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## GOVERNANCE POLICIES

# Comprehensive Complaints Response



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Policy Number:	G5
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	23 August 2022

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### **POLICY OBJECTIVE:**

To provide a framework to guide the Shire of York, residents and ratepayers in the management and handling of complaints and provide guidance to the management and handling of persistent or unreasonable complaints. The framework will provide the basis for consistency, clear principles and clear procedures for the lodging, investigation, resolution, reporting and implementation of decisions relating to complaints made to the Shire of York.

To establish a mechanism where complaints about levels of service can be used as inputs into future strategic, annual and financial planning analysis and decision-making by Council.

The Shire of York also has a duty of care as an employer to ensure that staff are not applying a disproportionate amount of time and resources to an issue or person as this may cause unnecessary stress and distraction from regular duties.

### **POLICY SCOPE:**

This policy applies to all Elected Members, employees and consultants or contractors engaged to provide services to the Shire of York.

### **POLICY STATEMENT:**

#### **INTRODUCTION**

The Shire of York aspires to provide a high level of service to its residents and ratepayers, to provide them with accessible and inclusive democratic services and to do so in a manner that is positive and respectful of members of the community.

The Shire recognises that from time to time members of the community may not be satisfied with Council services, processes and decisions. It also recognises that there needs to be a clear, simple and accountable process available to people to lodge any complaint they may wish to make which provides assurance that responses will be considered objectively and a positive outcome actively sought.

The Shire also takes the view that complaints can provide useful information and insights into community aspirations about future levels of service and into how existing processes, delivery and communication to the community about services can be improved.

#### **PRINCIPLES**

A complaint is an expression of dissatisfaction about a Council service or action, accompanied by a request for redress. This redress might take the form of seeking a particular outcome for the individual making the complaint, or a more general desire to see a change to Council services and procedures.

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The following will not be classified as a complaint:

- (a) Requests for service.
- (b) Requests for information or explanations of policies or procedures.
- (c) Allegations of unlawful activity or nuisance occurring on private land.
- (d) Appeal or objection in accordance with standard procedure of policy (ie *Local Government Act 1995* S9.1 – Decisions).
- (e) A neighbourhood dispute.

The Shire of York will:

- (a) ensure the complaint is assigned to an officer with the authority to deal with the complaint.
- (b) resolve complaints in a timely manner.
- (c) ensure complaints can be lodged without fear of retribution.
- (d) assess complaints in a fair, objective and professional manner.
- (e) ensure application of natural justice.
- (f) integrate complaints information into business improvement processes.
- (g) ensure the confidentiality and privacy of complainants will be protected.

## PROVISIONS

### 1. LODGING OF COMPLAINTS

1.1 Service complaints can be made by completing a service complaint form and submitting it:

- (a) in writing, via post to PO Box 22 York 6302 or emailed to [records@york.wa.gov.au](mailto:records@york.wa.gov.au).
- (b) via the Shire website.
- (c) in person at the Shire office.
- (d) by telephone.

Complainants are encouraged to lodge their complaint in writing but if made by telephone, the complainant will need to provide their name and contact details and information about their particular concerns.

For complaints relating to Elected Members, Committee Members or Candidates please refer to Policy E1 Code of Conduct: Council Members, Committee Members & Candidates and Policy E11 Council Code of Conduct Division 3 Complaint Handling Policy.

### 2. ANONYMOUS COMPLAINTS

2.1 Anonymous complaints will not be investigated unless:

- (a) it raises a serious matter such as a public health or safety risk
- (b) there is sufficient information to conduct an inquiry

2.2 The Shire of York is unable to verify information or communicate the outcome of the complaint without knowing the full identity of the complainant.

