

Responsible Directorate	Community Development
Responsible Business Unit/s	Customer and Communications
Responsible Officer	Manager Customer and Communications
Affected Business Unit/s	All

Objective

This policy provides guidance to the management and handling of complaints.

The City of Stirling (the City) is committed to providing an accessible, responsive and accountable Complaints Management Framework that promotes organisational learning and continuous improvement. Accepting feedback, including complaints, assists the City in engaging with customers to continually enhance the City's services.

This policy:

- promotes the City's organisational corporate values of; *integrity, accountability, respect, community participation, diversity and environment;*
- reflects best practice as outlined by the Australian Standards - *Guidelines for complaint management in organisations*, and the WA Ombudsman Guidelines on Complaint Handling; and
- supports the City's commitment to the wider community: *To be a dynamic organisation that delivers effective services and maintains a strong customer focus.*

Scope

This policy applies to all Elected Members, employees and consultants or contractors engaged to provide services to the City.

Policy

What is a complaint?

A complaint is:

“an expression of dissatisfaction made to or about an organization, 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*).

A complaint is not:-

- The initial request for a service to be provided by the City of Stirling;
- 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 submission relating to the exercise of a regulatory function;

- A petition; and
- A civil dispute between private individuals.

The above will not be registered as a complaint as each is covered and managed by a separate process.

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

- Take no further action and give the complainant reason/s;
- Resolve the complaint by use of appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation; and
- 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

The City accepts complaints via the Complaints Form located on the City's website, email, letter, in person or by completing a Feedback Form available from the City's Libraries, Community Centres and Recreation Facilities.

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 in order to effectively process the complaint:-

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

The City's three principles of complaint management are;

1. Customer Focus

The City is committed to providing an open, transparent and easily accessible complaints handling process for its customers.

2. Responsiveness

The City will address each complaint in a fair, objective, unbiased and timely manner. Customers will be kept informed of the complaints progress and of any delays during the process.

3. Remedy

The complaint will be assigned to an officer with the authority to deal with the complaint in a timely manner.

Timeliness

All complaints submitted must be acknowledged within five business days.

All complaints submitted must be responded to within 10 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 that a full response will be provided.

Risk

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.

Confidentiality

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 complaint will be kept confidential in accordance with the *Freedom of Information WA Act 1992*.

All complaints are treated confidentially, unless required by law or the complainant provides their permission to release information. There will be no adverse repercussions by the City for a complainant who, in good faith, chooses to make a complaint against the City or an employee of the City.

Anonymous complaints

The City accepts anonymous complaints however the complaint will not be investigated unless 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 to enable the City to conduct an inquiry. The City is unable to verify information or communicate the outcome of the complaint without knowing the full identity of the complainant.

Request for internal review

Customers have the right to request a review of a decision or outcome unless it relates to an employee disciplinary matter or a matter that is covered under a separate process, policy or legislation.

Dealing with unreasonable complainant conduct

An unreasonable complainant is defined as the following by the Ombudsman;

- 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 may restrict, withhold or withdraw the provision of service to unreasonable complainants 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 employees;
- Limit all future dealings to writing;
- Only respond to future correspondence which provides significant new information about the complaint or raises new issues which the City believes warrant fresh action;
- Direct all contact to be through a specific employee or area.

The decision to restrict, withhold or withdraw contact with the City will only be made by the Chief Executive Officer (or designated senior 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 for what period. Customers with restricted provision are to be reviewed on an annual basis.

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*.

Complaints about employees

A complaint against an employee is considered confidential under the *Freedom of Information Act 1992* 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 forward to the Chief Executive Officer, Directors or Business Unit Managers, or by utilising the Elected Member Enquiries email system.

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 outcomes will not be disclosed, unless required by law.

Freedom of Information

Employees will assist the public to obtain access to documents and ensure that personal information contained in documents is accurate, complete, up-to-date and not misleading.

Definitions

Business Day means a day when the City is normally open for business i.e. Monday to Friday, excluding public holidays and other Council approved closures.

Complainant is a person, organisation or its representative making a complaint.

Relevant management practices/documents

Compliance Enforcement Policy
City of Stirling Code of Conduct
Complaints Handling Management Practice
Handling Complaints from the Ombudsman Management Practice
Managing Unreasonable Complainants Conduct Management Practice
Recordkeeping Management Practice
Countering Harassment and Bullying in the Workplace Management Practice
City of Stirling Correspondence Style Guide
City of Stirling Record Keeping Plan
City of Stirling Customer Service Charter
Guidelines on Complaint Handling: www.ombudsman.wa.gov.au/publications
State Administrative Tribunal Management Practice

Legislation/local law requirements

Corruption, Crime and Misconduct Act 2003

Freedom of Information Act (WA) 1992

Guidelines for complaint management in organisations (AS/NZS 10002-2014)

Local Government Act 1995

Local Government (Rules of Conduct) Regulations 2007

Privacy Act 1998

Public Interest Disclosure Act 2003

Public Sector Management Act 1994

State Administrative Tribunal Act 2004

State Records Act 2000

Office use only

Relevant delegations	Not applicable		
Initial Council adoption	Date 25 October 2016	Resolution #	1016/024
Last reviewed	Date 26 May 2020	Resolution #	0520/027
Next review due	Date 2021		