



Complaints Policy

A5439462

1. Purpose

Frankston City Council is committed to the provision of service excellence for our community. All Council officers, contractors, volunteers and Councillors will collectively contribute to a culture of complaint handling by helping people to complain, understanding the complaints process, and by treating members of the public respectfully and professionally.

This Policy intends to deliver the requirements under section 107 of the Local Government Act 2020 for a complaints policy. It provides a framework to support an open, transparent, and consistent process for the community to make a complaint, if they have a problem with our services, actions, decisions, and/or policies.

Council recognises that feedback from our residents and customers provides the opportunity to listen, learn, and adapt as we continually improve our processes. Through the implementation of this policy, we are committed to listening to the concerns raised, being responsive by taking action to resolve complaints as quickly as possible, handling complaints fairly and objectively and in a timely manner and learning from complaints to improve our services. This is aligned with our customer service promise of being accessible, respectful, clear, and accountable.

2. Scope

Managing complaints is a core part of Council business. We encourage people to contact us when they would like to make a complaint and are committed to making the process easy and accessible.

2.1. This Policy applies to all complaints made to Council by any person who is affected by an action, inaction, or decision of Council and is relevant for all Council officers, Council contractors and volunteers employed or engaged in the conduct of Council business.

This policy does not apply to decisions or processes that have statutory processes with appeal mechanisms or complaints which may be referred to relevant integrity bodies. Council has the discretion to refuse to deal with a complaint which is otherwise subject to statutory review.

The following types of complaints are out of the scope of this policy:

- complaints or objections about a statutory process with appeal mechanisms, including: planning permits, building permits and infringements;
- complaints about suspected fraudulent, criminal, unethical or corrupt behaviour, which should be reported to the appropriate integrity body;
- complaints about councillor conduct, which have different avenues for addressing conduct issues under the Local Government Act and other legislation; or
- complaints that have already been reviewed by an external agency.

For a more information, please refer to section [4.9 – Other types of complaints and who to contact](#).

2.2. This policy does not apply to service requests. A complaint is distinct from a service request, which is any contact with Council that seeks: assistance; access to a new service; advice or information; or to report an issue. Below are some examples to distinguish the difference between complaints and service requests.

Complaint	Service request
I put my bin out on time this morning and the truck didn't collect it. This is the second week in a row.	I forgot to put my bin out this morning and missed the collection truck. Can you send someone to collect my bin this afternoon?
I called last month about a large fallen tree branch, I've had no response and the branch has not been removed.	A large branch has fallen from a tree in my street, could you please come and remove this?
I reported a pothole on West Road to the Council six weeks ago. I haven't heard anything since, and it still hasn't been fixed.	There is a pothole on West Road. Can you send someone to fix it?
The Council made a decision related to my local area and I believe I was not provided an opportunity to have my say.	I provided feedback during a consultation and my recommendations did not result in a change. Can this process be explained?

3. Authorisation

This Policy is managed by Council's Governance Department, and is approved by the Mayor and Chief Executive Officer (CEO):

Mayor, Frankston City

CEO, Frankston City Council

in accordance with a resolution at a Council Meeting on (date).

4. Policy

4.1. What is a complaint?

A complaint is a written or oral expression to the Council by a person of their dissatisfaction with:

- the quality of an action taken, decision made, or service provided by a member of council staff, or a contractor engaged by the council; or
- the delay by a member of council staff or a contractor engaged by the council in acting, making a decision, or providing a service; or
- a policy or decision made by a Council or a member of Council staff, contractor, or volunteer.

4.2. How to make a complaint

Complaints can be made in any of the following ways:

- Website: frankston.vic.gov.au
- Email: info@frankston.vic.gov.au
- Mail: PO Box 490 Frankston VIC 3199
- Phone: 1300 322 322 during business hours
- In Person: Frankston City Council Civic Centre, 30 Davey Street, Frankston. Open 8.30am - 5pm

4.3. Accessibility

If you need the assistance of an interpreter, please phone 131 450. If you are deaf, hard of hearing and/or have a speech impairment you can contact the Council using the National Relay Service (NRS).

