

# Complaints Resolution Policy

<b>VERSION NO.</b>	3
<b>APPROVAL</b>	Council
	Date: 24 June 2024
<b>TRIM REFERENCE</b>	24/45063
<b>REVIEW</b>	June 2028
<b>RESPONSIBLE EXECUTIVE</b>	General Manager Customer and Corporate Support
<b>POLICY TYPE</b>	Organisational
<b>POLICY OWNER</b>	Manager, Customer Experience and Corporate Performance

<b>REVISION RECORD</b>	<b>Version</b>	<b>Revision Description</b>
30 June 2018	1	
13 December 2021	2	
24 June 2024	3	Incorporated recommended practices from Victorian Ombudsman Good Practice Guides (2021 and 2022).

## 1. INTRODUCTION

Kingston City Council is dedicated to placing our customers first, at the very centre of all we do. We welcome feedback about our services and regularly provide opportunities for customers to tell us about their experiences. We understand that at times despite our best efforts, customers may not be satisfied with our service delivery or the decisions we have made. We value complaints and enable customers to contact us when they are dissatisfied with our services, actions, decisions, and policies. We respond to complaints through working to achieve a resolution as quickly as possible, through clear and consistent processes in accordance with section 107 of the *Local Government Act 2020* (Vic). We then use these insights to further enhance our services to be effective, efficient and empathetic to customer needs.

## **1.1 PURPOSE**

The purpose of the Complaint Resolution Policy is to define what a complaint is and the processes in place to facilitate a fair and reasonable resolution in an efficient and transparent manner. This policy is based on the Victorian Ombudsman's – Guide Councils and Complaints: A Good Practice Guide 2nd Edition (April 2023).

## **1.2 SCOPE**

Dealing with complaints is a core part of Council business. Our Complaint Resolution Policy applies to all complaints from members of the public - our customers. We value complaints and encourage people to contact us when they are not satisfied with our services, actions, decisions and policies.

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

This policy relates to the management of complaints made to Council by any person who is affected by an action, inaction, or decision of Council. The policy applies to all Council employees and extends to volunteers and contractors carrying out work on behalf of Council to the extent provided for in their contract / agreement with Council.

The Complaint Resolution Policy aims to:

- Establish mechanisms for open and transparent complaint management and associated escalation process.
- Provide clarity around the types of complaints covered by this policy.
- Provide a process for reviewing actions and decisions made in regards to complaints.
- Ensure staff handle complaints fairly and objectively.
- Ensure complaints data and insights are used to enhance services.
- Increase the level of community satisfaction with services delivered by the City of Kingston.

### **1.2.1 What is a complaint under this policy?**

A communication whether verbal or written to the Council by a person of their dissatisfaction with:

- 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, contractor or volunteer engaged by the Council in taking an action, taking a decision, or providing a service.
- A policy or decision made by a Council officer or a contractor.

In simple terms, a complaint to Council is any communication which involves an expression of dissatisfaction about an action, decision, policy, or service, that relates to Council staff, a Council contractor, or Council as a decision-making body.

### **1.2.2 What types of complaints are not handled under this Policy?**

This policy does not apply to matters or complaints that are otherwise subject to statutory process, review or alternative procedures, examples include:

- Complaints / objections relating to a planning application decision
- Complaints / appeals relating to parking infringements
- Complaints / appeals relating to a building enforcement decision
- Complaints relating to aged and disability services
- Complaints about alleging fraud, corruption, or other criminal behaviour
- Complaints relating to a Councillor outside of their role as a Councillor
- Complaints relating to a neighbour or about an event / service or business for which the Council is not responsible
- Freedom of information requests
- A petition to Council about a particular matter
- Work related grievances from Council staff (i.e. complaints relating to their employment)
- Complaints that have already been reviewed by an external agency.

### **1.2.3 What is a service request?**

Unlike a complaint, a service request is raised when a customer requests that Council provide something, generally information or a service. A complaint, on the other hand, deals with a failure (in the eyes of the customer) to respond satisfactorily to a request or expectation that a service will be provided.

A service request is contact with Council to:

- seek assistance
- access a new service
- seek advice
- Inform / make a report about something for which the council has responsibility

The following are examples of a service request:

- a request for information
- a request for explanation of policies or procedures
- reports of damaged or faulty infrastructure (e.g. potholes)
- reports of hazards (e.g. fallen trees)
- an insurance claim

See below table for examples of complaints and requests for service.

