



POLICY NO	CP/CS-3280	
POLICY	Complaints Management	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 23/06/15 23/06/2015	Resolution No: 10977
REVIEWED/MODIFIED	Date: May 2017	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: June 2017	
LEGISLATION	Local Government Act 1995 – Sections 2.7, 5.41, 5.40, 5.41	
	State Records Act 2000 Freedom of Information Act 1992	
RELATED POLICIES	Customer Service Policy Council's Code of Conduct Records Management Policy	
RELATED PROCEDURES	N/A	

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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:

~~A complaint should not be confused with a customer service request or a concern.~~

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Complaint is an expression of dissatisfaction with Council's level of service, employees, or policies and procedures affecting an individual or group of customers that has been received in writing. A complaint should not be confused with a customer service request or a concern.

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 a request for the provision of services (including the provision of information); a report about damaged or faulty infrastructure; a report requiring action by the Shire, for example reports about noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspects of the Shire's service provision. All customer service requests will be recorded as a Customer Service Request within the Records Module of SynergySoft (the Shire's software system).

POLICY STATEMENTS:

Scope

This Policy applies to all ~~Councillors~~ 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.

This Policy does not apply to:

- A customer service request.
- Verbal advice of unsatisfactory service or performance.
- Disagreement with a policy or the direction of the Council.
- A request for information or an explanation of a policy or procedure.
- A complaint for which statutory review processes exist, such as an appeal against a planning decision for which there are appeal provisions in the Planning and Development Act 1995.
- An expression of dissatisfaction with the behaviour or performance of a Councillor whereby the mechanism is contained in the *Local Government (Rules of Conduct) Regulations 2007* or Council's Code of Conduct.
- An expression of dissatisfaction with the behaviour or performance of a staff member whereby the mechanism is contained in the Council's Code of Conduct.
- A work-related grievance of an Officer or contractor.

The Shire of Wyndham East Kimberley's Commitment to Complaints Handling

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 and Crime Commission Act 2003* 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.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Loss of corporate knowledge with staff turnover.

Control: Documentation of service procedures; multi-skilling where appropriate.

Risk: Wrong advice provided by CEO leading to political damage or financial loss.

Control: Seek specialist technical and legislative/legal advice from relevant agencies and organisations.

Risk: Poor communication of Council issues to the community.

Control: Media and communications policy and procedures; media training for Councillors.