

## Council Policy – Complaints Management

<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Governance
<b>Responsible Officer</b>	Manager Governance
<b>Affected Business Unit/s</b>	All

### Objective

The objective of this policy is to:

- provide guidelines for dealing with complaints received by the Shire of Ashburton (the Shire) from external persons;
- assure the community that complaints may be made without fear of reprisal;
- ensure that all complaints will be promptly dealt with, and will receive a response; and
- use complaints statistics to improve the effectiveness and efficiency of the Shire's operations.

### Scope

This policy applies to external complaints lodged against employees of the Shire.

This policy does not apply to complaints lodged against elected members as the requirements of the *Local Government 1995*, apply.

### Policy Statement

The Shire encourages and recognises the right of its customers to make complaints about services or service delivery and will make it a priority to address those complaints and rectify unsatisfactory actions or outcomes.

The Council and all Shire employees will be open and honest in all its dealings with customers and where no action is proposed in response to a complaint, will provide the reasons why.

The Council recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

## What is a complaint?

Complaints that will be dealt with under this policy include, but are not limited to, expressions of dissatisfaction or concerns regarding:

- decisions made by Council or employees,
- contraventions of the Employee Code of Conduct,
- the standard of works or services provided by the Shire, and/or
- failure of the Shire to comply with the *Local Government Act 1995*, Council policies, local laws and other laws administered by the Shire.

The following issues will not be regarded as complaints and will not be dealt with under this policy:

- requests for services,
- requests for information or explanations of policies and/or procedures,
- the lodging of a formal objection or appeal in accordance with the *Local Government Act 1995* and other legislation or in accordance with Council policies or standard procedures,
- the lodging of a submission in response to an invitation for comment,
- asset maintenance related complaints/works requests – requests of this nature are to be lodged via the Customer Action Request (CAR) system on the Shire's [website](#), and/or
- matters relating to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates. Matters of this nature are to be lodged on the relevant complaint form available on the Shire's [website](#).

The, designated officer may cease review of a complaint if it:

- has previously been dealt with by the Shire,
- was lodged more than 12 months after the alleged action took place, except where a complaint alleges that an action more than 12 months previously may have caused the issue of current concern, or
- if another statutory authority could more effectively deal with the complaint, in which case an explanation will be provided along with the contact details of the appropriate organisation.

## Making a complaint

Any person or their representative may lodge a complaint.

Complaints will be accepted:

- in writing to Shire of Ashburton, PO Box 567, Tom Price WA 6751,
- in person at any Shire administration office/library,

- online via the webform available at [www.ashburton.wa.gov.au](http://www.ashburton.wa.gov.au)
- by email to [soa@ashburton.wa.gov.au](mailto:soa@ashburton.wa.gov.au), or
- by telephone on 9188 4444.

Shire officers are able to assist with the lodgement of complaints, as required .

If a verbal complaint alleges a criminal offence, corruption or other serious matter, the receiving Shire officer is to advise the complainant that the matter must be submitted in writing.

Complaints regarding employees or Shire services are to be directed to the Chief Executive Officer (CEO). The designated officer is responsible for investigation and administrative responses.

Where a complaint relates to the CEO, it is to be referred to and dealt with by the Shire President.

### Confidentiality

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 Shire for a complainant who, in good faith, chooses to make a complaint.

### Anonymous complaints

The Shire accepts anonymous complaints, however, reserves the right to take no action except where the matter alleges a criminal offence or poses a risk to public health or safety.

### Complaint management

The following standard response times will be adhered to when dealing with complaints:

- Acknowledgement of receipt of the complaint is to be sent in writing within three working days.
- A formal response to the complainant will be given within 10 working days.
- Where a delay in response is expected, the complainant is to be notified prior to the expiry of the period above and provided with an estimated response timeframe. The complainant should be provided with status updates from time to time until the complaint is resolved.
- When a complaint is received, the receiving officer will attempt to satisfy the complainant as soon as possible. If a resolution/response cannot be provided immediately, or on the same day, the receiving officer will issue to the complainant a written acknowledgement of the complaint.
- Complaints received will be investigated by the designated officer.

## Complaint resolution

Where a complaint has been investigated and found to be justified, the designated officer will ensure that the remedy is carried out and will advise the complainant that the Shire has substantiated the complaint and the specific action that has/will be taken by the Shire to respond to the circumstances of the complaint.

Where a complaint has been investigated and the complaint has not been substantiated, the designated officer will provide a formal response to the complainant outlining the reasons why no further action will be taken.

## Complaint review

When a complainant is dissatisfied with the way a complaint has been handled, or with the final determination made, the following will occur:

- The CEO will allocate the review of the complaint to a designated officer, not being the designated officer that undertook the initial investigation.
- The designated officer will review the outcomes or actions taken and prepare a report for the CEO with recommendations
- Following the report the CEO will determine the appropriate resolution of the outstanding complaint, and the review of the complaint handling process applied.
- A complainant may at any time contact the Ombudsman Western Australia, or other appropriate statutory external body, if they are dissatisfied with the handling of their complaint.

## Complaints register

The CEO shall establish and maintain an appropriate record of all complaints. The record will provide the following:

- nature of each complaint
- services or facilities about which the complaints are made
- time taken to conclude complaint investigations
- outcomes
- trends
- other relevant information.

The receiving officer of any complaint shall be responsible for ensuring that all details pertaining to the complaint are recorded in the Shire's records management system and for the complaint being forwarded to the relevant officer / department.

## Definitions

**Anonymous complaint** means a complaint made without providing any identifying details of the complainant.

**Complainant** means the person, organisation or their representative who has made the complaint.

**Designated officer** means the CEO, or another Shire officer determined by the CEO to be responsible for investigating a complaint or undertaking a review.

**Receiving officer** means the employee who received the complaint.

## Relevant policies/documents

Shire of Ashburton Customer Service Charter

## Relevant legislation/local laws

*Corruption, Crime and Misconduct Act 2003*

*Freedom of Information Act 1992*

*Local Government Act 1995*

*Public Interest Disclosure Act 2003*

*Public Sector Management Act 1994*

*State Administrative Tribunal Act 2004*

*State Records Act 2000*

### Office use only

<b>Relevant delegations</b>	Nil			
<b>Council adoption</b>	<b>Date</b>	13 December 2022	<b>Resolution #</b>	171/2022
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