



Council Policy 5.3.5 – Complaints Resolution

Responsible Directorate	Community and Organisational Development
Responsible Business Unit/s	Communications and Customer Engagement
Responsible Officer	Manager Communications and Customer Engagement
Affected Business Units	All Business Units

Objective

The purpose of this policy is to provide a framework to guide the Shire of Serpentine Jarrahdale in its management and handling of complaints.

Scope

This policy applies to complaints relating to the Shire of Serpentine Jarrahdale and its services relating to:

- Decisions made by employees of the Shire;
- The conduct of employees and contractors of the Shire; and
- Practices, policies and procedures of the Shire.

Policy

1. Policy Statement

- 1.1 The Shire of Serpentine Jarrahdale is committed to managing complaints in a consistent and unbiased manner while ensuring an open and responsive complaints handling process.

2. Implications (Financial, Human Resources)

- 2.1 The Shire's Coordinator Customer Service will manage the Shire's complaints handling processes and reporting, and provide an advisory service in complaint handling and resolution according to *Local Government Act 1995 - Sect 5.120*.
- 2.2 The Coordinator Customer Service, during their course of investigation, may liaise with the Chief Executive Officer, Directors, Managers and Coordinators.
- 2.3 No additional financial implications apply as a result of this policy.

3. Implementation

- 3.1 The Shire is committed to providing quality customer service. Should our customers be dissatisfied with the provision of services or products of the Shire, and/or its contractors, or with the actions of employees, we will actively seek to resolve the complaint at the first point of contact.
- 3.2 This policy aims to ensure that all of our customers have the opportunity to provide feedback to the Shire. To assist with this, the Shire will adopt a Complaints Resolution Business Operating Procedure, which provides clear information about how complaints will be managed in line with guidelines from the Ombudsman Western Australia.



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- 3.3 Complaints will be acknowledged and responded to in a timely manner with objectivity and fairness ensuring that, where required, the Shire provides an appropriate response.
- 3.4 To achieve this, the Shire will:
- Adopt a customer-focused approach that encourages open feedback and a commitment to resolving complaints;
 - Endeavour to ensure that anyone who is dissatisfied with a Shire service or product can easily and simply make a complaint and/or provide feedback;
 - Designate a location to lodge complaints which is visible and easily accessible to customers;
 - Acknowledge complaints;
 - Investigate feedback and complaints courteously and fairly;
 - Respond to complaints in a timely manner and within prescribed timelines set out in its Complaints Resolution Business Operating Procedure;
 - Establish a system for complaint handling that will enable it to identify trends, eliminate causes of complaints and improve operations and customer service;
 - Ensure all employees are aware of the Complaint Resolution Policy and Complaints Resolution Business Operating Procedure.

4. Formal complaint

- 4.1 If a formal complaint is lodged, the Shire will determine complaints as quickly as possible and will keep the complainant (and if applicable, the person who is the subject of the complaint) advised of the progress, details of the resolution and reasons.
- 4.2 The following will not be registered as complaints due to the fact that each of the below is covered under a separate process or policy:
- A request for council services;
 - A request for documents, information or explanation of policies or procedures;
 - A request for the council to exercise a regulatory function;
 - The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
 - A submission relating to the exercise of a regulatory function; and
 - A petition.
- 4.3 The Coordinator Customer Service and/or relevant officers from the Customer Service Team will investigate and may determine to take the following courses of action:



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- Take no further action and give the complainant reason/s;
- Resolve the complaint by use of other appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;
- Discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.

4.4 At a minimum, the following information is to be supplied in order to effectively process the complaint:

- Name and address.
- Contact details.
- Complaint details.
- Date of occurrence of complaint.

4.5 Customer correspondence, telephone conversations or interviews which proceed in an inflammatory manner will not be acted on. Where this occurs, the Shire has the right to terminate conversations or interviews after warning the customer of that intention.

