

Council Policy

Complaints



Council Policy	
Legal Authority	s2.7 – Role of Council of the <i>Local Government Act 1995</i>
Department	Governance and Legal

Introduction

The City of Kwinana (City) is dedicated to maintaining the highest standards of customer service and community engagement. We recognise that feedback, including complaints, is a vital part of our commitment to continuous improvement and transparency. This Complaints Policy provides a structured framework for managing and resolving complaints, ensuring that all concerns are addressed promptly, fairly, and consistently.

This policy is intended to guide our employees, council members and contractors in handling complaints efficiently and effectively. By setting clear procedures and expectations, we aim to enhance the quality of our services. Additionally, this policy outlines the process for managing vexatious complaints and ensures that our staff can perform their duties without undue stress or distraction.

We value the input of our customers and are committed to handling each complaint with the seriousness it deserves, ensuring procedural fairness and compliance with relevant legislative requirements.

Purpose

The purpose of this Policy is to:

- provide a framework to guide the City in its management and handling of complaints in a timely and cost effective way;
- provides guidance to the management and handling of vexatious complaints;
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements to our services, staff and complaint handling.

It is important that staff manage customers' expectations and outline boundaries to the way in which the City will provide its service where unreasonable behaviour and expectations are evident.

Importantly, the City has a duty of care as an employer to ensure that staff are not applying a disproportionate amount of time and resources to a complaint as this may cause unnecessary stress and distraction from regular duties.

Objectives

The objective of the City's Complaints Policy is to establish a clear, consistent, and fair process for handling complaints. This policy aims to:

- Provide a structured approach to handle complaints, demonstrating the City's commitment to transparency and accountability in its operations and services;
- Use feedback and complaints as tools for identifying areas for improvement, thereby enhancing the quality of services provided to the community;
- Manage customer expectations effectively, ensuring that staff are not subjected to unreasonable demands or stress, and that resources are allocated efficiently;

- Comply with all relevant legislative requirements and adhere to principles of natural justice and procedural fairness in the complaints handling process; and.
- Strengthen public trust and confidence in the City's ability to address concerns and resolve issues in a fair and timely manner.

Scope

This Policy applies to all staff receiving or managing complaints from the public made to or about the City regarding its services, staff and/or complaint handling.

This policy does not apply to complaints concerning the following matters:

- service requests;
- requests for information;
- responses to requests for feedback about the standard of our service provision (for example, in the course of a survey);
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response;
- a report of a minor breach or serious breach under the *Local Government Act 1995*;
- allegations of corruption or serious misconduct;
- complaints about the City's policies or procedures when the City is following its legal duties;
- an appeal or objection to a standard City procedure or policy (for example, objection to a development application);
- complaints about matters for which there is a process of review or appeal or objection prescribed by legislation;
- the result of an election or with the way in which an election was conducted;
- complaints regarding a breach of the City of Kwinana Elected Members, Committee Members and Candidates - Code of Conduct, which are to be handled in accordance with that Policy;
- complaints that are claims for personal injury or property damage;
- staff grievances; or
- public interest disclosures made by staff.

Policy Provisions

Definitions

complaint means an expression of dissatisfaction made to or about an organisation, related to:

- products and/or services;
- staff, councillors and/or the Chief Executive Officer; or
- the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required

A complaint may concern the following:

- failure to achieve specified standards of service;
- delay in responding;
- behaviour or attitude of staff;
- a Council decision or policy; and/or;
- withdrawal or reduction of service.

service request includes:

- requests for the provision of works or services;
- routine inquiries about the organisation's business;
- requests for the provision of services and assistance;
- reports of failure to comply with laws regulated by the organization; or
- requests for information or explanation of policies, procedures and decisions.

vexatious means a complaint or complaints brought solely to cause annoyance, trouble or embarrassment to a councillor or an employee of the City . Vexatious complaints may take the form of repetitive, burdensome or unwarranted communication with one or more City councillors or employees over matters that are considered resolved or responded to in previous communication with the complainant.

Ombudsman means the Parliamentary Commissioner for Administrative Investigations.

Policy statement

1.1. Complaints handling

The City is committed to providing quality customer service and communicating effectively with our community.

Despite our best efforts, people may not be happy with the way we have performed a service. Complaints are to be managed as follows:

- promptly;
- in a consistent manner;
- without bias;
- in a manner that promotes procedural fairness and principles of natural justice; and
- in accordance with legislative requirements as well as the Ombudsman's Guidelines on Complaint Handling.