4.4. Complaint details

When making a complaint we encourage you to provide specific details of the issue, which may include:

- name and contact details (if you would like a response)
- the action, decision, service, or policy you are concerned about
- the reason(s) why you are dissatisfied
- relevant dates and times
- location of issue
- any supporting documents
- the outcome you are seeking from making your complaint

4.5. Complaints management process

Council has a four-tiered approach to managing complaints in accordance with the requirements of the Local Government Act and the Victorian Ombudsman Good Practice Guide for public sector agencies.

Throughout this process, we will explain council's role in relation to the issues raised, what will and will not be considered, what will be done to consider the complaint, how the complainant will be involved in the complaint process, the expected timeframes for a response and the possible or likely outcomes.

Tier 1 – Frontline complaint resolution

1. Upon receipt of the complaint a Council officer will ensure all details of the complaint are registered in Council's customer request system (CRM). Acknowledgement will be provided by email or phone based on how the complaint was received and a reference number will be provided within 5 business days.
2. The complaint will be assessed either by a Council officer or an officer who is delegated to handle the complaint. A response and attempt to resolve the complaint at first point of contact or within 5 business days after acknowledgment.
 - 2.1 If the matter is not within Council's remit, the complainant will be advised which agency they should direct their complaint to.
 - 2.2 If the complaint is subject to a statutory process, Council will be limited to Tier 1 resolution as there are appeal rights. The complainant may be referred to the appropriate authority.
 - 2.3 If the complaint is complex, serious, or systemic it will proceed to Tier 2 – investigation.
3. The complainant will be advised of the outcome of the complaint by phone and/or in writing by email and/or mail.

Tier 2 – Investigation

1. If a Council officer cannot resolve the complaint in the first instance the complaint will be assigned to a Council Officer or an officer at a senior level who is delegated to handle the complaint. Acknowledgement will be provided by email or phone based on how the complaint was received and a reference number will be provided within 5 business days.
2. They will review the complaint and obtain the relevant evidence and information to make a fair and objective decision.
 - 2.1 If there is an error, immediate remedial action will be taken if appropriate.
3. A decision will be provided within 28 business days of receiving the complaint for investigation. If more time is needed for a decision to be made, contact will be made with the complainant. A further update will be provided every 28 days after the due date.
4. An outcome letter, which sets out the steps taken and the reasons for the decision will be sent by email and/or mail.
 - 4.1 If the complainant is not satisfied with the outcome or response to the complaint, further investigation will be considered and escalation to a manager or director within the same directorate.
5. If the complainant is still dissatisfied with the response and outcome of the complaint, a request can be made for an internal review of the complaint investigation.

Tier 3 – Internal Review

1. Advice that the complaint has proceeded to internal review will be provided within 5 business days.
2. The complaint will be allocated to an officer at a senior level, who is impartial to the complaint and is independent of the officer who took the action; made the decision; and/or provided the service.
3. The officer will review the complaint process that has occurred and obtain further relevant evidence and information to make a fair and objective decision.
4. An internal review outcome letter will be provided by email and/or by mail within 28 business days. This will include the steps taken and the whether the decision confirms, varies, or reverses the outcome.
 - 4.1. If a decision will take longer than 28 business days, contact will be made to advise of the delay and a further update will be provided every 28 business days.
5. Upon completion of the internal review outcome, an opportunity may be provided for a response from the complainant, or there will be no further correspondence in relation to the review. External review options will be provided at the time of completion.

Tier 4 – External Review

If you remain dissatisfied with the process or outcome of the internal review, you may decide to escalate your complaint to the Victorian Ombudsman or the relevant integrity body. There are several bodies that deal with different types of complaints. Examples are shown below.