<b>Complaint Managed according to the Council's complaints policy</b>	<b>Service Request Managed as per related request management process</b>
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?
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?

Reference: Victorian Ombudsman (2022) Councils and Complaints – A Good Practice Guide (2<sup>nd</sup> edition).

## **2. COMPLAINT TYPES**

### **2.1 Complaints received by Councillors.**

When a Councillor receives a complaint from a member of the public, it will be referred to Council via the Service and Complaints Resolution team to be registered, assessed, and allocated for management as per the complaints

handling process. Response timeframes will be in accordance with this policy and a copy of the outcome response will be shared with the Councillor.

**2.2 Complaints about Contractors**

Council retains a level of responsibility for services carried out by contractors on its behalf. This policy applies to all contractors carrying out services or works on Council’s behalf to the extent provided under their contractual obligations with Council. Contract managers will ensure that all contractors are made aware of their obligations under this policy and will review any complaint during scheduled meetings. When a complaint is received in relation to services or works carried out by a contractor, the complaint undergo investigation and are assigned to an appropriate officer to examine the complaint and liaise with both the customer and the contractor.

**2.3 Complaints about a Council Officer**

Any complaints about a named Council staff member will be investigated by the relevant Manager and/or People and Culture and handled in line with the tiered approach to complaints handling. If the complaint involves an employee disciplinary or behavioural issue, it will be handled in accordance with the Code of Conduct Policy, Performance Management and Disciplinary Policy and any relevant legislative requirements.

**2.4 Complaints about specific matters - alternative procedures**

Council’s Complaint Resolution Policy applies to its various complaints processes but does not apply to complaints already covered by other statutory review mechanisms. If your complaint requires management through a process outside of this policy, we will advise you of the alternative handling procedures in line with the information below:

Complaint type	Handling Procedure
Complaints about allegations of improper conduct, including corrupt conduct.	Where a complaint involves allegations of improper conduct which includes corrupt conduct, it will be handled in accordance with the <i>Public Interest Disclosures Act 2012 (Vic)</i> and Council’s Public Interest Disclosure Procedures. Disclosures may be made to the Manager Governance, Risk and Integrity in the capacity of Public Interest Disclosures Co-ordinator or the CEO. The PID Coordinator may be

	<p>contacted on 1300 653 356 or  <a href="mailto:PID@kingston.vic.gov.au">PID@kingston.vic.gov.au</a></p>
<p>Complaints regarding breach of privacy.</p>	<p>Council views the protection of an individual's privacy as an integral part of its commitment to accountability and integrity in all its activities and programs. The Information Privacy Policy outlines Council's commitment to protecting an individual's right to privacy and the management of personal information. If you are dissatisfied with Council's handling of your personal, sensitive or health information, a complaint may be made to Council's Governance, Risk and Integrity Manager via 1300 653 356 or <a href="mailto:info@kingston.vic.gov.au">info@kingston.vic.gov.au</a>.</p> <p>Alternatively, complaints can be directed to the Office of the Victorian Information Commissioner (OVIC), although the Information Commissioner may decline to consider a complaint if the complainant has not first complained directly to Council.</p>
<p>Complaints about Aged and Disability Services</p>	<p>Clients and their families can make direct complaints to the Manager of AccessCare via phone on 1300 819 200 or email at <a href="mailto:info@kingston.vic.gov.au">info@kingston.vic.gov.au</a>.</p> <p>Alternatively, they can contact Aged Care Quality and Safety Commission directly on 1800 951 822.</p>
<p>Complaints about the Chief Executive Officer.</p>	<p>Complaints about the Chief Executive Officer can be made verbally or in writing and will be referred to the General Manager, Customer and Corporate Support for investigation in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 2020 (Vic).</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Public Interest Disclosure Act 2008</i> (Vic).</li> <li>• City of Kingston Public Interest Disclosures Procedures.</li> </ul>
Complaints about Councillors.	<p>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 <i>Local Government Act 2020</i> (Vic), <i>Public Interest Disclosure Act 2012</i> (Vic) and the City of Kingston Public Interest Disclosures Procedures and Councillor Code of Conduct.</p> <p>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, Risk and Integrity who will undertake a preliminary assessment of the complaint and assist the complainant(s) in progressing the matter. The Manager Governance, Risk and Integrity may be contacted via 1300 653 356 or <a href="mailto:info@kingston.vic.gov.au">info@kingston.vic.gov.au</a>.</p>
Complaints about procurement activity.	Where a supplier or third party raises a complaint in relation to a procurement activity it will be investigated per the Procurement Policy and Fraud and Corruption Policy.
Complaints that are subject to a statutory process	Some matters have separate statutory requirements for investigation and resolution such as infringement reviews, planning matters and noise complaints.

