

COMPLAINTS POLICY

June 2021

Responsible Officer	Chief Executive Officer
Voting Requirements	Simple Majority
Initial Council adoption	15 June 2017
Amendments	April 2021
Last Council adoption	17 June 2021
Review due	2022

PURPOSE / OBJECTIVE

The objective of this Policy is to guide the Tamala Park Regional Council (TPRC) in its management and handling of complaints.

This Policy reflects best practice as outlined by the Australian Standards – *Guidelines for Complaint Management in Organisations*, and the WA Ombudsman Guidelines on Complaint Handling.

SCOPE

This Policy applies to all Elected Members, employees of the TPRC and consultants or contractors who are engaged to provide services to the TPRC.

The Chief Executive Officer (CEO) has the overall responsibility for co-ordinating the complaints policy and procedures.

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:

- A request for documents, information or explanation of policies or procedures;
- Compliance enforcement action;
- The lodging of an appeal 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.

Making a complaint

The TPRC will accept complaints via the complaints form, located on the TPRC website. The form can be lodged via email, post or in person.

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;
- Signature of complainant.

Anonymous Complaints

No action will be initiated on complaints where the complainant declines to provide their name and/or contact details unless:

- The matter being brought to the attention of TPRC is in breach of statutory provisions or the Council's Code of Conduct
- A description of the matter is one that Council considers life threatening, a "serious risk", or creates a health hazard or has a legal or financial implication for TPRC

The CEO may use their discretion to investigate anonymous complaints.

Timeliness

All complaints submitted to the TPRC will be acknowledged within **five (5) business days**.

All complaints submitted to the TPRC will be responded to within **10 business days**. If the nature of the complaint requires a longer period to resolve an interim response will be provided outlining the reason for the delay, further action to be taken and the anticipated timeframe for a full response.

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

Complainants 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.

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 TPRC;

- makes unreasonable demands on the TPRC where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated.

The TPRC may restrict, withhold or withdraw the provision of service to unreasonable complainants by taking one of the following actions:

- 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 TPRC 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 TPRC will be made by the Chief Executive Officer.

Recording complaints

All correspondence relating to a complaint must be recorded within the TPRC's business systems. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.

All complaints are required to be recorded accurately and completely. Employees who have any form of customer contact are expected to be familiar with the process of handling and recording a complaint.

Complaints about the CEO and/or 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.

Any complaint relating to the Chief Executive Officer shall be in writing and signed by the person or persons making the complaint and shall be addressed to the Chair, with a copy to the Chief Executive Officer.

All complaints are to be dealt with quickly and fairly in accordance with the principles of procedural fairness and the procedure outlined in the Policy.

Complaints to Elected Members

All complaints received by Elected Members are to be forwarded to the Chief Executive Officer.

Complaints about Elected Members

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

Additionally, the TPRC Code of Conduct for Elected Members, Committee Members and Candidates outlines the procedure regarding complaints about Elected Members.

Complaints of this nature are confidential, and outcomes will not be disclosed, unless required by law.



Complaint outcomes

The TPRC 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.

ATTACHMENTS

Complaints Procedure

LEGISLATION / LOCAL LAW REQUIREMENTS

- Tamala Park Regional Council Code of Conduct (February 2020)
- Tamala Park Regional Council Code of Conduct for Elected Members, Committee Members and Candidates
- Complaints Handling Management Practice
- Guidelines on Complaint Handling: www.ombudsman.wa.gov.au/publications