Complaint	Organisation to contact
Actions or decisions of a Council, Council staff and contractors.	Victorian Ombudsman www.ombudsman.vic.gov.au

4.6. Complaint progress and outcomes

When you have made your complaint, you can expect that you will:

- have an opportunity to explain your concerns
- be kept up to date with the process of your complaint
- be given expected timeframes to receive communications and decisions
- be provided with explanations for Council decisions and actions
- where errors or improvements are identified, you will be provided with information about the steps taken to address them
- where a decision is reviewed, you will be advised whether the decision is upheld or changed
- be advised of the next steps available to you if you remain dissatisfied

Where a written outcome of the complaint is required and/or requested, we will ensure it:

- uses plain English
- explains the steps Council took to investigate or resolve the complaint
- states the relevant evidence, conclusions, and reasons for the decision
- identifies, admits, and apologises for any mistakes or deficiencies
- sets out any remedies
- includes information about internal or external review options
- can be translated or copied to an advocate to help with the complainants understanding

4.7. Privacy

Council is committed to meeting its privacy obligations and the expectations of the community and will only use and disclose personal information as authorised by law.

Personal information provided by complainants will be used to investigate and resolve their complaint. Non-identifying information about complaints may also be used to identify trends, areas for improvement and for reporting.

A certain amount of personal information will usually need to be shared to enable complaints to be investigated and resolved. This may include providing some information about the complaint and complainant to the officers or business unit who provided the service now subject to review or investigation

4.8. Anonymous complaints

Any complaints made anonymously will keep the identity of the person anonymous and will be investigated in accordance with Council's complaints process. Please note that a response or complaint outcome may not be able to be provided if the person making the complaint wants to remain anonymous and there are no contact details

4.9. Managing complaints respectfully

Managing complaints respectfully is conducted in line with Council's customer service promise. Where the conduct of a customer making a complaint (during a telephone call, in person, in writing, online and via social media) may become unreasonable and it impacts our ability to provide a consistent service or is threatening the health and safety of officers, Council has an [Unreasonable Customer Conduct Protocol](#) to assess and put into action a managed service arrangement for a set period of time.

4.10. Treating complaints fairly

To treat the complaints fairly the complainant will be given sufficient opportunity to present their view, the officer will properly consider and understand the concerns and address new issues.

Any complaints about a Council officer will be referred to the relevant Manager and People and Culture for assessment and appropriate action in accordance with Council's employee conduct policy and

procedures. The officer may be informed of the complaint, given the opportunity to respond, be kept informed of progress on investigation, the outcome and reasons for the decision.

Any complaints about a contractor delivering a council service will be resolved by the relevant contract manager at Council in accordance with the contract terms and conditions and service level agreements.

4.11. Other types of complaints and who to contact

Other types of complaints with statutory processes & appeal mechanisms		
Type of complaint	Visit the following website links for more information	Relevant external bodies
Animal Management	Visit the following pages for more information regarding animal related complaints: - Dogs barking (animal noise) - Dog attacks - Local laws for pet owners	VCAT www.vcat.vic.gov.au Magistrates' Court www.mcv.vic.gov.au
Building report & consent Building notices & orders Building Permits	Visit our report a building issue page for building related matters such as: - report a dangerous building, structure, or emergency - lodge a general building concern or complaint with Council - report a domestic building dispute - lodge a complaint about a registered building practitioner	Building Appeals Board www.buildingappeals.vic.gov.au Victorian Building Authority www.vba.vic.gov.au
Breaches of Local Government Act	Council matters such as: - misuse of position by a councillor - conflict of interest by a councillor, senior council employee or person providing advice to council - disclosure of confidential information - council election offences - nomination of someone not qualified to be a council election candidate - authorisation of electoral material	Local Government Inspectorate www.lgi.vic.gov.au
Child safety	Report a child safety concern related to Frankston City Council to Council's Reportable Conduct Team childsafe@frankston.vic.gov.au For more information visit our child safety page.	Commission for Children and Young People contact@ccyp.vic.gov.au
Councillor conduct	Councillor behaviour and conduct issues are managed via a Councillor Conduct Framework	Local Government Inspectorate www.lgi.vic.gov.au IBAC

