

Community Complaints Policy

Introduction

The Shire recognises that from time to time, members of the community may not be satisfied with Shire services, processes, or decisions. This policy ensures there is a clear and accountable process available for people to lodge, and receive a response to, their complaint. It is recognised that complaints can be an important tool to ensure accountability and promote continuous improvement.

Objective

To ensure that complaints are resolved in a consistent, fair, and structured manner.

Scope

This policy applies to Workers of the Shire of Toodyay.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Anonymous Complaint	is considered anonymous when the complainant declines to provide their name and/or contact details.
CEO	Chief Executive Officer
Complaint (what is not)	<ul style="list-style-type: none"> • A first request for action or service (e.g. reporting a nuisance dog, request for footpath or pothole repair). • A request for information or explanation of Council decisions, practices or procedures. • A request for action or service that is outside the Shire's jurisdiction or is provided by other agencies.
Complaint (what is)	is an expression of dissatisfaction about the standard of service provided, or an action or inaction by the Shire of Toodyay, its employees, volunteers and contractors.
Contractor	is a person, business or organisation contracted to provide products and/or services to the Shire for financial consideration.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .

Term	Definition
Executive Managers	Means the Managers defined as Senior Workers that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> • Executive Manager Corporate and Community Services; • Executive Manager Infrastructure, Assets & Services; and • Executive Manager Development and Regulation.
Malicious Complaint	is considered malicious when its intent is to negatively affect another person's career, reputation, or livelihood.
Member	In relation to the council of a local government, means — <p>(a) an elector mayor or president of the local government; or</p> <p>(b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor).</p> <p>For the purposes of this policy, Member also includes a community member of a Council Committee or Mandated Committee.</p>
Regulations	Local Government (Administration) Regulations 1996.
Shire	The Shire of Toodyay.
Shire President	A mayor or president elected by the Council from amongst the councillors.
Vexatious / Frivolous Complaint	is where there is no evidence to support the complaint and/or there is evidence that the complaint is intended to cause inconvenience, harassment or financial burden.
Volunteer	is a person who contributes time, effort and talent for the benefit of the Shire of Toodyay without financial gain.
WHS Legislation	Work Health and Safety Act 2020. Work (Health and Safety) General Regulations 2022.
Workers	Employees, contractors, and volunteers of the Shire as per the Work Health and Safety legislation (WHS) and regulations.

Policy Statement

1. Principles for handling complaints

- (a) Customer focus – complaints are managed in accordance with the Shire of Toodyay Customer Service Charter.

- (b) Accessible – the process for making complaint and investigating it is easy for complainants to understand.
- (c) Responsive – complaints are acknowledged, addressed according to urgency and the complainant is kept informed in accordance with the Customer Service Charter.
- (d) Objective and Fair – complaints are dealt with in an equitable, objective and unbiased manner. Unreasonable complainants do not become a burden
- (e) Confidentiality – personal information related to complaints remains confidential.
- (f) Continuous Improvement – complaints are used as a source of improvement.

2. Lodgement of complaints

- (a) Complaints can be made:
 - In writing, via correspondence or email. Emails should be sent to records@toodyay.wa.gov.au.
 - In person, by completing a Customer Service Charter – Feedback Form available on the Shire’s website <https://www.toodyay.wa.gov.au/resident-services/forms-applicationsand-fact-sheets.aspx> (Select “Other”)
 - By telephone. Complainants should be encouraged to lodge their complaint in writing. If they insist on lodging the complaint verbally, the complainant must provide their name and contact details along with details of the complaint which are to be recorded by a Shire officer.
- (b) All complaints will be registered through the Shire’s record keeping system by the Officer who receives the complaint at the first point of contact.
- (c) Where complaints are made directly to Members, the complainant should be encouraged to contact the Shire office. However, Members may also lodge a complaint on behalf of the complainant.
- (d) Frontline staff are responsible for receiving, registering and resolving minor complaints in an efficient and effective manner. The majority of complaints can be resolved immediately by acknowledging the customer’s dissatisfaction, apologising where appropriate, and taking corrective action.

3. Complaints that will not be considered

- (a) Anonymous complaints; unless the matter could be in breach of statutory provisions or the Shire’s Code of Conduct.
- (b) Complaints containing offensive language, or that are discriminatory in nature.
- (c) Malicious, vexatious or frivolous complaints.

Notwithstanding parts (a) to (c) of this clause, all complaints received will be acknowledged.

4. Investigation and referral

- (a) Where the complaint cannot be resolved at the initial contact, the complaint will be referred to the appropriate officer for investigation.
- (b) The complaint will be referred to the relevant Executive Manager when:

- The complaint is outside the authority or expertise of the receiving officer;
 - The officer is unable to reach a resolution;
 - The customer remains dissatisfied;
 - The nature of the complaint warrants authority at a higher level.
- (c) The complaint will be escalated to the Shire Complaints Officer where the Executive Manager is unable to reach a resolution.
- (d) The complaint may be referred to an external agency when determined by the Shire's Complaints Officer.

5. Unresolved complaints

- (a) The Shire recognises that not all complaints may be resolved within the above process and that complainants may not receive the outcome they seek.
- (b) If a customer is dissatisfied with the complaint resolution provided, other avenues for resolution include:
- Making a request to have the matter considered at a more senior level.
 - The Ombudsman of Western Australia is an independent officer of Parliament who investigates complaints about state government departments, most statutory authorities and local governments. The Ombudsman can be contacted at:

Level 2 Albert Facey House, 469 Wellington Street Perth WA 6000
PO Box Z5386 St Georges Terrace Perth WA 6831
Tel 08 9220 7555 / Free call (outside metropolitan area) 1800 117 000
Email: mail@ombudsman.wa.gov.au
Website: www.ombudsman.wa.gov.au
 - Other legal advice or remedy.
- (c) Complainants are encouraged to allow the Shire of Toodyay to investigate complaints prior to referral to an external agency.

Reference Information

- [Shire of Toodyay Code of Conduct](#)
- [Shire of Toodyay Customer Service Charter](#)
- [Guidelines on Complaint Handling – Ombudsman Western Australia](#)

Legislation

[Local Government Act 1995](#)

[Local Government \(Model Code of Conduct\) Regulations 2021](#)

Associated documents

[Customer Service Charter – Feedback Form](#)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V0	16/4/2021	Original	CEO	Council
V1	27/09/2023	Reviewed 12/06/2023	Executive Services	Council

Document control information	
Document Theme	Governance
Document Category	Communities
Document Title	Community Complaints Policy
Document ID	COM04
Document Owner (position title)	Chief Executive Officer
Author (position title)	Chief Executive Officer
Date of approval	27 September 2023 (CRN: 214/09/23)
Approving authority	Council
Access restrictions	Nil
Date Published	9 October 2023
Date of last review	27 September 2023 (CRN: 214/09/23)
Date of next review	3 November 2027
Archived antecedent documents and previous versions	27 April 2021 OCM (CRN: 85/04/21)