5. Anonymous complaints

5.1 An anonymous customer complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of the Coordinator Customer Service, Manager Governance and/or Manager Human Resources and Organisational Development, constitutes:

- A breach of statutory provisions;
- A breach of an approval, licence or permit;
- A matter for which the Shire is obligated to act, prescribed in the *Local Government Act 1995*, *Corruption Crime & Misconduct Act 2003* or under any other written law (i.e. the Public Interest Disclosure (PID) legislation);
- A matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals or the environment; and
- A matter which is deemed to be capable of investigation and resolution without assistance from the complainant.

6. Complaints regarding Shire of Serpentine Jarrahdale employees

6.1 Complaints relating to employees regarding to the provision of a service or product should be referred to the Coordinator Customer Service to coordinate the investigation process. Complaints that relate to misconduct will be forwarded to the Chief Executive Officer where the complaint is in regard to an employee, and the Shire President where the complaint is in regard to the Chief Executive Officer,



- 6.2 Should a customer specifically state they are making a disclosure under the *Public Interest Disclosure Act* (PID Act) the complaint should be directly referred to the Shire's PID Officer (refer to PID Act, at Paragraph 10).

7. Unreasonable Complainant Conduct

- 7.1 Most complainants who approach the Shire act reasonably and responsibly in their interactions with the Shire, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite the Shire's best efforts to assist them. They may be aggressive and verbally abusive towards Shire employees and even Elected Members. They may threaten harm and violence, bombard the Shire's offices with unnecessary and excessive phone calls and emails, make inappropriate demands on employees' time and the Shire's resources and refuse to accept the Shire's decisions and recommendations in relation to their complaints. When Complainants demonstrate such behaviours the Shire considers their conduct to be 'unreasonable'.
- 7.2 Unreasonable complainant conduct (UCC) 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 the Shire as an organisation, the Shire's employees and Elected Members, other service users and complainants or the complainant. To determine if complainant behaviour and conduct is considered UCC, consideration should be given to the guidelines published by the Ombudsman.

UCC can be divided into five categories of conduct:

- **Unreasonable persistence** – continued, incessant and unrelenting conduct by a Complainant that has a disproportionate and unreasonable impact on the Shire as an organisation, Shire employees and/or Elected Members, services, time and/or resources.
- **Unreasonable demands** – are any demands (express or implied) that are made by a Complainant that have a disproportionate and unreasonable impact on the Shire as an organisation, the Shire's employees and Elected Members, services, time and/or resources.
- **Unreasonable lack of cooperation** – is an unwillingness and/or inability by a Complainant to cooperate with the Shire, Shire employees (or agents), complaint system and processes that results in a disproportionate and unreasonable use of the Shire's services, time and/or resources.
- **Unreasonable arguments** – include any arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, trivial or delirious and that disproportionately and unreasonably impact on the Shire as an organisation, Shire employees and/or Elected Members, services, time and/or resources.
- **Unreasonable behaviours** – is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a Complainant is – because it unreasonably compromises the health, safety and



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security of the Shire's employees and/or Elected Members, other service users or the Complainant.

7.3 UCC incidents will be managed in line with *Council Policy 1.1.12 - Habitual or Vexatious Complainants*.

8. Complaints regarding Elected Members

8.1 The Local Government (Rules of Conduct) Regulations 2007 provides a disciplinary framework to deal with individual misconduct by local government council members.

8.2 Any person may make a formal complaint about an Elected Member for a minor or serious breach under the Local Government (Rules of Conduct) Regulations 2007. The Complaint must be made on the relevant Form 1 or 2, available from the Shire of Serpentine Jarrahdale or the Department of Local Government and sent to the Chief Executive Officer.

9. Allegations of Misconduct – Corruption and Crime Commission

9.1 Allegations concerning misconduct will be dealt with independent of the Shire's complaint handling process.

9.2 In the first instance they will be referred directly to the Chief Executive Officer where the complaint is in regard to an employee, and the Shire President where the complaint is in regard to the Chief Executive Officer, including whether there are reasonable grounds for notification to the Crime and Corruption Commission or the Police. Further information is available from the Commissions website – www.ccc.wa.gov.au.