	which has various mechanisms for dealing with complaints relating to Councillors. For more information regarding expectations of Councillor conduct, refer to Model Councillor Code of Conduct 2024	www.ibac.vic.gov.au LGV www.localgovernment.vic.gov.au VCAT www.vcat.vic.gov.au
Corrupt conduct	Contact details for the people and bodies which can receive a public interest disclosure are available in the Public Interest Disclosure Policy in accordance with the Public Interest Disclosure Act.	IBAC www.ibac.vic.gov.au
Election offences	Visit our election page for more information.	Local Government Inspectorate www.lgi.vic.gov.au
Election processes	If you have a complaint about election delivery, the Victorian Electoral Commission are responsible for responding to breaches of the Electoral Act.	Victorian Electoral Commissioner www.vec.vic.gov.au
Fire Prevention notices & orders	Visit our Bushfire prevention page to learn more about our Annual Fire Inspection Program.	Fire Rescue Victoria www.frv.vic.gov.au
Freedom of Information Decisions	Visit our Freedom of Information page for more information.	Victorian Information Commissioner www.ovic.vic.gov.au
Health Information	All privacy complaints must be referred immediately to Council's privacy officer for assessment and response privacyofficer@frankston.vic.gov.au For more information visit our privacy page.	Office of Victorian Information Commissioner www.ovic.vic.gov.au
Litter & illegal rubbish dumping	Visit our Litter and illegal rubbish dumping page for more information.	VCAT www.vcat.vic.gov.au
Litter notices & orders	Visit our Litter Infringement page for more information about: • Disputing your infringement • Extension of time • Payment arrangements	Magistrates' Court www.mcv.vic.gov.au
Noise Complaint	Visit our noise complaints page for more information. Visit the EPA website to find out how the law restricts noise from residences, animals and vehicles, including what the prohibited times are.	Environment Protection Victoria www.epa.vic.gov.au
Parking infringements & appeals	Visit our parking infringement page for more information about: • Disputing your infringement	Magistrates' Court www.mcv.vic.gov.au Fines Victoria www.online.fines.vic.gov.au

	• Payment arrangements • Extension of time • Nominating another driver	
Planning	Visit the following pages for more information regarding planning related complaints: • planning investigations • planning objections	VCAT www.vcat.vic.gov.au
Privacy	All privacy complaints including handling of health information must be referred immediately to Council's privacy officer for assessment and response privacyofficer@frankston.vic.gov.au For more information visit our privacy page.	Office of Victorian Information Commissioner www.ovic.vic.gov.au Health Complaints Commissioner www.hcc.vic.gov.au
Traffic and roads	Transport Victoria look after all matters relating to road rules and safety. for matters relating to: • Public transport, roads, paths, and vehicles • Speed limits • Tow truck complaints • Reporting a hazard 13 11 70	Transport Victoria www.transport.vic.gov.au

5. Roles and Responsibilities

All Council officers, volunteers and contractors who have contact with customers

- Familiarise themselves with this policy and Council's complaint management procedure.
- Complete all training and development relating to complaint handling as required.
- Assist all customers in the process of making a complaint.
- If they receive a complaint directly that they ensure that it is registered in the customer request system (CRM).

Chief Executive Officer

- The CEO is responsible for assessing and assigning a complaint for internal review.
- At the conclusion of an internal review, the CEO will provide the outcome in writing.
- The CEO will refer all Tier 1 and 2 complaints to the appropriate business area for investigation.

Councillors

- Councillors are responsible for adhering with this Policy, which takes into account service performance principles and the complaint requirements under the Local Government Act 2020, to avoid breaching the Model Councillor Code of Conduct.
- If a Councillor receives a complaint from a member of the community, they should direct them to Council's customer channels to make a complaint in accordance with this policy.

Council

- Council must follow statutory processes and deal with complaints in accordance with the law.
- Council has the discretion to refuse to deal with a complaint which is otherwise subject to statutory review.

Council officer

- Responsible for clarifying each complaint received, and either resolving the complaint where appropriate or ensuring it is entered into the correct system to be actioned.
- Where a Council officer requires assistance of advice from a supervisor, they will assist and investigate to enable the complaint to be resolved at the first point of contact.
- Complaints that cannot be managed at first point of contact will be assigned for investigation.

Contract Managers

- All officers who are responsible for managing a contractor must ensure that the contractor has a complaint handling procedure and that this is complied with throughout the duration of the contract.

