CP61 - Customer Complaints Management

Policy Objective

1. To establish the City's position and approach to be taken in resolving customer complaints.
2. The City is committed to managing complaints in a manner that is unbiased and consistent with Australian Standard Guidelines and the WA Ombudsman.
3. The City recognises the right of customers to complain when dissatisfied with the service provided and undertakes to resolve these complaints in an accountable, transparent, and timely manner.

Policy Detail

1. What this Policy Covers

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

b) For the purposes of this policy, a complaint is an 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.

c) For the purposes of this policy, the following are not classified as a complaint:

i) employment related complaints made by City employees,

ii) feedback obtained during stakeholder and community engagement processes,

iii) enquiries and requests for specific information,

iv) a request for service or action by the City (unless there was inaction or an unsatisfactory response to the initial request for service),

v) matters currently being dealt with or previously dealt with by a court, tribunal or external complaints agency,

vi) the lodging of an appeal or objection in accordance with a statutory or regulatory function,

vii) reports concerning neighbours or neighbouring property,

viii) complaints about individual Elected Members*,

ix) petitions, or

x) issues over 12 months old.

** Complaints about Elected Members and related processes are captured in the adopted Code of Conduct for Council Members, Committee Members and Candidates and Council Policy 60 - Complaint Investigation – Behaviour Complaints.*

2. Making a Complaint

a) General guidelines for the lodgement and management of complaints will be published on the City's website.

b) Sufficient relevant information must be provided to the City in order for the complaint to be investigated and responded to in an appropriate and timely manner.

3. Timeliness

a) All complaints received will be acknowledged within five normal working days.

b) Complainants will be notified if their complaint cannot be resolved within the prescribed timeframes of the City's Customer Service Charter. Complainants will be advised of the reasons for any delay and expected timeframe for resolution.

4. Risk

a) Risk factors associated with each complaint will be considered when managing complaints. Priority will be given to complaints with high risk factors which include but are not limited to:

   i) public safety,

   ii) seriousness of the complaint,

   iii) frequency of occurrence, and

   iv) need for immediate attention.

5. Confidentiality

a) 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 any complaint will be kept confidential and the City will only disclose complainant information to third parties as follows:

   i) with the consent of the complainant, expressed or implied,

   ii) as required by law, or

   iii) in order to complete the purpose or function for the which the information was provided.

6. Anonymous Complaints

a) The City will investigate or action anonymous complaints where reasonable and sufficient information is provided and which, in the opinion of the City, represent:

   i) a breach of statutory provisions,

   ii) a breach of an approval, licence or permit,

iii) a matter for which the City is obligated to act as prescribed in the *Local Government Act 1995 (WA), Corruption, Crime and Misconduct Act 2003 (WA), Public Interest Disclosure Act 2003 (WA)* or any other written law, or

iv) a matter which could constitute a risk to the public health and safety of persons, animals or the environment.

7. Request for Internal Review

Where a Complainant is not satisfied with how a complaint is resolved in the first instance, they can request an internal review. The review will be undertaken by the relevant Manager or Director.

8. External Review

a) Where a Complainant is not satisfied with the outcome of the City's processes, the Complainant may be able to escalate the matter to an external agency for external review, such as:

i) WA Ombudsman,

ii) WorkSafe WA,

iii) Department of Local Government, Industry Regulation and Safety, or

iv) Public Sector Commission.

b) The City will cooperate with external agencies to assist with their processes.

9. Unreasonable Customer Conduct

a) Unreasonable customer conduct (UCC) is any behaviour by a customer which, because of its nature or frequency raises substantial health, safety, resource, or equity issues for the City as an organisation, the City's employees, Elected Members, other service users or the customer.

b) UCC can be grouped into five categories:

i) Unreasonable persistence: continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on the City's services, time and/or resources (including employees and Elected Members).

ii) Unreasonable demands: demands (express or implied) made by a customer that have a disproportionate and unreasonable impact on the City's services, time and/or resources (including employees and Elected Members).

iii) Unreasonable lack of cooperation: unwillingness and/or inability of a customer to cooperate with the City, its representatives, or systems and processes that result in a disproportionate and unreasonable use of the City's services, time and/or resources (including employees and Elected Members).

iv) Unreasonable arguments: includes any arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, trivial or vexatious and that disproportionately and unreasonably impact on the City's services, time and/or resources (including employees and Elected Members).

v) Unreasonable behaviours: conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated the customer is, because it unreasonably compromises the health, safety or security of the City's employees, Elected Members, other services users or the customer.

