



2. CORPORATE POLICIES

2.3 OTHER CORPORATE

2.3.10 Complaints System

Background & Issues

It is important to differentiate between a “customer request” for service and a “complaint”.

A “customer request” is part of the normal business operation of the Shire (such as noise levels, dangerous dogs, pot holes, grading, flooding, rubbish bins, stray animals, vegetation overhanging fence lines etc).

A “complaint” is an expression of dissatisfaction made to an organisation, related to its products, or the complaints handling process itself, where a response is explicitly or implicitly expected.

A “complaint” may result from failure to respond to a customer request in a reasonable time or to a suitable standard. A “complaint” may also concern the behaviour of Councillors, employees, Shire contractors, the failure to meet service standards or dissatisfaction with a decision of the Council (such as due process not followed or Council acted beyond its powers).

Objectives

The key objective of this policy is to provide a mechanism by which complaints can be amicably resolved. The features of an effective complaints handling system should reflect:

- Visibility
- Accessibility
- Responsiveness
- Free of charge
- Objectivity
- Confidentiality
- Customer focused
- Continuous improvement
- Accountability

The principle of natural justice is supported. Complaint investigations and resolutions are to be fair, accessible and responsive with each case considered on its merits, paying due care to individual differences and needs. There should be no conflict of interest arising.

The complaint system also provides staff with guidance in handling nuisance or vexatious complaints or unreasonable conduct by complainants.

Area of Application

This policy does not apply in the following situations where other restitution methods are available to complainants:

- Complaints about Councillors where specifically covered by Councillor conduct provisions of the *Local Government Act 1995* or Council Policy 1.1.4;
- Complaints about decisions of the Council where the complainant has a right of appeal to the State Administrative Tribunal;
- Specific matters whereby remedies are available under other legislation;

2 CORPORATE POLICIES
2.3 OTHER CORPORATE
2.3.10 Complaints System

- Appeals for infringements where an appeals committee exists;
- Any matters currently before the Department of Local Government and Communities, a court, ombudsman or Commission;
- Staff matters which fall within the jurisdiction of Industrial Relations courts; and
- Complaints concerning internal disputes of other organisations including “not-for-profit” community bodies.

Policy Measures

1. Information on complaints system

Information about the complaints system is to be readily available to customers both in a hard copy brochure format at both the Administration Centre and the Shire Depot and in an electronic format on the Shire’s web site.

2. Fees and Charges

The complaints handling system is to be free of charge to complainants.

3. Complaints handling officer

Upon receipt of a complaint, the Chief Executive Officer (“CEO”) is to designate an appropriate officer to investigate the complaint and where appropriate, provide recommended redress and remedies.

A complaint is best handled by people at the point of service delivery (typically at the relevant Manager level) however more serious complaints may be designated to a more senior officer (typically at the relevant Director level).

In determining the appropriate officer to investigate the complaint, the CEO is to initially consider the severity, safety implication, complexity, impact and the need and possibility of immediate action. The complaints handling officer cannot investigate a matter involving themselves, a relative or someone closely associated to them.

4. Confidentiality

The identity of the complainant is to be protected as far as is reasonably possible when a complaint is being investigated or reported.

In the case of a complaint against staff, the complaints process is also to remain confidential with details of the complaint known only by those directly concerned.

5. Complaints handling procedure

On receiving a complaint, the following procedure applies:

- a) A written complaint is to be completed by the complainant and lodged with the Shire of Manjimup;
- b) An acknowledgement of complaint will be provided to the complainant;
- c) The complaint is then recorded and tracked in the records system as a complaint;

2 CORPORATE POLICIES
2.3 OTHER CORPORATE
2.3.10 Complaints System

- d) The CEO is to designate the officer to handle that complaint. If the complaint is against an employee, the Human Resources Officer may also be informed.
- e) Investigation of the complaint (refer policy point 6 below) is to be undertaken by the complaints handling officer and a report prepared containing a recommendation;
- f) The relevant director is to review the report and make a “primary decision” either accepting the recommendation of the complaint handling officer or deciding an alternative course of action be taken;
- g) That primary decision or any action to be taken is to be communicated to the complainant (and in the case of a complaint against staff, to that staff member) in writing as soon as practicable;