10. The Public Interest Disclosure Act 2003 - (PID ACT)

10.1 The PID Act is designed to facilitate the disclosure of suspected misconduct by public officers. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.

10.2 Before making a disclosure it is important that a person is aware of the rights and responsibilities imposed on the individual and others under the Act. Further information can be found at the Public Sector Commission's (PSC) website: <https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures>

11. Complaints in regard to Breaches of the Local Government Act 1995



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11.1 The Department of Local Government, Sport and Cultural Industries (the Department) has a complaints handling system for the management of complaints received from local governments, residents and other agencies for a variety of matters such as local government administrative procedures and breaches of the *Local Government Act 1995*.

11.2 Complaints in this category will be dealt with independent of the Shire's complaint handling process and should be sent to the Department directly. Their procedure for managing complaints is available from their website – www.dlg.wa.gov.au.

12. Complaints to the Ombudsman and Third Party Agencies

12.1 The Ombudsman can investigate complaints about most Western Australian public authorities, including local governments. Generally the Ombudsman will investigate actions or decisions where the decision maker has:

- Acted outside their legal authority;
- Not followed policy, or applied its policy inconsistently;
- Did not consider all the relevant information, or considered irrelevant information;
- Unreasonably delayed making a decision or informing the complainant of the decision; or
- Failed to notify the complainant of the decision or did not provide reasons for a decision.

12.2 The Shire may be required to provide information to the Ombudsman and the Coordinator Customer Service will coordinate this process. All final responses to the Ombudsman will be signed by the Chief Executive Officer.

12.3 The Shire will register complaints which are made to other third party agencies, for example Ombudsman Western Australia, the WA Planning Commission or State Administrative Tribunal (SAT) within the Shire's record keeping system, Content Manager (CM).

13. Privacy and Confidentiality

13.1 Personally identifiable information concerning the complainant will not be made publicly available to the offending party except to the extent required in law and/or with the express consent of the complainant.

13.2 Appropriate security will be utilised within Shire's Content Manager and OneComm CRM system. Customers seeking anonymity should note that the Shire cannot guarantee that they will not be identified during investigation, and as such, it is the customers right to decide if they would like to proceed with the complaint.

14. Review and appeals



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14.1 A complainant has a right to request a review of a process of investigation and/or decision.

14.2 Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the Shire, the complainant may request a secondary review. However, this should only be supported when new information is presented that was not already initially considered. If no new information is presented for review the customer will be informed of the most appropriate external body such as the Western Australia Ombudsman or the Department of Local Government, Sport and Cultural Industries.

15. Reporting

15.1 Quarterly reporting to the Shire's Executive Management Group will be developed outlining complaint trends, outcomes and mitigation strategies.

Definitions

Complaint means a dissatisfaction with the services or products of the Shire and its contractors, or with the actions of employees or Council in the provision of those services or products. A complaint **is not a** request for a service to be delivered or a complaint against another resident.

Complainant means a person, organisation or its representative, making a complaint.

Feedback information about reactions to a product, service or a person's performance of a task, which is used as a basis for improvement.

Formal complaint is when, at a minimum, the following information is supplied in order to effectively process the complaint:

- Name and address.
- Contact details.
- Complaint details.
- Date of occurrence of complaint.

Misconduct occurs when a public officer abuses their authority for personal gain, causes detriment to another person, or acts contrary to the public interest (Source: Corruption and Crime Commission)

Vexatious denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.

Relevant Policies/Council Documents

- Strategic Community Plan 2017-2027
- Code of Conduct
- Customer Service Charter
- Council Policy 1.1.12 - Habitual or Vexatious Complainants



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Legislation/Local Law Requirements

- Local Government Act 1995
- Australian Standard Guidelines
- Ombudsman Western Australia Guidelines

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	