

AN UNSUSTAINABLE PATH,
YORK SHIRE COUNCIL HEADING FOR INSOLVENCY

\$807,824.00 Since 01 March 2014 and 2014 – 15 Financial Year

Fitz Gerald \$38,380

Mike Fitz Gerald

Legal \$140,354

69K Feinauer
25K Civic Legal
15K FOI Counsel
12K Mediation
12K Macri Audit (credit cards)
5K LGIS (excess)

Consultants to Replace Staff \$ 393,000

153K LOGO and CEO payouts (Hooper and Keeble) *NB/ additional to usual \$167 ceo salary*
86K Hendry Consulting Building Surveyors
30K GHD (Engineering and Planning)
32K Town Planning Consultants
71K (Civil Engineering)

Staff Payouts \$77,090

29 090 Manager Works and Services
25,000 Manager Planning } plus car and house for 3 months
23,000 Building Surveyor }

PPR \$33,000

Brand reputation management and corporate communication

Governance \$126,000

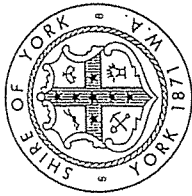
Commissioner \$51 K
Elected Members \$75 K

TOTAL \$807,824.00 (includes GST)

EXCLUDES

- Opportunity costs – eg EDO generating income
- Reduce level of customer service
- Staff replacement costs
- Loss of corporate knowledge
- Advertising costs for positions

- Lost staff time chasing complaints...



SHIRE OF YORK
Freedom of Information
Cost to Shire of York

ESTIMATED ANNUAL EXPENDITURE

Staff 1 - Administrative/Research - 22 hrs/wk	\$	33,439
Staff 2 - Research/Liaison/Meetings	\$	23,712
Staff 3 - Liaison/Meetings	\$	9,880
Superannuation	\$	9,720
Workers Comp	\$	5,036
Training	\$	700
Computers	\$	2,500

Sundry - Photocopying/Paper/Stationery/Utilities

Total Estimated Costs \$ **84,986**

Comments:

Plus additional Consultant Fees approx. \$4,000 per month as required depending on number of FOI applications and complexity.



Dealing with Unreasonable Conduct

Policy Owner:
Person Responsible:
Date of Origin: 6th July, 2015
Endorsed: (This now includes the Council Resolution Number)
Version:

OBJECTIVE

The objective of this policy is to:

1. Provide a framework for the Shire to deal with people who are defined in the policy as unreasonable.
2. Re-inforce the Customer Service Procedures and the collected values of the staff.

POLICY STATEMENT

1. Policy Statement of the Shire of York is committed to:
 - a) Ensuring that all members of the public are treated fairly and reasonably.
 - b) Providing guidance, education and training as appropriate for staff and Councillors in dealing with the public.
 - c) Ensuring that Shire resources are used efficiently and effectively when dealing with members of the public.

2. Scope

This policy relates to all dealings with people by the Shire of York (staff and Councillors) and in particular those unreasonable people who:

- cannot be satisfied, or
- make unreasonable demands, or
- constantly raise the same issue with different staff, or
- are rude, abusive or aggressive.

3. References

- a) Customer Service Charter
- b) Complaints Handling Policy
- c) Local Government Act 1995
- d) Freedom of Information Act

- e) WA Ombudsman Publication -'Dealing with Unreasonable Complainant Conduct'
- f) Department of Local Government

4. Definitions

For the purpose of this policy the term 'Customer' is to include persons who:

- Purchase goods and services from the Shire
- Seek information
- Lodge a complaint about Shire activities and services
- Consumers of free services offered by the Shire

Conduct that can be unreasonable includes:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of co-operation
- unreasonable arguments
- unreasonable behaviour
- abuse of process

5. Policy

Service Commitment

5.1 Shire staff will strive to meet the needs of our public in a professional and ethical manner with courteous and efficient service. Staff and Councillors shall:

- treat all people with respect and courtesy;
- listen to what people have to say;
- respond to enquiries promptly and efficiently;
- act with integrity and honesty when liaising with people;
- consult customers and consumers about service needs.

