

# Feedback and Complaints Policy

Corporate and Community Services



June 2023

This policy sets the governing principles in place for feedback and complaints that align with the Shire of Augusta Margaret River Strategic Community Plan 2040.

## Objectives

To establish a framework to guide the Shire of Augusta Margaret River in its management and handling of feedback and complaints.

## Application

This Policy applies to feedback and complaints received from members of the public about the Shire's services, facilities, employees and contractors, or about decisions made by Council and Committees of Council.

For the purpose of this Policy, the following are not classified as complaints:

- Request for Shire service
- Request for information, documents, or explanation of policies or procedures
- Reports of hazards or damaged infrastructure
- An appeal against an infringement or fine issued for non-compliance of State Acts, Regulations or Local Laws
- Complaints by one member of the community about another member

## Definitions

In this Policy –

**Complaint** means an expression of dissatisfaction with a process or service such as:

- Insufficient information communicated about services or policies
- Customers not receiving a service when they expected it
- Delivery of services which do not meet customer's expectations.

**Feedback** means information provided by a customer about their experience with a product or service.

## Policy

### 1. Policy Statement

The Shire of Augusta Margaret River is committed to the delivery of high quality facilities and services, and strives to provide the best possible customer experience through every customer interaction.

We welcome feedback about our facilities and services and use insights to enhance our services and facilities wherever possible.

Where customers are dissatisfied with our services, facilities, actions or decisions and make a complaint, the Shire is committed to managing these complaints in a consistent and unbiased manner, ensuring an open and responsive complaint handling process.

## 2. Feedback

As part of our ongoing commitment to providing the best possible customer experience, the Shire will encourage feedback from its customers, and will use this feedback to identify opportunities for continuous improvement.

Any feedback received will be:

- communicated to the relevant parties within the Shire; and
- acknowledged and responded to in a timely manner.

## 3. Making a complaint

Any person can make a complaint. Complaints can be made by:

**Telephone:** 08 9780 5255

**Online:** [www.amrshire.wa.gov.au](http://www.amrshire.wa.gov.au)

**Post:** PO Box 61, Margaret River WA 6285

**In person:** Shire offices in Margaret River or Augusta, or at the reception desk of the service or facility about which the complaint is being made

In the interest of achieving the most timely and direct resolution to a complaint, we encourage customers to raise their concerns directly with the employee or contractor delivering the service in the first instance.

It is helpful if customers provide the following information when making a complaint:

- name and contact details (phone and email preferred). You can complain anonymously, but this may limit how the Shire responds to you
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- give us relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted you previously and documents that support your complaint
- the outcome being sought from making the complaint
- whether you have any particular communication needs.

## 4. Complaints handling

The Shire uses a four-tiered approach to resolving complaints.

### a. Initial assessment and first actions (Tier One complaint)

When you make a complaint to us, we will initially assess your complaint to decide how we will handle it. After our initial assessment, we may:

- take direct action to resolve your complaint.
- refer your complaint to the relevant Manager for investigation.
- decline to investigate your complaint (see section 5).

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 alternative options.

### **b. Investigation (Tier Two complaint)**

If we are unable to resolve your complaint when you first contact us we will refer your complaint to the relevant Manager to investigate.

The investigative activities undertaken will depend on the nature of the complaint made but may include speaking with other Shire employees or contractors, inspecting case note and documents, and reviewing relevant legislation.

We aim to complete investigation of Tier Two complaints within 20 working days and will advise you if the review will take longer.

### **c. Internal review (Tier Three complaint)**

If you are not satisfied with the process or outcome of the Tier Two complaints handling process, you can request an internal review. This internal review will consist of the following steps:

- The complaint will be referred to the relevant Director to investigate the matter and review the actions and steps taken to resolve the complaint.
- A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue(s).
- The CEO will determine the appropriate resolution of the outstanding complaint.

The internal review is the final part of the internal complaints handling process. The same matter will not be re-considered once the internal review has been completed.

We aim to complete investigations of Tier Three complaints within 20 working days and will advise you if the review will take longer.