The City will accept complaints via the General enquiry or feedback form located on the City's website, email, letter, in person or by completing a feedback form available from the City's library, community centres, and Recquatic facility.

A customer may nominate another person to assist or make a complaint on their behalf. The customer must provide written permission for another person to act on their behalf.

At a minimum, the following information is to be supplied by a complainant:

- name of the complainant;
- contact details of the complainant; and
- sufficient details to permit the City to investigate the complaint, which includes when and where the issue occurred.

The City will endeavour to resolve complaints at the first point of contact. Complaints made in writing are to be acknowledged by the City within five business days of receipt. The customer is to be notified if their complaint cannot be resolved within ten business days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim response outlining the reason for the delay, further action to be taken and anticipated timeframe within which a full response will be provided.

Where appropriate or requested, the decision made, or action taken with respect to the complaint it is to be communicated to the customer as soon as practicable.

In establishing the order in which complaints will be attended to, consideration will be given to the urgency of each complaint in terms of public safety implications, seriousness, frequency of occurrence, severity and the need for immediate action.

1.2. Anonymous complaints

Whilst the City accepts anonymous complaints, they will not be investigated or responded to unless:

- the complaint is considered by the City to be reasonable;
- sufficient information is provided to permit the City to investigate the matter; and
- in the opinion of City, the complaint constitutes:
 - a breach of statutory provisions;
 - a breach of an approval, license or permit;
 - a matter for which the City is obligated to act pursuant to any written law; or
 - a matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals, local government buildings and property or the environment.

1.3. Complaints regarding employees

Complaints relating to employees in regard to the provision of a service or product should be addressed to the Chief Executive Officer. Allegations may also be referred to the City's Public Interest Disclosure Officer.

A complaint against an employee is considered confidential under the *Freedom of Information Act 1992*, and the customer will not be advised of the outcome, unless required by law.

1.4. Complaints against the Chief Executive Officer

Any complaint against the Chief Executive Officer will be referred to the Mayor, who will determine the most appropriate means of investigation and resolution. The procedures and timescales for any such complaint may fall outside the normal

standard, and should this be the case, this would be formally advised to the customer.

1.5. Complaints regarding council members

Complaints relating to a council member committing a minor breach (such as breach of a rule of conduct), are to be sent to the City's complaints officer (being the CEO and any other person designated by the CEO as a complaints officer pursuant to s.5.102 of the Act). Such complaints are to be referred to the Local Government Standards Panel.

A breach of the City's Elected Members, Committee Members and Candidates – Code of Conduct by a council member is not a minor breach.

The council member that a complaint is about must be a current serving council member at the time the complaint is made. Complaints relating to a council member committing a serious breach of the *Local Government Act 1995* should be forwarded to the Department of Local Government, Sport and Cultural Industries.

Allegations of both a serious and minor breach may also be referred to the City's Public Interest Disclosure Officer.

1.6. Allegations of serious misconduct – Corruption and Crime Commission

Allegations concerning criminal, corrupt or seriously improper conduct will be dealt with independently of the City's complaint handling process.

In the first instance they will be referred directly to the Chief Executive Officer and/or Mayor for determination including whether there are reasonable grounds for notification to the Crime and Corruption Commission or the Police.

Under Section 28 of the *Corruption and Crime Commission Act 2003* (CCC), the Mayor and/or the CEO has a duty to notify the CCC of suspected misconduct by council members, the CEO or other employees. Council members may also report misconduct by the Mayor, other council member, the CEO or other employees, and the CEO or other employees may report misconduct by any council member or employee.

Further information is available from the Commissions website.

1.7. The *Public Interest Disclosure Act 2003* ('Whistle Blowers Legislation')

The *Public Interest Disclosures Act 2003* (PID Act) is designed to facilitate the disclosure of allegations or complaints about persons who are public officers, government officials, or public authorities and their contractors. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk of injury to public health, council property, actions prejudicial to public safety, public property or harm to the environment.

Before making a disclosure, it is important that you are aware of the rights and responsibilities imposed on you and others under the PID Act. Further information is available through the City's Public Interest Disclosures Policy available on the City's website (www.Kwinana.wa.gov.au/council/policies) and through the City's PID officers.