### 3. GENERAL COMPLAINT MANAGEMENT

3.1 Priority will be given to complaints with high risk.

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- 3.2 Personal information related to the complaint will be kept confidential in accordance with the *Freedom of Information Act 1992*.
  - 3.3 All complaints received by Elected Members are to be forwarded to the Chief Executive Officer.
  - 3.4 All correspondence relating to a customer complaint must be recorded in the records and information management system. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.
  - 3.5 A register of complaints in relation to minor breaches will be kept in accordance with legislative requirements.
  - 3.6 All complaints will be acknowledged within the time frames provided in the Customer Service Charter.
  - 3.7 Performance will be measured using the response and resolution Key Performance Indicators as outlined in Appendix 1.

#### **4. COMPLAINTS AGAINST EMPLOYEES**

- 4.1 A Complaint against an employee is considered confidential under the *Freedom of Information Act 1992* and the complainant will not be advised of the outcome unless required by law.
- 4.2 Any complaint in relation to the Chief Executive Officer will be forwarded to the Shire President for consideration and action.
- 4.3 If the complaint alleges illegal or corrupt action, the Chief Executive Officer/President will automatically refer the matter to the relevant external agency.

#### **5. COMPLAINTS AGAINST ELECTED MEMBERS**

- 5.1 For complaints relating to Elected Members, Committee Members or Candidates please refer to Policy E1 Code of Conduct: Council Members, Committee Members & Candidates and Policy E11 Council Code of Conduct Division 3 Complaint Handling Policy. If the complaint alleges illegal or corrupt action, it will automatically be referred to the relevant external agency.
- 5.2 All subsequent processes will be followed as provided for in the *Local Government Act 1995*.

#### **6. PERSISTENT OR UNREASONABLE COMPLAINANTS**

The Ombudsman Western Australia 2009 Guidelines identify that an organisation may experience what it terms 'Unreasonable Complainant Conduct' falling across three bands of behaviour:

- (a) habitual or obsessive complainants - this includes people who:
  - i. cannot 'let go' of their complaint.
  - ii. cannot be satisfied despite the best efforts of the agency.
  - iii. make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers).
- (b) rude, angry and harassing complaints.
- (c) aggressive complaints.

The Guidelines set out a framework for dealing with these behaviours.

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## 7. INFORMATION INPUTS INTO STRATEGIC PLANNING OR ORGANISATION IMPROVEMENT

7.1 As part of any future integrated planning process or organisation improvement process, complaints will be reviewed to identify any emerging themes in relation to levels of service aspirations or procedures and standards, as inputs into those processes. Information will only be used in an aggregated form and the confidentiality of complainant information will be fully protected.

### PENALTIES:

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided.
- a disciplinary matter.
- misconduct.

Individual officers and/or the Shire of York may also be penalised under legislation such as the *Freedom of Information Act 1992*.

### KEY TERMS/DEFINITIONS:

**Complaint** means an expression of dissatisfaction about a Council service or action, accompanied by a request for redress.

**Redress** means to remedy or compensate for a wrong or grievance.

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Responsible Officer:	Chief Executive Officer
Contact Officer:	Chief Executive Officer
Relevant Legislation:	Local Government Act 1995 Freedom of Information Act 1992
Related Documents:	E1 Code of Conduct: Council Members, Committee Members & Candidates E11 Council Code of Conduct Division 3 Complaint Handling Policy O8 Employee Code of Conduct Customer Service Charter

Review History:

Date Review Adopted:	Resolution Number
Reviewed – 24 October 2016	
Reviewed – 25 November 2019	
Reviewed – 23 February 2021	130221
Reviewed – 27 July 2021	160721
Reviewed – 23 August 2022	150822
<b>Former Policy No:</b>	G2.1

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## APPENDIX 1

### KEY PERFORMANCE INDICATORS

**Initial follow-up phone call:**

Within 2 working days of receipt of complaint

**Initial Letter of Acknowledgement:**

Within 5 working days of receipt of complaint

**Final Decision Letter (or first update letter):**

Within 20 working days of receipt of complaint

**Subsequent follow-up letters/ contact if needed:**

Maximum intervals of 20 working days

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