

Policy P661 Complaints

Responsible Business Unit/s	Governance
Responsible Officer	Manager Governance, Chief Executive Officer
Affected Business Unit/s	All business units

Policy Objectives

The City recognises that complaints provide a valuable source of feedback on the performance of its functions and that this is of value to its customers. This policy outlines the City's commitment to a consistent approach to handling complaints.

Policy Scope

This policy applies to all City staff, Elected Members, contractors, consultants and the wider community.

Policy Statement

The City delivers a wide range of services to our community and visitors and we are committed to providing quality Customer Service.

The City values complaints as they provide feedback on our operations which allows us to continuously improve. We are committed to a quality complaints handling process which reflects the essential elements as set out in the Australian Standard and the principles of effective complaint handling published by the Ombudsman's Office of Western Australia.

What is a Complaint?

A complaint is:

“an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (as defined by the *AS/NZS 10002-2014 Guidelines for complaint Management in Organisations*)

What is not a Complaint?

A complaint is not:

- The initial request for a service to be delivered;
- A request for documents, information or explanation of policies or procedures;
- Compliance enforcement action;
- The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
- A petition; and
- A civil dispute between private individuals

The above will not be registered as complaints due to the fact that each is covered under a separate process or policy.

The City may determine to take the following courses of action:

- Take no further action and advise the complainant of the reason/s;
- Resolve the complaint by use of appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;
- Discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.

Making a Complaint

Complaints may be lodged with any officer of the City by email, in writing, in person or by completing the feedback form which is located on our website.

At a minimum, the following information is to be supplied in order to effectively process the complaint:

- Name and address
- Contact details
- Complaint details
- Date of occurrence of complaint

Anonymous Complaints

The City accepts anonymous complaints however the complaint will not be investigated unless in the opinion of City Officers it raises a serious matter, such as an issue that poses a public health or safety risk or an emergency situation and there is sufficient information in the complaint to enable the City to conduct an inquiry.

Fairness

The City approaches complaints handling in the same manner as it approaches all its other duties. The City's handling of complaints will be based on the City's adopted values and in line with the standards set by the Code of Conduct. The City will ensure that a fair and proper procedure is used when making a decision in relation to complaints and the decision-maker is free from bias when reading or listening to the details of a complaint.

Responsiveness

The City will ensure that all complaints are processed within the time frames specified in the City's Customer Service Charter.

The City will ensure that the customer is kept aware of the progress of a complaint throughout the complaints process; where a complaint has come via an Elected Member, the City will ensure that the Elected Member is kept aware of the progress of the complaint.

Recording complaints

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

Complaints about employees

A complaint against an employee is considered confidential and the complainant will not be advised of the outcome, unless required by law.

Complaints to Elected Members

All complaints received by Elected Members are to be forwarded to the Chief Executive Officer (CEO) or appropriate business unit Director.

Complaints about Elected Members

The *Local Government Act 1995* provides a disciplinary framework to deal with individual misconduct by local government Elected Members.

Complaints of this nature are confidential and the complainant will not be advised of the outcome, unless required by law.

Internal Review

If a customer is not satisfied with the way that the City has handled their initial complaint then the customer may apply for an internal review of the complaint. The complaint will undergo a review by the business unit Director to ensure responses were equitable, objective and unbiased.

The reviewing officer will reconsider the decision reached, taking all relevant matters into account.

External Review

The Council acknowledges that customers may request an external review of a complaint through the Department of Local Government and/or the State Ombudsman. The CEO shall work cooperatively with the State Ombudsman and/or the Department of Local Government as appropriate to assist in the resolution of external review. The CEO will keep Council members informed of the progress and outcome of external review through the Bulletin.

Closing the File

Where the City has conducted an internal review and/or has been involved in an external review of a complaint and subject to the result of the external review, the City must be able to bring the matter to a conclusion. Accordingly, where a customer repeatedly corresponds with the City regarding a complaint that has been the subject of an internal review and/or the external review process has concluded, the CEO may close the City's file on the matter after informing the customer in writing of his decision.

Unreasonable Conduct by Complainants

Vexatious Complainants

"Vexatious" means a complainant who complains of frivolous matters on a consistent basis and which is designed to annoy the City.

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

The City has an obligation to responsibly manage our resources on behalf of our ratepayers. The substance of a complaint will dictate the resources allocated by the City, in its management, irrespective of the complainant's wishes, demands or behaviour. The City may consider it appropriate to determine that vexatious questions, complaints and repetitive communications are not given priority as they may divert a substantial and unreasonable portion of the City's resources away from its other functions.

Council will be responsible for determining whether a complaint is vexatious. In reaching such a decision, the Council will act in the best interests, and for the good of the district.

Unreasonable Complainant Behaviour

The Ombudsman defines an unreasonable complainant as:

- A rude, angry and harassing customer;
- Aggressive customer;
- Habitual or obsessive. This includes:
 - Cannot 'let go' of their complaint
 - Cannot be satisfied despite the best efforts of the agency
 - 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)

The City recognises that the reasonable right to freedom of expression includes the right of complainants to express dissatisfaction with the City or its decisions/conduct/services/products or policy, provided that these complaints comply with the law and reasonable community standards.

The City values its staff and customers, and safety is paramount to this commitment. Therefore, City staff have discretion available to them to terminate any interaction, where the staff member reasonably perceives that they are at risk, as a result of the complainant's behaviour, whatever the nature and particularly where the staff member is being threatened or the behaviour of the complainant/customer is aggressive.

In order to ensure that complainants are dealt with fairly, efficiently and effectively; and that work health and safety responsibilities and common law duty of care obligations are met, the City may restrict, withhold or withdraw the provision of service to unreasonable complaints by taking one of the following actions:

- Only take calls at specific times on specific days;
- Require the complainant to make an appointment to meet with staff;
- Limit all future dealings to writing;
- Direct all contact to be through a specific employee or area;
- Only respond to future correspondence which provides significant new information about the complaint or raises new issues which the City believes warrants fresh action

The decision to restrict, withhold or withdraw contact with the City will only be made by the Chief Executive Officer (or designated employee).

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 how long they will apply. Customers with restricted provisions will be reviewed on an annual basis.

Legislation / Local Law Requirements

Not Applicable

Other Relevant Policies / Key Documents

City of South Perth Strategic Community Plan 2017-2027
M661 Complaints