	<p>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.</p>
--	--

### 3. MAKING A COMPLAINT

#### 3.1 How to make a complaint

Any person can make a complaint via the following customer channels:

##### **Telephone:**

Customer Channels Team 1300 653 356 (after hours calls will be transferred to our after hours service)

National Relay Service: 133 677

Translating and Interpreting Service: 131 450

##### **Online:**

[www.kingston.vic.gov.au](http://www.kingston.vic.gov.au) – ‘Contact Us’

##### **Post:**

Kingston City Council  
PO Box 1000,  
Mentone Victoria 3194

##### **Email:**

info@kingston.vic.gov.au

##### **In person:**

Customer Service Centre, 1230 Nepean Hwy, Cheltenham or the reception desk of the service or facility about which the complaint is being made.

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. We encourage customers to raise their concerns directly with the employee or contractor involved in the first instance. If the complaint is not resolved, the complaint will then be escalated.



### **3.2 Information that is helpful to include in your complaint**

When making a complaint we encourage customers to include the following information:

- Name and contact details. 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.
- Provide us with the relevant details, such as dates, times, location, reference numbers and any documentation that supports your complaint.
- The outcome you are seeking from making your complaint.
- Whether you experience any communication needs.

### **3.3 Anonymous complaints**

This policy outlines the council's approach to anonymous complaints. We accept and respond, where possible, to anonymous complaints, provided we have received enough information to do so. Council's ability to fully investigate the complaint is dependent on the level of detail provided. If insufficient information is deemed to have been supplied, no further action will be taken. If the complaint relates to public safety or can be corroborated independently, an investigation will be conducted, and necessary actions taken. Due to the complainant's anonymity, Council will be unable to provide reasons for any decisions or actions taken. This approach aims to balance addressing concerns with respecting privacy and transparency.

### **3.4 Non-specific complaints**

Correspondence regarding complaints which are non-specific in nature, or not relevant to the operations of Council and/or generally classed as haranguing in nature will be received and recorded but not responded to. Reasons for the determination will be filed along with the correspondence.

### **3.5 Supporting specific communication needs or barriers**

Kingston City Council is committed to ensuring our complaints process is accessible to everyone. Anyone who has been affected by an action or inaction of Council can make a complaint and lack of accessibility should not be a barrier to that right. Please let us know if you have specific communication needs or barriers, and we can assist you by providing the following support:

- an assistance service, such as the National Relay Service: TTY users can phone the NRS on 133 677 and ask for 1300 653 356
- translating and Interpreting Services.
- talking with you if you prefer this method of communication over reading or writing.

- communicating with another person acting on your behalf if you cannot make the complaint yourself.

#### 4. OUR COMPLAINTS PROCESS

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.
- provide referral advice to you if your complaint involves right to a statutory review.
- decline to investigate complaints that we deem to be considered frivolous, vexatious, concern a trivial matter, or are not made in good faith.

If we decide not to take action on your complaint, we will explain why, and where possible, inform you about other options.

##### 4.1 How your complaint will be managed

Council uses a four-tiered complaint handling approach to investigating and resolving complaints, as follows:

- Tier One – Frontline Resolution
- Tier Two – Investigation
- Tier Three – Internal Review
- Tier Four – External Review

##### 4.1.1 Tier 1: Frontline Resolution (standard complaint)

<p>What is a standard complaint?</p>	<p>Standard complaints relate to the quality, delay or failure to deliver a service. Where possible, we will attempt to resolve your complaint at the time you first contact us. Our actioning officer will work to provide timely and mutually acceptable solutions to address any grievances raised at the first point of contact.</p> <p>If we decide not to take action on your complaint, we will explain why, and, to the extent they are available, inform you about other options.</p> <p>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.</p>
--------------------------------------	--

Who will it be assigned to for actioning	Any customer facing officer can receive and resolve a complaint.
Timeframe	We will endeavour to resolve your standard complaint on the same day. However, if your complaint cannot be resolved, it will be referred as a complex complaint (tier 2) to the appropriate area for further investigation.