If the complaint cannot be immediately resolved, then the manner intended to lead to its effective resolution is to be outlined;

- h) If the complainant accepts the primary decision or action, then the complaint is closed once any proposed action has been carried out;
- i) If the complainant does not accept the primary decision or action, then the complainant may request an internal review be conducted by the CEO resulting in a “review decision”;
- j) The review decision or any action to be taken resulting from the CEO review is to be communicated to the complainant (and in the case of a complaint against staff, to that staff member) as soon as practicable;
- k) If the complainant accepts the review decision, then the complaint is closed once any proposed action has been carried out; and
- l) If the complainant does not accept the review decision, then the complainant is encouraged to refer their complaint directly to the State Ombudsman’s Office or other relevant agency.

Complaints made against a director are to be investigated by another designated senior employee. Complaints made against the CEO may be investigated on behalf of the Shire President by a representative from WALGA.

Note: At any point in the process the complainant may withdraw their complaint if the matter is adequately resolved during the investigation or for any other reason. If this occurs, the complaint handling process is to cease, the matter noted as withdrawn and written notification thereof provided to relevant parties.

6. Investigations

The investigation by the designated complaints handling officer is to be fair to both the complainant and the person or organisation against whom the complaint is made. All complaints are to be treated seriously and in confidence.

Investigations should follow the following process:

Step 1 – Assess the complaint

- Consider significance, time elapsed since issue, if matter can be resolved without investigation (ie through an explanation), or should be referred to another relevant agency.

Step 2 – Select appropriate investigative approach

- Evidence focused (pursue all lines of inquiry) or
- Outcome focused (quickly identifying and remedying problem).

Step 3 – Plan the investigation

- Define the issue, identify questions to be answered and information needed and the best way to obtain those.

Step 4 – Confirm authority

- Distinguish between right to ask and power to demand, ensure approved terms of reference and adequate resources to carry out.

Step 5 – Obtain evidence using the following process

- (a) The complainant is to be given the opportunity to put their case;
- (b) The person the subject of the complaint is to be informed of all the allegations concerning themselves and provided an opportunity to put their case;
- (c) Seek supporting information and/or independent witnesses where the objective of confidentiality can be maintained; and
- (d) Allegations are to be proved or disproved on the “balance of probabilities”.

Step 6 - Reporting

- A report should set out the complaint, how the investigation was conducted, relevant facts determined, conclusions reached and recommendations.

7. “Off the record” complaints not accepted

All complaints are required to be in writing (preferable) or by email / facsimile.

“Off the record” or verbal complaints will not be acted upon under any circumstances.

8. Nuisance or vexatious complaints

Complaints requiring undue resources to investigate and resolve may be terminated, at the discretion of the Council, where the complainant is unreasonably persistent, makes unreasonable demands, provides unreasonable arguments, is uncooperative or the nature of the complaint is considered to be merely vexatious.

9. Unreasonable behaviour by complainants

Any correspondence containing personal abuse, inflammatory statements or material clearly intended to intimidate is to be returned to the sender and not acted upon.

2 **CORPORATE POLICIES**
2.3 **OTHER CORPORATE**
2.3.10 **Complaints System**

If personal abuse, inflammatory statements or comments intended to intimidate are made during a telephone conversation or interview, the employee may terminate the telephone conversation or interview after warning the complainant of that intention.

10. Disciplinary procedures

It is not the role of this policy to prescribe or report on any disciplinary procedures arising from the investigation of a complaint.

Administration

This policy is to be administered by Office of CEO.

Adoption and Date Due for Revision

ADOPTED 6 MAY 2010
REVIEWED 27 MAY 2021

NEXT DUE FOR REVIEW MAY 2025

The Administration of this Policy is by the Office of CEO.