5.2 Customers are to treat staff and Councillors with respect and courtesy

Customers Who Cannot Be Satisfied

5.3 Customers who cannot be satisfied include members of the public or groups who do not accept that the Shire is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action the Shire has taken in relation to their complaint or concern. This category extends to customers who abuse lawful processes including but not limited to those provided under Local Government Act and the Freedom of Information Act.

5.4 If in the opinion of the **Chief Executive Officer** a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email or fax and/or visit Council the following actions may be taken:-

- a) the Chief Executive Officer may write to the customer restating the Shire's position on the matter and advising that if the customer continues to contact the Shire regarding the matter the Shire may:
 - i) not accept any further phone calls from the customer;
 - ii) not grant any further interviews;
 - iii) require all further communication to be put in writing;

- iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - the customer provides significant new information relating to their complaint or concern; or
 - the customer raises new issues which in the Chief Executive Officer's opinion, warrant fresh action.
- b) the Chief Executive Officer shall advise Council of a person who is deemed to be 'a customer who cannot be satisfied', the customer's concerns and any proposed management strategy by Shire officers.
- c) the customer shall be given an opportunity to make representations to the Chief Executive Officer about Shire's proposed course of action.
- c) if the customer continues to contact the Shire after being advised of the Shire's proposed course of action, the Chief Executive Officer may, after considering any representations from the customer, advise the customer that any or all of points i)-iv) above will now apply.

Customers Who Make Unreasonable Demands

- 5.5. Customers who make unreasonable demands include members of the public whose demands on the Shire start to significantly and unreasonably divert the Shire's resources away from core functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
- 5.6. If in the opinion of the Chief Executive Officer a customer is making unreasonable demands on the Shire and the customer continues to write, telephone and/or visit the agency the following actions may be taken:
 - a) The Chief Executive Officer may write to the customer advising them of the Shire's concern and requesting that they limit and focus their request and that if the customer continues to place unreasonable demands on the organisation the Shire may:
 - i) not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period.
 - b) the customer shall be given an opportunity to make representations to the Chief Executive Officer about Council's proposed course of action.
 - c) if the customer continues to contact Council after being advised of Council's proposed course of action, the Chief Executive Officer may, after considering any representations from the customer, advise the customer that either or both of points i)-ii) above will now apply.
 - d) the Chief Executive Officer shall advise Council of any correspondence issued in accordance with clause 5.6 (a).

Customers Who Constantly Raise The Same Issue With Different Staff

- 5.7. If in the opinion of the Chief Executive Officer a customer is constantly raising the same issues with different staff the following actions may be taken:
- a) the Chief Executive Officer may notify the customer that:
 - i) only a nominated staff member will deal with them in future;
 - ii) they must make an appointment with that person if they wish to discuss their matter; or
 - iii) all future contact with Shire must be in writing.
 - b) the customer shall be given an opportunity to make representations to the Chief Executive Officer about the Shire's proposed course of action.
 - c) the Chief Executive Officer shall advise Council of any notification issued in accordance with clause 5.6 (a).

Customers Who Are Rude, Abusive or Aggressive

- 5.8. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
- 5.9. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
- a) warn the customer that if the behaviour continues or occurs again at any time the conversation or interview will be terminated, and
 - b) terminate the conversation or interview thereafter if the rude, abusive or aggressive behaviour continues or occurs again at any time after a warning has been given.
- 5.10. Where a conversation or interview is terminated in accordance with Clause 5.9 (b), the staff member must notify the Chief Executive Officer or the relevant Manager of the details as soon as possible.
- 5.11. If in the opinion of the Chief Executive Officer any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon unless it is regarded by the Chief Executive Officer as being serious enough to warrant forwarding to another authority e.g. Police, or other Government Agency.

General

- 5.12. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Shire file.
- 5.13. Where the Chief Executive Officer determines to limit a customer's access to the Shire in any of the ways specified in this policy, the Chief Executive Officer will advise Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Local Government and the appropriate Government Agency for information.

Related Delegation:

Related Local Law:

Related Policies:

Related Budget Schedule:

Last Reviewed:

Next Review Date: