considers that the advice could assist the Council.

If a probity auditor is appointed by the Secretary, the auditor will prepare a written report at the conclusion of the probity audit.

The probity auditor will provide a copy of the report to the Council, the Mayor, the Chief Executive Officer and the Secretary.

Remedies

Where the City finds it's made an error, it will take steps to redress the situation. Possible remedies include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it happening again;
- a reversal of a decision;
- disciplinary action taken against a staff member;
- providing the means of redress requested by the complainant.

Further, the City will apologise in addition to any other remedies offered, irrespective of whether the complainant has asked for an apology.

Learning from Complaints

This process is also an opportunity for us to learn and do better.

All complaints are reviewed for service improvement opportunities.

Privacy and Confidentiality

When gathering information to respond to a complaint, the City will:

- Only use it to deal with the complaint or to address systemic issues arising from the complaint
- Only disclose information in a de-identified format when releasing data to the public
- Only share information with those staff needed to help resolve the matter.

Recording Complaints

All complaints are recorded in a secure site in its Pathway software task management system (Customer Request System) which is the prime process by which the organisation logs and tracks enquiries and complaints.

Information Services/Customer Support staff will ensure complaints are registered with necessary security levels.

The City analyses the complaint data and provide annual reports to Council on how the organisation can reduce complaints and improve services.

The City records the following information for each complaint:

- the complainant's details
- how the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)
- the council officer responsible for handling the complaint
- any action taken, including contact with the complainant, response times and the outcome
- any recommendations for improvement, and who is responsible for implementing them.

Any queries regarding the recording of complaints should be directed to Manager, Information Services.

Reporting on Performance

The City uses the following key indicators to measure performance:

- complaints about service standards
- all other complaints
- complaints upheld, partially upheld, not upheld
- performance against timelines set by the City i.e. average time to respond
- number of changes made to services as a result of complaints
- number of complaint outcomes overturned on internal review
- complaints escalated to an external body

The City reports against the complaint handling key performance indicators annually at governance meetings and will detail any service improvements made as a result of complaints received.