

General Complaints

Policy Objective

This policy establishes guidelines and procedures for how the Shire of Broome (the Shire) will handle general complaints and, ultimately, enable the continuous improvement of services.

Policy Scope

Dealing with complaints is a core part of Shire business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies. We are committed to:

- enabling members of the public to make complaints about the Shire;
- responding to complaints by taking action to resolve complaints as quickly as possible; and
- learning from complaints to improve our services.

We treat every complaint we receive on its merits, through clear and consistent processes.

Our complaints policy applies to all complaints from members of the public about Shire staff, services, Shire contractors and decisions made at Council meetings.

This policy is complimentary to the Code of Conduct Behaviour Complaints Management Policy that should be referred to in relation to complaints against individual Elected Members, Committee Members and Candidates.

Policy Statement

What is a ‘Complaint’?

A complaint includes a communication (verbal or written) to the Shire which expresses dissatisfaction about:

- the quality of an action, decision or service provided by Shire staff or a Shire contractor;
- a delay by Shire staff or Shire contractor in taking an action, making a decision or delivering a service; and/or
- a policy or decision made by the Council, Shire staff or a Shire contractor.

How to Make a Complaint

Any member of the public can make a complaint. Complaints can be made by:

Telephone: 08 9191 3456

Online: www.broome.wa.gov.au

Click on 'Contact Us', then Feedback and Comments

Email: shire@broome.wa.gov.au

Post: PO Box 44, Broome WA 6725

In person: Cnr Weld and Haas Street, Broome

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 subject of complaint occurred

The Shire 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 Shire to conduct an inquiry.

The Shire is unable to verify information or communicate the outcome of the complaint without knowing the full identity of the complainant.

Our Complaints Process

When you complain to us, we will record and acknowledge your complaint within five business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

- take direct action to resolve your complaint;
- refer your complaint to the relevant team or manager for investigation; or
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to the State Administrative Tribunal).

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

If we cannot resolve your complaint quickly, we will refer it to the relevant team or manager to investigate. We will advise you who you can contact regarding the investigation.

We aim to complete investigations within 30 calendar days and will advise you if the investigation will take longer. We will update you every 30 calendar days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

How to Request an Internal Review

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Shire officer who has not had any prior involvement in your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days of the date the request for internal review was received.

How to Request an External Review

There are external bodies that can deal with different types of complaints about us. You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
Actions or decisions of Council, Shire staff and contractors	Ombudsman WA www.ombudsman.wa.gov.au
Breaches of the <i>Local Government Act 1995</i>	Department of Local Government regulation@dlgsc.wa.gov.au
Code of Conduct: Division 4 – Rules of Conduct breaches	Local Government Standards Panel minorbreachcomplaints@dlgsc.wa.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Corruption and Crime Commission www.ccc.wa.gov.au
	Office of the Auditor General www.audit.wa.gov.au
Council Elections	Western Australian Electoral Commission www.elections.wa.gov.au
Discrimination	Equal Opportunity Commission eoc@eoc.wa.gov.au
Freedom of Information / Privacy	Office of the Information Commissioner www.oic.wa.gov.au
Planning	State Administrative Tribunal www.sat.justice.wa.gov.au

How we Learn from Complaints

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data in our annual report.

Your Privacy

We keep your personal information secure. We use your information to respond to your complaint and may also analyse information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

'Complaint' Versus 'Service Request'

It is important that the Shire classifies complaints and service requests consistently in order to accurately measure performance and use this information to continually improve services.

A way to distinguish a service request from a complaint is to look at whether a person is:

- requesting something additional or new (**a service request**)
- reporting what they believe to be a failing or a shortfall (**a complaint**)
- complaining about a Shire response to a service request (**a complaint**)

Complaint / Service request examples	
Complaint	Service Request
<ul style="list-style-type: none">• My bin was out but wasn't collected this morning. Can you pick it up? <i>(complaining that the Shire didn't provide a service)</i>• You haven't sent out my rates notice.• The Shire shouldn't have approved a development on 'Main' Road.• The Shire's website doesn't have enough information about when a planning permit is needed for a pool.• The Shire's investigation into noise from a business wasn't rigorous and didn't look at peak times. More investigation is needed.• A pothole I reported to the Shire two months ago hasn't been fixed and is getting worse.	<ul style="list-style-type: none">• I forgot to put my bin out, can someone collect it? <i>(requesting a service because of their own mistake)</i>• Can you tell me when my next rates payment is due?• What is the process for objecting to the development on 'Main' Road?• Can you tell me whether a planning permit is required for a backyard pool?• My neighbour's business is very noisy. Can you make it stop?• Could the Shire fill in a pothole in my street?

A complaint may lead to a service request being lodged. For example, a complaint about a missed bin might result in a service request for the bin to be collected being issued to the contractor – however, it will be recorded / counted as a complaint.

Unreasonable General Complaints

When complainants behave unreasonably in their dealings with the Shire, their conduct can significantly affect the Shire's objectives. As a result, the Shire will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects the Shire and will support Shire employees and Elected Members to do the same in accordance with this Policy.