### **d. External review (Tier Four complaint)**

In circumstances where internal processes are unable to resolve a complaint or satisfy a complainant, the Shire may refer the complainant to an appropriate external agency, such as the State Administrative Tribunal or State Ombudsman Office.

Resolution timeframes will depend on the responsible organisation.

## **5. Complaints that will not be investigated**

The Shire may determine that a complaint will not be investigated where that complaint:

- is considered to be malicious, frivolous or vexatious.
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant chooses to use that remedy or right of appeal.
- relates to a matter that is subject to an existing mediation or investigation process.
- relates to conduct before a court, coroner or tribunal.
- relates to the appointment or dismissal of an employee or contractor, or an industrial or disciplinary issue.
- relates to a decision, recommendation, act or omission which is more than one year old.

Should the Shire decide not to investigate a complaint, the complainant will be advised of the reason for the decision.

## 6. Complaints regarding Elected Members

The Local Government (Code of Conduct) Regulations 2021 provides a disciplinary framework to address matters of misconduct by local government elected members. The conduct of elected members is covered by the Shire's 'Code of Conduct for Councillors, Committee Members and Candidates', which aligns with these Regulations.

Any person may make a formal complaint about an Elected Member, Committee Member or Candidate for a minor or serious breach of the Code of Conduct. The process for consideration of these complaints is outlined in the Code of Conduct, available for viewing on the Shire of Augusta Margaret River's website.

## 7. Allegations of misconduct

Allegations concerning misconduct will be dealt with independent of the Shire's complaints handling process.

The Shire has appointed Principal Officers who are required by legislation to assess allegations of misconduct, and if required notify the Public Sector Commission, Corruption and Crime Commission or the Police.

## 8. Unreasonable conduct by complainants

The Shire does not expect its employees or contractors to tolerate behaviour that is offensive, abusive, threatening, harassing or consumes disproportionate resources.

We may change the way we communicate with customers where behaviour or conduct raises health, safety, resource or equity issues for employees involved in the complaints process. Where a complainant's behaviour is deemed to be unreasonable, the complaint will be escalated to a Director who will make a recommendation to the Chief Executive Officer that:

- a. further correspondence with the complainant be restricted.
- b. further investigation of the complaint will not be undertaken.
- c. access to Shire premises be restricted for a specific period of time.

The Chief Executive Officer will consider all facts and issues of the individual case prior to acting on any recommendations. If a decision is made to endorse the recommendation the Chief Executive Officer will write to the complainant explaining the decision.

All threats made to staff or third parties will be reported to the Police.

## 9. Privacy and confidentiality

Personally identifiable information concerning the complainant will not be made publicly available except to the extent required in law and/or with the express consent of the complainant.

Complainants seeking anonymity should note that the Shire cannot guarantee that they will not be identified during investigation, and as such, it is the complainant's right to decide if they would like to proceed with the complaint.

## 10. Recordkeeping

All complaints received by the Shire will be recorded in the mandated records management system as a 'complaint'.

## Legislation

Local Government Act 1995

Public Interest Disclosures Act 2003

Corruption, Crime and Misconduct Act 2003

Local Government (Model Code of Conduct) Regulations 2021

State Records Act 2000

## Relevant documents

Customer Service Charter

Code of Conduct – Employees

Code of Conduct – Councillors, Committee Members and Candidates

Code of Conduct Behaviour Complaints Management Policy

### Document and version control table

<b>Responsible Directorate</b>	Corporate and Community Services		
<b>Contact officer</b>	Manager Corporate Performance		
<b>Adopted / approved by:</b>	Council		
<b>Date of adoption / approval:</b>	28 June 2023	<b>Decision Ref:</b>	OM2023/112
<b>Date of next review</b>	June 2027		
<b>Document No.</b>	N261486	<b>File No.</b>	GOV/38
<b>Version</b>	<b>Date issued</b>	<b>Brief description</b>	
1.0	27/2/2019	Initial Release Adopted by Council OM2019/33	
2.0	28/6/2023	Full Review	