Enquiries regarding the City and the *Public Interest Disclosure Act 2003* can be directed to one of the City's Public Interest Disclosure Officers.

1.8. Complaints to the Ombudsman and third party agencies

The Ombudsman investigates complaints about most Western Australian public authorities, including local governments.

Generally, the Ombudsman will investigate actions or decisions where the decision maker has been accused of or found to have:

- acted outside their legal authority;
- not followed policy, or applied its policy inconsistently;
- did not consider all the relevant information, or considered irrelevant information;
- unreasonably delayed making a decision or informing the complainant of the decision;
- failed to notify the complainant of the decision or did not provide reasons for a decision; or
- decision maker had acted in a bias or prejudicial manner

1.9. Privacy and confidentiality

Personal information concerning a customer will not be made publicly available (including to any parties identified in a complaint) except to the extent required by law or with the express consent of the complainant.

Customers have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. Personal information related to the customer will only be released in accordance with the *Freedom of Information Act 1992* (WA).

All complaints are treated confidentially, unless required by law or the customer provides their permission to release information.

1.10. Dispute resolution

If unsatisfied with the manner in which the complaint has been dealt with, written correspondence is to be addressed to the Chief Executive Officer. If not satisfied with the Chief Executive Officers' response, concerns may be raised with either the Western Australian Ombudsman or the Department of Local Government, Sport and Cultural Industries.

1.11. Vexatious Complaints Handling

Every endeavour will be made to deal with complaints however the City may refuse to investigate a complaint if the customer behaves in a vexatious, actively hostile manner or the complaint is considered to be trivial, frivolous or where there is a consistent trail of complaints of trivial and/or frivolous matters.

1.11.1. Dealing with unreasonable customer conduct

Unreasonable customer conduct is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for council members, employees, volunteers, contractors and/or other service users and customers.

Unreasonable persistence is considered to be continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on City staff, services, time and/or resources.

Unreasonable customer conduct is not limited to spoken interactions. It can occur over the internet, in a public location, an image or in writing. If the conduct is unacceptable and arises during the course of, or as a direct result of, the provision of services by the City it can legitimately be characterised as unreasonable customer conduct.

The City has a zero tolerance policy towards any harm, abuse or threats directed towards its staff. Any conduct of this kind will be dealt with under this policy and in accordance the City's duty of care and occupational health and safety responsibilities.

Where the Chief Executive Officer deems that a customer complainant is habitual or obsessive, and taking up a disproportionate amount of time, their conduct may be deemed unreasonable customer conduct and a restriction of service be applied to them. This restriction may comprise of one or various options of the following:

- only take calls at specific times on specific days;
- only have one point of contact for the complainant and direct all calls to this person*;
- limit all communication with the City to written communication via a single point of contact;
- require the complainant to make an appointment with a staff member to raise concerns;
- block calls from a specific number;
- ignore emails without responding as to why (but putting the emails into CM9 with a file note 'unreasonable customer conduct, no response required');
- only respond to future correspondence that provides significant new information about the complaint or raises a new issue that the City believes warrant fresh action; or
- hang up on the customer after first warning them that the call is about to be terminated.

**To avoid staff 'burn out' by the sole contact officer, his/her supervisor will provide them with regular support and guidance as and when required.*

1.11.2. Notification and appeal of unreasonable customer conduct

In the event that a complainant is advised of restriction of service, the rationale and decision is to be documented and the customer is to be advised in writing of the reasons for the decision, what restrictions apply and for what period.

All relevant staff will be notified when unreasonable customer conduct has resulted in formal communication to a customer to place limitations on their communication with the City. Council members will be notified and encouraged to support the process to ensure consistency across the City.

Customers' who fail to adhere to the imposed limitations and continue to make contact with the City outside of the defined requirement, should be reminded of the City's decision outlined in their correspondence and contact should be politely ceased.

Should the customer wish to challenge or appeal the imposed limitations, they will be directed to the Ombudsman Office of Western Australia or other appropriate government agency.

It is important to remember that the restriction service is only relevant to the items listed on the restriction of service letter. If new issues are raised, these should be responded to as per City protocol.

Customers with restricted provision are to be reviewed on an annual basis.

1.12. Recording complaints

All correspondence relating to a customer complaint must be recorded within the City's business systems. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.

OFFICER USE ONLY

Officers may amend this section without council approval.

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