Unreasonable complaint conduct is any behaviour by a current or former complainant that because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, Shire employees, Elected Members, other service users or the complainant themselves. Unreasonable complaint conduct is defined as:

- Persisting unreasonably with a general complaint by showing an inability to accept the final decision even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted;
- Using unreasonable demands by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond the Council's power to deliver, demanding unreasonable or that are unreasonable, wanting to alter past events, or engaging in unreasonable persecution of individuals);
- By demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists;
- Being uncooperative or deliberately obstructive by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this;
- By displaying unhelpful behaviours (e.g. withholding information, dishonesty, misquoting other, inundating the Shire with documents);
- Using unreasonable arguments by holding irrational beliefs, or by continuing with a general complaint which is unsupported by any evidence. By insisting that a particular solution is the only correct one, without consideration for valid contrary or alternative arguments;
- Using unreasonable behaviours by displaying confrontational behaviour, including rudeness, aggression and threats; and
- Where the general complaint is about something that is beyond the Shire's jurisdiction or outside the Council's control.

Where a complainant engages in unreasonable conduct the Shire employee or Elected Member may deal with the general complaint and the complainant in accordance with this Policy.

Managing Malicious, Frivolous, Persistent and Vexatious General Complaints

Following an investigation, the Shire may determine a general complaint is malicious, frivolous, unreasonable, persistent or vexatious.

A determination that a general complaint is malicious, frivolous, unreasonable, persistent or vexatious must take into account:

- Any previous complaints of a similar nature submitted by the complainant;
- The response and outcome to the previous general complaints;
- The resources required to address the general complaint (to ensure that it is not an unreasonable diversion of public resources); and
- The principles of equity and procedural fairness.

A decision to take no further action on the general complaint once all other avenues for review have been exhausted may be made by a Director or the CEO and the complainant will be advised in writing.

Where the Shire determines a general complaint to be malicious, frivolous, unreasonable, persistent or vexatious it will respond in a consistent manner, taking into account the individual circumstances of each general complaint.

Limiting Contact Between the Shire and Members of the Public

The Shire is entitled to expect that members of the public who have a general complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Shire to place certain limits on the type of services that will be made available to the complainant when their behaviour continues to be unacceptable.

The Shire may impose limits on the times and days that correspondence may be accepted from a complainant or may request that all general complaints and communications be provided in writing.

Where a complainant is making the same or a substantially similar general complaint to numerous Shire employees or Elected Members in person, it is appropriate for the Shire to nominate a particular senior officer to deal with the general complaints.

In some circumstances it may be appropriate for a Shire employee or Elected Member to inform the complainant that they will no longer deal with their general complaints over the telephone, and to terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Shire employee or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their general complaint and communication.

Where limitations on contact with a complainant are imposed, the Shire will inform the complainant in writing, specifying the limits and the reasons for their imposition.

The Shire is aware of the legitimate right of members of the public to access Shire information under the *Freedom of Information Act 1992*. Any limits will not impede these statutory rights, or any other statutory rights of the complainant.

Supporting Shire Employees and Elected Members

The Shire has certain obligations under Work, Health and Safety legislation to provide a safe working environment. Council is mindful of the stress that dealing with difficult complainants can place on Shire employees and Elected Members.

Management will always provide support to Shire employees and Elected Members when dealing with difficult complainants.

Responsibilities

All Shire employees, Elected Members and Shire contractors are responsible for contributing to our complaints process.

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none">• Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.• Supporting service improvements that arise from complaints.• Reviewing and publishing complaint data.
Directors and Managers	<ul style="list-style-type: none">• Recruiting, training and empowering staff to resolve complaints promptly and in accordance with the Shire's policies and procedures.• Managing conflicts of interest in the complaint process.• Reporting on and identifying improvements from complaint data.• Supporting staff who deal with complaints.
All Shire employees	<ul style="list-style-type: none">• Familiarising themselves with this policy and the Shire's complaint process.• Assisting members of the public to make a complaint.• Treating members of the public respectfully and professionally.
Elected Members	<ul style="list-style-type: none">• Familiarising themselves with this policy and the Shire's complaint process.• Referring complaints to Shire staff to be dealt with in accordance with our processes.
Contractors	<ul style="list-style-type: none">• Familiarising themselves with this policy and the Shire's complaint process.• Cooperating with the Shire's complaint handling processes.

Document Control Box

Document Responsibilities:

Owner:	Chief Executive Officer	Owner Business Unit:	Governance
Reviewer:	Manager Governance, Strategy & Risk	Decision Maker:	Council

Compliance Requirements:

Legislation:	<u>Local Government Act 1995 - s.2.7(2)(b) determine the local government's policies.</u>
Industry:	<u>Councils-and-complaints-a-good-practice-guide-2nd-edition - Victorian Ombudsman</u>
Organisational:	

Document Management:

Risk Rating:	Low	Review Frequency:	Triennial	Next Due:	November 2025
Version #	Decision Reference:	Synopsis:			
1.	28/04/2022	Adopted at OMC 28/04/2022			
2.	October 2023	Desktop Review			