#### 4.1.2 Tier 2: Investigation, if required (complex complaint)

What is a complex complaint?	<p>Complex complaints are unable to be resolved at the first point of contact and require investigation. If your complaint is deemed complex you will be provided with an acknowledgment within 2 business days that contains a reference number, key contact, expected timeframes and next steps. The investigative actions taken will depend on the nature of the complaint.</p> <p>A complaint investigation may include:</p> <ul style="list-style-type: none"> <li>• speaking with other council employees, contractors, external agencies.</li> <li>• inspecting case notes and documents.</li> <li>• conducting site inspections.</li> <li>• assessing information against relevant legislation, policies and procedures.</li> <li>• allocating investigative tasks to employees.</li> </ul> <p>At the conclusion of the investigation you will be provided with a written explanation of Council's decision.</p>
Who will it be assigned to for actioning	A Community Complaints and Councillor Support Officer will work alongside relevant staff and Senior Council Officers to facilitate investigation and resolve the issue.
Timeframe	We will acknowledge your complaint within 2 business days. We aim to complete and advise you of the outcome of the investigation within 10 business days. We will advise you if the investigation will take more than 10 business days and provide you with an update on a fortnightly basis.

#### 4.1.3 - Tier 3: Internal Review

<p>What is an Internal Review?</p>	<p>If you are dissatisfied with the outcome, assessment, or decision in relation to your tier 1 or tier 2 complaint, you can request an internal review. To ensure independence, the Senior Officer who will review your complaint will have had no previous involvement in the review process.</p> <p>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 10 business days and will tell you if the investigation will take longer.</p>
<p>Who will it be assigned to for actioning</p>	<p>A Senior Officer will be required to conduct the review by assessing the history of the matter, including any findings from previous investigations and any responses and information provided by the customer.</p> <p>The background information is prepared by the Complaints and Service Resolution Team Leader for the Senior Officer conducting the review. The Senior Officer is independent of:</p> <ul style="list-style-type: none"><li>the person who took the action</li><li>the person who made the decision</li><li>the person who provided the service</li></ul> <p>The findings and conclusion of the Internal Review are provided to the complainant.</p>
<p>Timeframe</p>	<p>We will acknowledge your request for internal review within 2 business days. We aim to complete and advise you of the outcome of the internal review within 10 business days. We will provide you with an update on the progress of the internal review every 10 business days if the timeframe exceeds the expected 10 days to resolve.</p>

#### 4.1.4 - Tier 4: External Review

<p>What is an external review?</p>	<p>If you remain dissatisfied with Council's decision, we will inform you of which external agency you can approach to have the matter reviewed. We will actively participate and cooperate with the external review process, however updates regarding the status and outcome of the external review will be provided by the external agency.</p>
------------------------------------	--

<p>Who will it be assigned to for actioning</p>	<p>A Council 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> <p><b>Victorian Ombudsman</b> <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a> for actions or decisions of a Council, Council employees and contractors.</p> <p><b>Local Government Inspectorate</b> <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a> for breaches of the <i>Local Government Act 2020</i> (Vic).</p> <p><b>Office of the Victorian Information Commission</b> <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a> for breach of privacy or a complaint about a freedom of information application.</p> <p><b>Independent Broad-based Anti-Corruption Commission</b> <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a> for corruption or public interest disclosure ('whistleblower') complaints.</p> <p><b>Victorian Human Rights and Equal Opportunity Commission</b> <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a> for 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).</p> <p><b>Victorian Civil and Administrative Tribunal</b> <a href="http://www.vcat.vic.gov.au">www.vcat.vic.gov.au</a> for disputes between people and government in areas such as planning &amp; environment, land valuation and building &amp; construction</p> <p><b>Victorian Electoral Commission</b> <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a> for alleged breaches of the Electoral Act by a candidate, party, organisation or individual</p> <p><b>Building Appeals Board</b> <a href="http://www.buildingappeals.vic.gov.au">www.buildingappeals.vic.gov.au</a> for appeals relating to matters relating to the <i>Building Act 1993</i> (Vic) and Building Regulations 2018.</p> <p><b>Fines Victoria</b> <a href="http://www.online.fines.vic.gov.au">www.online.fines.vic.gov.au</a> for appeals relating to infringement appeals that have already undergone an internal review within Council.</p>
---	--

Timeframe	The timeline for external review will be dependent on the timeline associated with the relevant agency.
-----------	---

## 4.2 Compliant Outcomes

Where Council finds that we have made an error, we will always offer an acknowledgement and apology to the complainant. We will also take steps to address the situation, of which 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 in relation to staff complaints
- Advice regarding referral of your complaint to another agency

## 5. POLICY IMPLEMENTATION AND MONITORING

### 5.1 Privacy and Confidentiality

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 gathering information to respond to a complaint, we 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 we collect and use personal information can be found in the Information Privacy Policy.

