

## POL-C-171 Complaints Management

### 1. Purpose

The purpose of this policy is to establish the City of Swan's (the City) position about the approach to be taken in resolving customer complaints, which is accessible and simple.

All complaints received will be treated with courtesy and respect, appropriately investigated and responded to in a timely fashion.

Accepting feedback, including complaints, assists the City to engage with customers to promote organisational learning to continually enhance the City's services.

### 2. Scope

This policy applies to all Elected Members, staff and contractors engaged to provide services to the City or on behalf of the City.

### 3. Terms and definitions

In this Policy the terms below have the following meanings.

Term	Definition
<b><i>A complaint is</i></b>	“Expression of dissatisfaction made to or about an organisation, 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).
<b><i>A complaint is not</i></b>	<ol style="list-style-type: none"><li>A first request for action or a service;</li><li>A request for information or explanation of City policies, practices or processes;</li><li>Compliance enforcement action;</li><li>The lodging of an appeal in accordance with procedures prescribed by statute or regulation or City policy;</li><li>A petition; or</li><li>A civil dispute between private parties.</li></ol>

### 4. Policy Statement

#### 4.1 Making a complaint

Complaints can be lodged via the complainant's preferred channel, such as phone, email, in person, or the online Feedback form on the City's website.

Relevant information needs to be provided to the City in order for the complaint to be investigated and responded to properly. At a minimum the complainant needs to provide their name, contact details, what the complaint is about and when and where the issue has occurred.

#### 4.2 Complaint management principles

- Anyone who is dissatisfied about a City service or product can easily and simply make a complaint.
- Complaints can be made without fear of retribution.
- Complaints will be responded to in a timely manner.

- d) Complaints will be managed in a fair, objective, equitable and consistent manner.
- e) The confidentiality and privacy of complainants will be protected.
- f) Ensure the application of natural justice.
- g) Regularly analyse complaints data to improve the City's service delivery where possible.

### 4.3 Timeliness

All complaints received will be processed within the time frames specified in the City's Customer Service Charter.

- a) Complaints will be responded to within 10 working days.
- b) Complainants will be notified if their complaint cannot be resolved within 10 working days, with the reasons why and the expected time frames.

### 4.4 Risk

Risk factors of each complaint will be considered when managing complaints and priority will be given to complaints with high risks. The risk factors may include but are not limited to:

- a) Public safety implications;
- b) Seriousness and severity of the matter;
- c) Frequency of occurrence; or
- d) The need for immediate attention.

### 4.5 Confidentiality

The City respects the privacy of its customers and key stakeholders. Personal identifiable information related to a complaint will be kept confidential and only used for the purposes of addressing the complaint and any follow up actions within the organisation.

The City will only disclose customer and stakeholder information to third parties in the following circumstances:

- a) With the consent of the customer or stakeholder, expressed or implied;
- b) As required by law; or
- c) In order to complete the purpose or function for which the information was provided.

### 4.6 Recording of complaint

The City will collect and register all relevant information in relation to customer complaints within the City's business systems.

### 4.7 Particular cases

- a) Anonymous Complaints

Anonymous complaints shall only be considered and to the extent that they involve safety or security issues. Otherwise anonymous complaints shall be disregarded.

- b) Complaints made on behalf of others

The customer is able to nominate another person to make a complaint on their behalf. The City may require the person affected to provide written confirmation for another person to act on their behalf.

c) Complaints about Councillors

If a complaint concerns an Elected Member it should be referred in the first instance to the Chief Executive Officer for appropriate directions and/or action.

d) Allegations of Serious Misconduct

Allegations concerning criminal, corrupt or serious improper conduct will be dealt with independently of the Complaint Handling process. In the first instance they will be referred directly to the Manager, Human Resources for determination including whether there are reasonable grounds for notification to the Anti-Corruption Commission or referral to the Police.

e) Unreasonable complainant conduct (UCC)

According to Ombudsman Western Australia, UCC tends to fall into the following three broad groupings.

i. Habitual or obsessive conduct.

This includes behaviour by a person who:

- Cannot 'let go' of their complaint;
- Cannot be satisfied despite the best efforts of the agency; and
- Makes unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers);

ii. Rude, angry and harassing conduct.

iii. Aggressive conduct.

The City may manage the UCC by placing a reasonable and proportionate limitation on one or more of the following:

- The subject matter of communications, such as where the City believes that a specific issue has been adequately addressed;
- The timing of communications, including time of day, and frequency and/or duration of contact with the City;
- Access, such as restricting or prohibiting entry to City premises;
- The forms in which the complainant may contact the City, such as for contact may only be in writing, and all emails to be via the Feedback team email; and
- Any other limitation which is reasonable and appropriate and satisfies legislative requirements.

The decision to manage a customer's communication as UCC will be made by the Chief Executive Officer (or their delegate) and the customer will be informed.

f) Freedom of Information

The City will assist the public to obtain access to documents held by the City in accordance with the Western Australian Freedom of Information Act 1992 (FOI Act). For more information please refer to the Freedom of Information section on the City's website.

## 4.8 Resolving the complaint

The City will investigate and resolve a complaint in an efficient manner. The decision made or action taken regarding the complaint will be communicated to the customer as soon as the investigation is completed.

## 4.9 Reviewing the complaint

### a) Internal independent review of the complaint

- i. When the customer is not satisfied with how the complaint is resolved in the first instance, they can apply for an internal review of the complaint. The review will be undertaken by the relevant Executive Director.

The Executive Director will examine how the decision was reached, taking into account all relevant information, and provide to the customer a reviewed outcome.

- ii. If the customer is still unsatisfied they can escalate the matter to the Chief Executive Officer, who will undertake a further internal review and provide the customer with a final outcome.

### b) External review

Not all complaints can be resolved to the satisfaction of the customer. If the customer is not satisfied with how the City deals with the complaint, they can escalate the matter to the Western Australia Ombudsman's Office, Public Sector Commission or Department of Local Government and Communities.

The City shall work cooperatively with these external agencies as appropriate to assist in the resolution of external review.

- c) To update Council annually on the application of the Managing Unreasonable Complainant Conduct Management Practice.
- d) The CEO to prepare a report for a confidential meeting of Council to be held annually to revise the Managing Unreasonable Complainant Conduct list.

## Document control

Document approvals:			
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<b>Legislation:</b>	Corruption, Crime and Misconduct Act 2003 Freedom of Information Act (WA) 1992 Local Government Act 1995 Local Government (Rules of Conduct) Regulations 2007 Privacy Act 1998		
<b>Industry:</b>	Ombudsman Western Australia Guidelines on Complaint Handling AS/NZS 10002: 2014 Guidelines for Complaint Management in Organisations		
<b>Organisational:</b>	Code of Conduct Customer Service Charter Feedback Management Approach MP-168 Managing Unreasonable Complainant Conduct		
<b>Strategic Community Plan:</b>	G2.1 Improve capability and capacity		