

DOCUMENT TYPE	Policy
TITLE	COMPLAINTS MANAGEMENT
NUMBER:	POL-2000

PURPOSE

The purpose of this policy is to demonstrate the Council's commitment to provide an efficient, transparent, fair and accessible framework that will ensure the effective and timely resolution of complaints.

DEFINITIONS

Complaint is a written expression of dissatisfaction about Council services, staff, or policies and procedures that impact an individual or group.

Concern is any matter of interest or importance to the customer.

Customer is any person or organisation having dealings with the Shire of Wyndham East Kimberley.

Customer Service Request is any request for services or information, or a report to the Shire that requires its action - such as damaged infrastructure, noise complaints, stray or nuisance animals, or unauthorised building activity. All such requests are formally recorded in the Shire's records system.

SCOPE

This Policy applies to all Councillors and staff at the Shire of Wyndham East Kimberley who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff. The policy applies to all customer complaints made in writing, in relation to:

- Administrative actions of the Shire;
- Competitive neutrality;
- Conduct and performance of elected members;
- Staff behaviour and misconduct.

Matters Outside the Scope of This Policy

This policy applies specifically to complaints as defined within this document. It does **not** apply to the following:

- **Customer Service Requests** – Requests for service, maintenance, or the provision of information that do not involve dissatisfaction with service levels.
- **Verbal Feedback or Informal Advice** – Expressions of dissatisfaction provided verbally, which are not formalised in writing.
- **Disagreement with Council Policy or Strategic Direction** – Opposition to adopted policy positions or the overall direction of Council is not considered a complaint under this policy.
- **Requests for Information or Clarification** – Enquiries seeking further explanation of existing policies, procedures, or decisions.

- **Matters Subject to Statutory Review** – Complaints or appeals which fall under legislated review mechanisms, such as planning decisions appealable under the *Planning and Development Act 1995*.
- **Behaviour or Conduct of Elected Members** – Complaints concerning Councillor behaviour are to be managed under the *Local Government (Model Code of Conduct) Regulations 2021* or Council's adopted *POL-1005 Code of Conduct for Council Members Committee Members and Candidates for Local Government Elections*.
- **Conduct of Staff** – Allegations concerning the behaviour or performance of staff members will be managed in accordance with the Council's internal Code of Conduct and relevant human resource policies.
- **Employee and Contractor Grievances** – Workplace grievances raised by employees or contractors are addressed through internal grievance resolution procedures and are outside the scope of this policy.

POLICY STATEMENTS

We are committed to ensure that the following 10 key principles form the basis of our complaints handling process:

1. *Customer Focused*
The organisation is committed to effective complaint handling and values feedback through complaints.
2. *Visibility*
Information about how and where to complain is well publicised to customers, staff and other interested parties.
3. *Accessibility*
The process of making a complaint and investigating it is easy for complainants to access and understand.
4. *Responsiveness*
Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.
5. *Objectivity and Fairness*
Complaints are dealt with in an equitable, objective and unbiased manner. This will help to ensure that the complaint handling process is fair and reasonable. Unreasonable complainant conduct is not allowed to become a burden.
6. *Confidentiality*
Personal information related to complaints is kept confidential.
7. *Remedy*
If a complaint is upheld, the organisation provides a remedy.
8. *Review*
There are opportunities for internal and external review and/or appeal about the organisation's response to the complaint, and the complainants are informed about these avenues.
9. *Accountability*
Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.
10. *Continuous Improvement*
Complaints are a source of improvement for the Shire.

To ensure that decision making is fair and reasonable, the rules or principles of natural justice will be applied to all investigations.

This includes the right to a fair hearing through:

- An absence of bias;
- Decisions based on evidence; and
- Proper examination of all issues.

Anonymous Complaints

Limitations will apply to the investigation of anonymous complaints.

Anonymous complaints will not be investigated unless the matter is:

1. A matter for which the Shire is obliged to act, prescribed in the *Local Government Act 1995*, the *Corruption, Crime and Misconduct Act 2003*, *Public Interest Disclosure Act 2003*, *Local Government (Model Code of Conduct) Regulations 2021* or under any other written law;
2. A matter which if not attended to could reasonably constitute a significant risk to the health and/or safety of persons, animals or the environment.