### 5.2 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 require improved customer experience. We are open and transparent about the complaints we have received, and what we have done to resolve them.

### 5.3 Reporting on performance

Appropriate performance data will be captured and analysed on a monthly basis to enable Council to review the timeliness and efficiency of Council's complaint handling. This reporting also allows for the regular identification of trends and patterns in complaints that can lead to continuous improvement opportunities. Volumes of complaints will be reported annually in Council's Annual Report.

## 6. ROLES AND RESPONSIBILITIES OF COUNCIL STAFF AND CONTRACTORS

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

Role	Responsibilities
All staff	<ul style="list-style-type: none"> <li>• Familiarise themselves with this policy and the complaint process.</li> <li>• Assist customers to make a complaint</li> <li>• Receive and assess complaints and where possible resolve the complaint at the first point of contact, within the scope of their role</li> <li>• Where required, seek the assistance of their supervisor, to enable the complaint to be resolved at this point of contact</li> <li>• Lodge complaints in Council's customer request management system</li> <li>• Treat members of the public respectfully and professionally</li> <li>• Forward all complaints that cannot be resolved at first point of contact to the Complaints and Service Resolution team.</li> <li>• Record related correspondence into Council's electronic document management system</li> <li>• Declare to Manager any conflict of interest in relation to the complaint received</li> </ul>
Community Complaint and Councillor Support Officers	<ul style="list-style-type: none"> <li>• Receive and assess complaints that have not been resolved at first point of contact</li> <li>• Handle complaints in line with complaints policy and related procedures</li> <li>• Where required, seek assistance from relevant senior officers to enable the complaint to be resolved</li> <li>• When requested by the customer, escalate a complaint to the appropriate level officer for internal review</li> <li>• When required, advise customer of avenues for external review</li> <li>• Provide information/advice to support the officer handling a complaint to manage a complaint effectively and efficiently so it is done in a timely manner</li> <li>• Record related correspondence into Council's electronic document management system</li> </ul>

	<ul style="list-style-type: none"> <li>Review the content of complaints and use this information to initiate improvement activities that address the cause of the complaint and improve outcomes for the customer</li> </ul>
Team Leaders, Managers and General Managers	<ul style="list-style-type: none"> <li>Monitor complaints and ensure response timeframes are met</li> <li>Manage complaints that are escalated and or referred for internal review</li> <li>Train and support staff to resolve complaints promptly and in accordance with the Council's policies and procedures</li> <li>Manage conflicts of interest in the complaint process</li> <li>Report on and identify improvements from complaint data</li> <li>Support staff who deal with complaints</li> <li>Model a customer focused continuous improvement mindset and promote the value of receiving and recording complaints</li> </ul>
Chief Executive Officer	<ul style="list-style-type: none"> <li>Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</li> <li>Supporting service improvements that arise from complaints.</li> <li>Receive and manage any escalated complaints that cannot be resolved at the General Manager level</li> <li>Manage complaints about General Managers</li> </ul>
Mayor and Councillors	<ul style="list-style-type: none"> <li>Familiarise themselves with this policy and the Council's complaints process</li> <li>Refer complaints to <a href="mailto:councillorrequests@kingston.vic.gov.au">councillorrequests@kingston.vic.gov.au</a> to be dealt with in accordance with the Council's complaints handling process</li> </ul>
Contract Managers	<ul style="list-style-type: none"> <li>Familiarise themselves with this policy and the complaint process.</li> <li>Receive and manage complaints about contractors</li> <li>Handle complaints in accordance with Council's complaints handling process</li> <li>Cooperate with the Council's complaint handling processes</li> <li>Review complaints at regular meetings with Council staff</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>Familiarise themselves with this policy and the complaint process.</li> <li>Handle complaints in accordance with Council's complaints handling process</li> <li>Cooperate with the Council's complaint handling processes.</li> </ul>
Volunteers	<ul style="list-style-type: none"> <li>Refer complaints to <a href="mailto:info@kingston.vic.gov.au">info@kingston.vic.gov.au</a> to be registered</li> </ul>



## **7. MANAGING COMPLEX AND UNREASONABLE CUSTOMER BEHAVIOUR**

We recognise that people using our service have diverse backgrounds and needs. We also recognise they will sometimes be angry, frustrated or distressed or act in other ways we find challenging.