Contractors (Third Party)

- As part of the request for tender or quotation process a contractor/consultant must provide details of their complaints handling procedures.
- Throughout the term of the contract, they must abide by these procedures, unless otherwise specified by the Council contract manager.

Coordinators and Team Leaders

- Support all Council officers to achieve a resolution.
- Investigate and manage any complaints referred to them as part of a tier 2 complaint, including communicating expected resolution timeframes to the customer and keeping them informed of the investigation.
- They may also provide support to Managers during the investigation stage of a tier 2 complaint.

Managers and Directors

- Are responsible for Investigation and management of any complaints referred to them as part of a tier 2 complaint, including communicating expected resolution timeframes to the customer and keeping them informed of the investigation.
- Managers and Directors may need to review a tier 2 complaint as part of the escalation process within their own department or directorate.
- They will inform the customer of their right to escalate the complaint further for internal review if they are not satisfied with the outcome or process.
- Managers and Directors may be required to undertake an internal review as part of a tier 3 complaint at the request of the CEO.

6. Policy non-compliance

Section 107 Complaints Policy of the Local Government Act 2020 outlines the requirements as follows:

- (1) A Council must develop and maintain a complaints policy that includes—
 - (a) a process for dealing with complaints made to the Council; and
 - (b) a process for reviewing any action, decision or service in respect of which the complaint is made; and
 - (c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
 - (d) the prescribed processes for dealing with complaints about the Council; and
 - (e) the prescribed processes for internal review of complaints made to a Council; and
 - (f) the prescribed processes for exercising the discretion referred to in paragraph (c); and
 - (g) any other matter prescribed by the regulations.
- (2) A review process must provide for a review that is independent of—
 - (a) the person who took the action; and
 - (b) the person who made the decision; and
 - (c) the person who provided the service.
- (3) For the purposes of the complaints policy, **complaint** includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with—
 - (a) the quality of an action taken, decision made, or service provided by a member of Council staff, or a contractor engaged by the Council; or
 - (b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or
 - (c) a policy or decision made by a Council or a member of Council staff or a contractor.

(4) A Council must develop the first complaints policy under this section within 6 months of the commencement of this section.

Failure to comply with this Policy may constitute a breach of the Local Government Act 2020 and other relevant legislation.

Non-compliance with this Policy also has the potential to negatively impact on the reputation of individual Councillors, contractors and the Council.

7. Definitions

Chief Executive Officer means the person appointed by a Council under section 44 to be its Chief Executive Officer or any person acting in that position

Complaint means a written or oral expression to the Council by a person of their dissatisfaction with the quality of an action, decision or service provided by Council staff or a contractor; a delay by Council staff or a contractor in taking an action, making a decision or delivering a service; or a policy or decision made by the Council, Council staff or a contractor.

Council means a municipal Council whether constituted before or after the commencement of the definitions of the Local Government Act 2020

Council officer means member of Council staff that is a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) under section 48 of the Local Government Act 2020 to enable a) the functions of the Council under this Act or any other Act to be carried out and b) the Chief Executive Officer to carry out their functions.

Note the Chief Executive Officer is also a member of Council staff.

Councillor means the person who holds the office of a member of Council

Service request means any contact with Council that seeks assistance; access to a new service; advice or information; or to report an issue.

8. Related documents

8.1 Victorian Legislation

- Charter of Human Rights and Responsibilities Act 2006

- Health Records Act 2001
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Public Interest Disclosure Act 2012

8.2 Council policies and protocols

- Customer Service Promise
- Privacy Policy
- Public Interest Disclosure Policy
- Unreasonable Customer Conduct Protocol

Other external publications

- Model Councillor Code of Conduct, Local Government Victoria
- Councils and complaints - A Good Practice Guide, Victorian Ombudsman

9. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council's website and intranet so that it can be referred to by the community and employees of Council, including contractors and agency and/or labour hire staff engaged by Council, Audit and Risk Committee Members, and Councillors.

10. Document History

Date approved	Change type	Version	Next review date
20 September 2021	Policy adopted by Council	1.0	2024
	Policy reviewed and updated to align with legislation and external oversight bodies Updated responsible area to Governance Department	2.0	2029