EXPLANATORY NOTES

How You Can Contact Us

You can contact us to make a complaint:

1. By post to PO Box 614, Kununurra, WA, 6743
2. By email to: mail@swek.wa.gov.au
3. Via the internet by visiting the Shire's website at: www.swek.wa.gov.au

Service Standards

1. When you, as a customer, visit or telephone the Shire, we will:
 - Treat you politely and with respect;
 - Listening carefully to what you say;
 - Provide a prompt, relevant, accurate and professional service;
 - Referring you, where appropriate, to alternative places where the service may be available if the Shire is not able to provide the service you seek;
 - Treating your personal information with confidentiality;
 - Being helpful and sensitive to your needs;
 - Keep you informed if the resolution to your enquiry is being delayed.
2. Where an enquiry is of a complex nature, or a meeting with a specific Officer is required, customers are requested to make a prior appointment.
3. Response Times
 - The Shire undertakes a wide variety of activities which vary both in complexity and time taken to complete.
 - If you lodge a complaint, you will be provided with an acknowledgement of receipt within 10 working days to your nominated postal address.
 - After an acknowledgement is issued, the response times will be dependent upon your complaint and the investigations involved whereby Officers will endeavour to keep you informed of the progress.

- Following the investigation of your complaint a response will be forwarded to your nominated postal address.
- These response times extend to any online communications.

Our Expectations of Our Customers

To help us to help you, we ask that you:

- Treat our staff courteously and with mutual respect.
- Respect the privacy and rights of other people.
- Provide us with your name, address and telephone number so that complaints can be responded to.
- Provide complete and accurate details of your complaint and work with us to resolve these together.
- Provide separate communications for individual complaints.
- These expectations extend to any online communications.

Customer Service Process

1. If a customer is not satisfied with the outcome of a complaint, you have the right to request an internal review. The internal review will be undertaken by a staff member who:
 - is not subordinate to the staff member who conducted the initial review; and
 - Is not a staff member who was involved in dealing with the complaint.
2. If a customer is not satisfied by the internal review outcome of a complaint, you have the right to make a complaint to the Ombudsman Western Australia.

How to Lodge a Complaint to the Ombudsman Western Australia

You can lodge your complaint by post, fax or email, or deliver it directly to the Ombudsman's office using the contact details listed below:

Ombudsman Western Australia
 Level 2, Albert Facey House
 469 Wellington Street, Perth, WA, 6000
 PO Box Z5386
 St Georges Terrace, Perth, WA, 6831

Email: mail@ombudsman.wa.gov.au

Please also refer to the Ombudsman's website for assistance and guidelines relevant to lodging a complaint: www.ombudsman.wa.gov.au

General

In all of the situations referred to in this Policy, adequate documentary records must be made and maintained on the appropriate Shire file.

UNREASONABLE OR VEXATIOUS COMPLAINANT CONDUCT

In circumstances where a complainant's behaviour escalates to become unreasonable, persistent, abusive or vexatious, the Shire may invoke additional procedures as outlined in *POL-1022 Unreasonable, Vexatious or Habitual Complainants Management*. This includes, but is not limited to, communication restrictions, refusal to engage with repetitive complaints, and legal referral. Staff handling complaints should refer to POL-1022 when complaint conduct disrupts service delivery, poses a risk to staff wellbeing, or falls outside the scope of standard complaint resolution.

DOCUMENT AND VERSION CONTROL

Responsible Directorate		Corporate Services	
Responsible Officer		Director Corporate Services	
Statutory References		<i>Local Government Act 1995 – Sections 2.7, 5.41</i> <i>State Records Act 2000</i> <i>Public Interest Disclosure Act 2003</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i> <i>Corruption, Crime and Misconduct Act 2003</i>	
Related Documents		POL-2001 Customer Service POL-1022 Unreasonable, Vexatious or Habitual Complainants Management DIR-1022 Code of Conduct for Employees POL-1005 Code of Conduct for Council Members Committee Members and Candidates for Local Government Elections	
Amendment History (Adoption and last 3 amendments)			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	23/06/2015 - 10977	13.1.4	Council Adoption
2.0	23/05/2017 – 11690	12.4.5	Review Adopted by Council
2.1	08/11/2023 – CEO027	--	Reference Updates as per POL-1014 Policy Management (previously CP-FIN-3280)
3.0	24/06/2025 - TBA	3.3.1	Review Adopted by Council
Date of Next Review		June 2028	