At the same time, we are committed to providing a safe and healthy workplace and using our resources efficiently and fairly. We expect our officers to treat people with courtesy and respect. We expect this courtesy to be returned. We do not tolerate unreasonable customer behaviour that is offensive, abusive or threatening or consumes disproportionate resources.

Unreasonable customer behaviour can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint.

If a person's behaviour becomes unreasonable, officers must apply appropriate and proportionate strategies for managing the behaviour. The strategies will depend on the behaviour type of involved, including:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Council has developed procedures for managing complex complainant behaviour in line with the Victorian Ombudsman's Good Practice Guide: Managing Complex Complainant Behaviour (2022).

## **8. RELATED LEGISLATION, STRATEGY AND POLICY**

### **8.1 Council Plan alignment**

This policy is aligned with Our Roadmap: Kingston Council Plan (2021 – 2025) under the strategic directions of Well Governed, highlighting that Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

### **8.2 Related Legislation**

- *Building Act 1993* (Vic).
- *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- *Child Wellbeing and Safety Act 2005* (Vic).
- *Disability Discrimination Act 1992*
- *Equal Opportunity Act 2010* (Vic).

- *Gender Equality Act 2020 (Vic).*
- *Health Records Act 2001 (Vic).*
- *Independent Broad-Based Anti-Corruption Act 2011 (Vic).*
- *Infringements Act 2006 (Vic).*
- *Local Government Act 2020 (Vic).*
- *Occupational Health & Safety Act 2004 (Vic).*
- *Planning and Environment Act 1987 (Vic).*
- *Privacy and Data Protection Act 2014 (Vic).*
- *Public Health and Wellbeing Act 2008 (Vic).*
- *Public Interest Disclosures Act 2012 (Vic).*
- *Summary Offences Act 1988*

### **8.3 Related Policy and Procedures**

- Our Customer Commitment
- Code of Conduct – Employee Code of Conduct
- Performance and Disciplinary Policy
- Procurement Policy
- Fraud and Corruption Policy
- Information Privacy Policy
- Public Interest Disclosure Policy and Procedure
- Corporate Information Management Policy

## **9. DEFINITIONS**

Term	Definition
Complaint	<p>A communication, whether verbal or written to the Council by a person of their dissatisfaction with:</p> <ul style="list-style-type: none"> <li>• The quality of an action taken, decision made, or service provided by an officer or a contractor engaged by the Council.</li> <li>• The delay by a Council officer or a contractor engaged by the Council in taking an action, making a decision, or providing a service.</li> <li>• A policy or decision made by a Council officer or a contractor.</li> </ul>
Council	Council means Kingston City 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.
Council Staff	'Council staff' is any person employed by the Council to carry out the functions of the Council, and includes the CEO
Council Contractor	Contractor is any third-party engaged by the Council to carry out functions on the Council's behalf.
Senior Council Officer	A Council officer who has the authority to make the decisions referred to in the outcome of a complaint. This will generally be a Manager, a General Manager, or in some cases, the Chief Executive Officer. In the case where a complaint has escalated to a Tier 3 Internal Review it will be an independent appropriately authorised Senior Council officer.
Request for service	A request for service is to make contact with Council to seek assistance or advice, access a new service, or to inform / make a report about something for which Council is responsible.
Complaint Handling Process	The way individual complaints are dealt with by Council including the policy, procedures, guidelines, practices and technology
Escalation Process	The escalation process outlines how the complainant can escalate their complaint if they are not satisfied that the complaint has been resolved or was handled incorrectly.
First Point of Contact	The person who the complainant contacts to express their complaint. This could be any staff member at any level, or a Councillor.
Unreasonable Complainant Behaviour	Unreasonable complainant behaviour is any behaviour by a current or former complainant which, because of its

	nature or frequency raises substantial health, safety, resource or equity issues for Council, council staff, contractors, agents or volunteers of council, other service users and complainants or the complainant themselves.
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.

## 10. AVAILABILITY OF THE POLICY

This Policy is available from the Council website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au) and can be made available in hard copy format upon request.