

Introduction

Complaints are an important information resource that deliver insights to public perceptions and experiences related to Council decisions, service delivery, actions and programs initiated by the Shire of Capel (the Shire).

The community has a strong expectation that when a complaint is made to the Shire, responses will occur in a timely, fair, objective, and equitable manner.

The Shire is committed to effective complaint resolution and views all community feedback as a valuable tool for identifying opportunities for improvement.

Purpose

To establish a systematic framework for the Shire to manage complaints regarding any dissatisfaction with a process or action undertaken, product provided, or service offered by the Shire.

Policy statement

A complaint for the purpose of this policy is defined as “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (AS/NZS 10002-2014 Guidelines for Complaint Management in Organisations).

A complaint is not:

- A service or maintenance request.
- Any matter relating to a dispute with another resident.
- A request for information.
- An appeal or action in accordance with procedures prescribed by statute or regulation.
- A petition; or
- A reasonable resolution of a matter that is inconsistent with a community members expectation.

1. Making a complaint

Complaints can be lodged via the complainant’s preferred channel, such as phone, email, in person, via “let us know” on the Shire website or hardcopy Feedback Form available at the Shire Customer Service desk.

Relevant information must be provided to enable the Shire to investigate and respond properly to complaints. At a minimum, the complainant needs to provide their name, contact details, what the complaint is about, when and where the issue has occurred.

2. Complaint management principles

- a. Anyone who is dissatisfied about a Shire service or product may make a complaint.
- b. Complaints can be made without fear of retribution.
- c. Complaints will be responded to in a timely manner.
- d. Complaints will be managed in a fair, objective, equitable and consistent manner.
- e. The confidentiality and privacy of complainants will be protected.
- f. The Shire will ensure the application of natural justice.
- g. The Shire will analyse complaints data to improve service delivery where possible.

3. Timeliness

All complaints received will be processed within the time frames specified in the Shire's Customer Service Charter.

- a. Complaints will be responded to within 10 working days.
- b. Complainants will be notified if their complaint cannot be resolved within 10 working days, with reasons why and the expected time frames.

4. Risk

Complaints will be assessed in accordance with the Shire's Risk Management Framework on the following:

- a. Public health and safety.
- b. Seriousness and severity of the matter.
- c. Frequency of occurrence; or
- d. The need for immediate attention.

5. Confidentiality

The Shire respects the privacy of its customers and stakeholders. Personal identifiable information related to a complaint will be remain confidential, only kept, and used for the purposes of addressing the complaint and any follow up actions within the organisation.

The Shire will only disclose customer or stakeholder information to third parties in the following circumstances:

- a. With the consent of the customer or stakeholder, expressed or implied.
- b. As required by law; or
- c. To complete the purpose or function for which the information was provided.

6. Recording of complaints

The Shire will collect and register all relevant information in relation to customer complaints within the Shire's business systems.

7. Particular cases

- a. Anonymous complaints
Anonymous complaints shall only be considered and to the extent that they involve safety or security issues. Otherwise, anonymous complaints shall be disregarded.
- b. Complaints made on behalf of others.

The customer can nominate another person to make a complaint on their behalf. The Shire may require the person affected to provide written confirmation for another person to act on their behalf.

c. Complaints about Councillors

If a complaint concerns an Elected Member, it should be referred in the first instance to the Chief Executive Officer for appropriate directions and/or action. If the complaint is referring to a breach of Conduct, the Chief Executive Officer will act in accordance with the Council Code of Conduct.

d. Allegations of Serious Misconduct

Allegations concerning criminal, corrupt or serious improper conduct will be dealt with independently of the complaint handling process. In the first instance they will be referred directly to the Chief Executive Officer for determination, including whether reasonable ground for notification to the Anti-Corruption Commission or referral to the Police. In other instances, the Chief Executive Officer may refer the complaint to the Shire's Public Interest Disclosure-Officers.

e. Public Interest Disclosure

A Public Interest Disclosure is a report of wrongdoing made under the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting to identify and address wrongdoing.

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer, or public sector contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
 - improper conduct; or
 - an act or omission that constitutes an offence under a written (State) law; or
 - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or
 - an act done or omission that involves a substantial and specific risk of
 - ♣ injury to public health; or
 - ♣ prejudice to public safety; or
 - ♣ harm to the environment; or
 - a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia)

The Shire has appointed Public Interest Disclosure Officers to manage complaints in accordance with the PID Act.

f. Unreasonable complainant conduct (UCC)

The Ombudsman Western Australia classifies UCC into three broad groupings.

- i. Habitual or obsessive conduct. This includes behaviour by a person who:
- Cannot 'let go' of their complaint.

- Cannot be satisfied despite the best efforts of the agency; and
 - Makes unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other complainants).
- ii. Rude, angry, and harassing conduct.
 - iii. Aggressive Conduct.

The Shire may manage the UCC by placing a reasonable and proportionate limitation on one or more of the following:

- The subject matter of communications, such as where the Shire believes that an issue has been addressed.
- The timing of communications, including time of day, and frequency and/or duration of contact with the Shire.
- Access, such as restricting or prohibiting entry to Shire premises.
- The forms in which the complainant may contact the Shire, such as for contact to only be in writing; and
- Any other limitation which is reasonable and appropriate and satisfies legislative requirements.

The decision to manage a complainant's communication as UCC will be made by the Chief Executive Officer and the complainant will be informed.

8. Resolving the complaint

The Shire will investigate and resolve a complaint in an efficient manner. The decision made or action taken regarding the complaint will be communicated to the customer as soon as the investigation is completed.

9. Reviewing the complaint

a. Internal independent review of the complaint

- i. When the customer is not happy with how the complaint is resolved in the first instance, they can apply for a review of the complaint. The review will be undertaken by the relevant Executive Manager.
- ii. The Executive Manager will consider all the relevant information and examine how the decision was reached, before providing the customer with a reviewed outcome.
- iii. If the customer is still unsatisfied with the investigation, the matter may be escalated to the Chief Executive Officer, for further internal review.

b. External review

Not all complaints can be resolved to the satisfaction of the customer. If the customer is not satisfied with the way that the Shire dealt, with the complaint, they may escalate the matter to the West Australian Ombudsman's Officer, Public Sector Commission or the Department of Local Government, Sport, and Cultural Industries.

The Shire will work cooperatively with these external agencies as appropriate to assist in the resolution of the external review.

10. Freedom of Information

The Shire will assist the public to obtain access to documents held by the Shire in accordance with the *Freedom of Information Act 1992 (WA)*. For more information, please refer to the Freedom of Information page on the Shire website.

Application

This policy applies to all Elected Members, staff and contractors delivering services on behalf of the Shire.

Procedure

Department:	CEO's Division	Next review:	December 2022
Reviewer:	CEO	Legislation:	Corruption and Crime Misconduct Act 2003 (WA) Freedom of Information Act 1992 (WA) Local Government Act 1995 (WA) Local Government Rules of Conduct Regulations 2007 (WA) Privacy Act 1998 (Cth)
Adopted:	Minute OC253/20, 16.12.20	Delegation:	
Amended:	Minute OC/2023/6, 25.01.23	Risk:	
Policy ref #:		Version:	2