9.1. Dealing with UCC

a) Incidents of UCC will be reported to the CEO (or appointed delegate), who may determine it is appropriate to implement measures whereby the customer's access to the City will be limited, and/or to adapt the way the City interacts with or delivers services to the customer. Measures may include restricting:

i) who the customer has contact with at the City,

ii) what the customer can raise with the City,

iii) when the customer can have contact with the City,

iv) where the customer can make contact with the City, and

v) how the customer can make contact.

b) The rationale and decision to implement restrictive measures will be documented and the customer will be advised in writing of the reasons for the decision, what restrictions apply and for what period. Restrictive measures will be reviewed as required, but at a minimum on an annual basis.

c) If a customer is unsatisfied with the City's decision regarding UCC, they can request the City to reconsider its decision by presenting any information to support their request. In the event the decision remains the same, the customer will be advised that they may be able to refer their complaint to the WA Ombudsman.

d) The CEO will inform Council of any customer who a decision has been made to have shown UCC, under which category they were deemed to have shown UCC, and of any restrictions of access to the City, or services provided by the City, to the customer subject to any legal constraints.

e) All customers are permitted to attend public meetings of Council subject to any restrictions of access to the City that are in place, legal restrictions, court orders, determinations made by the Presiding Member and applicable Standing Orders.

f) The City may limit access by the customer to City services or to any City premises for a customer deemed to have shown UCC, dependent on the degree of UCC. However, the City will not totally withdraw access to its services or to the City itself, except where the misconduct of the customer involves physical or verbal abuse or threats.

9.2. Immediate Threats

a) The City values its employees and customers, and work health and safety is forefront to this commitment. Therefore, City employees have the discretion to terminate any interaction with a customer if the employee reasonably perceives that they are at risk and particularly where the employee is being threatened, or the conduct of the complainant or customer is aggressive or abusive.

b) Where necessary, WA Police will be contacted. Threats made to, and aggressive or abusive behaviour towards employees, Elected Members and third parties will be reported to WA Police.

Reference/Associated Documents

Managing Unreasonable Complainant Conduct: Practice Manual (2009) published by Ombudsman Western Australia.

Reference to Internal Procedure

Customer Complaint Management Procedure

Customer Service Charter

Definitions

'**CEO**' means the Chief Executive Officer of the City.

'**City**' means the City of Belmont, being a local government established as a body corporate under Section 2.5 of the *Local Government Act 1995 (WA)* (the Act).

'**complainant**' means a person, organisation, or its representative, making a complaint.

'**customer**' means a person using the services of the City, or a person having contact with the City.

'**Elected Member**' means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

'**employee**' means a person:

a) employed by the City under Section 5.36(1) of the Act, or

b) engaged by the City under a contract for services.

'**limit access**' means to place restrictions in relation to:

a) the Officers the customer may have contact with,

b) the type of matter or issue the customer can raise,

c) the appointed times a customer can make contact,

d) the location where a customer may have contact, and

e) the method in which the contact may take place.

This Policy is supported by:		
Policy No:	CP61	
Strategic Community Plan:	**Key Performance Area: Performance Outcome:** 10. Effective leadership, governance and financial management.	
Register of Delegations:	n/a	
Service Area:	Corporate and Governance	
Policy Owner:	Manager Governance and Legal	
Policy Stakeholder:	n/a	
Amendment Status:		
1	Status of Amendment	Minute Item Reference
28/03/23	New Policy	12.6
12/12/23	Review – None	12.8
26/05/26	Review - Minor	12.5