
GOVERNANCE POLICIES

Comprehensive Complaints Response



Policy Number:	G5
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	27 July 2021

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 Councillors.

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.

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:

- (f) ensure the complaint is assigned to an officer with the authority to deal with the complaint.
- (g) resolve complaints in a timely manner.
- (h) ensure complaints can be lodged without fear of retribution.
- (i) assess complaints in a fair, objective and professional manner.
- (j) ensure application of natural justice.
- (k) integrate complaints information into business improvement processes.
- (l) 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 the Shire address 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.

- 1.2 Complaints relating to Elected Members, Committee Members or Candidates can be made by completing the Complaint About Alleged Breach Form (Appendix 2) or Behaviour Complaint Form (Appendix 3) and submitting it:
- (a) in writing, via post to PO Box 22 York 6302 or emailed to the Shire address records@york.wa.gov.au.
 - (b) via the shire website.
 - (c) in person at the Shire office.

See section 5 below for guidance on which form to use.

2. ANONYMOUS COMPLAINTS

- 2.1 Anonymous complaints will not be investigated unless:
 - (a) it raises a serious matter eg 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.
- 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 (section 5 below) 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 of York 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 a relevant outside agency.

5. COMPLAINTS AGAINST ELECTED MEMBERS

- 5.1 Any complaint in relation to an Elected Member or the Shire President is to be provided on the approved form for complaints.
 - 5.2 The Complaint About Alleged Breach Form (Appendix 2) is to be used for instances where the accused breaches the *Local Government (Model Code of Conduct) Regulations 2021*.
 - 5.3 The Behaviour Complaint Form (Appendix 3) is to be used for instances where the accused breaches the Shire of York's E1 Code of Conduct: Council Members, Committee Members & Candidates.
 - 5.4 The complaint will be forwarded to the Chief Executive Officer as provided for under Division 9, Part 5 of the *Local Government Act 1995* for consideration and action.
 - 5.5 If the complaint alleges illegal or corrupt action, the Chief Executive Officer will automatically refer the matter to a relevant outside agency.
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5.6 All subsequent processes will be followed as provided for under Division 9, Part 5 of 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.

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.

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
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
Former Policy No:	G2.1

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

APPENDIX 2



COMPLAINT ABOUT ALLEGED BREACH FORM

File No: _____

Record No: _____

Code of conduct for council members, committee members and candidates

Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021

- NOTE:** A complaint about an alleged breach must be made —
- (a) in writing in the form approved by the local government
 - (b) to an authorised person
 - (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:

Name: _____

Given Name(s)

Family Name

Contact details of person making the complaint:

Address: _____

Email: _____

Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Date of alleged breach:
_____ / _____ / 20_____
SIGNED:
Complainant's signature:
Date of signing: _____ / _____ / 20_____
Received by Authorised Officer
Authorised Officer's Name:
Authorised Officer's Signature:
Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to: records@york.wa.gov.au or PO Box 22 York WA 6302

APPENDIX 3



**BEHAVIOUR COMPLAINT
FORM**

File No: _____

Record No: _____

Shire of York Code of Conduct for Council Members, Committee Members and Candidates

Name of Person Making the Complaint			
Complainant Name: <i>Given Name/s and Family Name</i>			
Contact Details			
Residential Address:			
Postal Address:			
Phone:	Day-time:		Mobile:
Email:			
Complaint Details:			
1.	Insert Name of Person alleged to have committed a behavior breach:		
2.	Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:	Council Member of the Shire of York	<input type="checkbox"/>
		Member of a Committee of the Shire of York	<input type="checkbox"/>
		Candidate for election at the Shire of York	<input type="checkbox"/>
3.	Date that the alleged behaviour breach occurred:		
4.	Location where the alleged behaviour breach occurred:		
5.	Which of the behaviours prescribed in Division 3 of the Shire of York’s Code of Conduct do you allege this person has breached?		
	Clause 8. Personal integrity		
	(1) A council member, committee member or candidate —		
	(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>	
	(b) must only publish material that is factually correct	<input type="checkbox"/>	
(2) A council member or committee member —			
	(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>	

7	List any additional information you have provided as part of this complaint: <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>								
9	Have you made any efforts to resolve the complaint with the Respondent? <i>Please note, you MUST complete this section</i>								
YES	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>							
NO	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>							
10	<p><i>The Shire of York allows for the Complainant and the Respondent to be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Complaints Officer if you would like more information.</i></p> <table border="1" data-bbox="209 1473 1444 1626"> <tr> <td data-bbox="209 1473 1233 1552">Would you agree to participate in an Alternative Dispute Resolution process?</td> <td data-bbox="1233 1473 1369 1552">YES</td> <td data-bbox="1369 1473 1444 1552"><input type="checkbox"/></td> </tr> <tr> <td></td> <td data-bbox="1233 1552 1369 1626">NO</td> <td data-bbox="1369 1552 1444 1626"><input type="checkbox"/></td> </tr> </table>			Would you agree to participate in an Alternative Dispute Resolution process?	YES	<input type="checkbox"/>		NO	<input type="checkbox"/>
Would you agree to participate in an Alternative Dispute Resolution process?	YES	<input type="checkbox"/>							
	NO	<input type="checkbox"/>							
11	Desired outcome of the Complaint <i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i>								

COMPLAINANT <i>please sign and date</i>	
Signature:	
Date:	

Please submit completed Behaviour Complaint to:

The Shire of York's Complaints Officer:

Mailing Address: PO Box 22, York WA 6302

Email Address: records@york.wa.gov.au

In person: 1 Joaquina Street, York WA 6302

Office Use Only

Authorised Officer's Name:	
Authorised Officer's Signature:	
Date received:	