



Complaints management

Introduction

Local governments deal with many complaints each year. Complaints are an important way for the management of an organisation to be accountable to the public. If not handled well, complaints can lead to a significant breakdown in trust and can spill over into other areas of the local government's operations.

Role of the Ombudsman

When complaints are not effectively dealt with by the local government, complainants may take their complaint to the Ombudsman. The Ombudsman is an independent officer of Parliament with the responsibility to investigate the actions of public authorities including local governments.

What is a complaint

To be able to effectively categorise and manage complaints there needs to be a common understanding of what constitutes a complaint.

The Australian/New Zealand guidelines for complaints management in organisations defines a complaint as 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.”

A complaint is **not** a request for information about council services, a request for action or feedback or suggestions from the public about council's services and administration.

The standard provides guidance on complaints management within an organisation including the planning, design, operation, maintenance and improvement of the organisation's complaints management systems.

It is essential to have policies and procedures in place to deal with a complaint well from when it is first received.

Complaints are driven by dissatisfaction felt by the complainant on issues they feel are explicitly or implicitly expected or legally required. Even when a person's conduct may be unreasonable, there may still be a valid complaint and the complaint should be handled appropriately. Labelling a person using terminology like vexatious or frivolous can negatively influence how they are perceived and responded to within a complaint handling system. Local governments need to have appropriate strategies in place for managing unreasonable conduct by a complainant fairly, ethically and reasonably.

How jurisdictions deal with complaints across Australia

Jurisdiction	Policy and procedure
South Australia	<ul style="list-style-type: none"> ▪ All councils must develop and maintain policy, practices and procedures for dealing with: <ul style="list-style-type: none"> ○ Any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council. ○ Complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council. ▪ These must be directed towards dealing with the relevant requests or complaints in a timely, effective and fair way, and using information gained from the council's community to improve its services and operations. ▪ Councils must ensure that copies of these documents are available for inspection by the public.
Queensland	<ul style="list-style-type: none"> ▪ Councils must adopt a process for resolving administrative action complaints. ▪ Councils must have written policies and procedures that support the complaints management system.
Tasmania	<ul style="list-style-type: none"> ▪ Councils must adopt a customer service charter that: <ul style="list-style-type: none"> ○ Specifies the principles relating to services provided by the council. ○ Specifies the procedure for dealing with complaints relating to services provided by the council. ▪ What a customer service charter must include is set out, providing clear guidance to local governments on how to write an appropriate customer service charter. ▪ Councils must review the customer service charter at least once every two years
Victoria	<ul style="list-style-type: none"> ▪ Amendments currently under consideration will require councils to develop and maintain a complaints policy for dealing with complaints made to the council. ▪ The policy must incorporate a review process, carried out by a person who is independent from the original decision maker or service provider.

What are the opportunities for reform?

There is currently no legislative requirement for local governments in Western Australia to have complaint handling processes.

According to research conducted by the department, almost 50% of local governments in Western Australia either have no, or very limited, documented complaints handling processes. Furthermore, many local governments do not have easily accessible complaints handling processes which impacts a local government's commitment to transparency and accountability. The purpose of this review is to explore options to equip local governments with tools to better deal with external complaints from members of the public and their communities.

In a bid to modernise the Local Government Act 1995 in line with the message of being agile, smart, and inclusive, identifying what works best for the diversity of needs across WA is essential. Streamlining processes while creating mechanisms that can allow a flexible, fit-for-purpose way of ensuring all local governments get the most out of complaints management is essential for WA.

Complaints management policies and procedures

A legislative requirement for complaints management may encourage local governments to adopt and actively work on better complaints management. The Australian/New Zealand Standard for complaints management in organisations recommends that organisations should implement a complaints management system.

The standard states that an organisation should establish an explicit complaints management policy setting out its commitment to the effective management of complaints. The policy should be supported by procedures dealing with how the complaints will be managed by the organisation, who will be involved in that process, and their roles. In South Australia, the legislation sets out the minimum procedures that local governments must address, whereas in Queensland the legislation simply provides that local governments must have written policies and procedures that support complaints management.

All local governments could be required to adopt the Standard, including the following key requirements:

- The adoption of a clear definition of complaints in line with the standard.
- Policies and procedures that clearly set out how the local government handles complaints, for example providing timeframes and requiring a person independent of the initial matter to be responsible.
- Provisions for how complaints are to be resolved and for when matters are referred to an external body, for example the Ombudsman.
- A requirement for local governments to make their policies and procedures available on their website.

Customer service charter

A customer service charter is a policy document used to provide the principles and guidelines a local government will use for complaints management. It is a commitment to members of the community and other stakeholders on how the local government will deliver services and handle matters of concern relating to that. The charter should be available on a local government's website to outline how a local government manages complaints from the public. A customer service charter should provide:

- The principles relating to the services provided by the council.
- The procedures for dealing with complaints relating to services provided by the council.
- Any other information a local government deems essential.

The Public Sector Commission website provides a good example of a [customer service charter](#).

Independent review process for unresolved complaints

Clear policies and procedures to handle complaints should provide both the local government and community with adequate avenues to resolve the grievance and close the matter. The nature of complaints mean that not every issue will be satisfactorily resolved. To ensure due process, the Act could require a local government to specify a process for the review of decisions.

This review process would be carried out by a person who is independent from the original decision maker or service provider. An internal, independent reviewer may take the form of a different staff member, a committee created by the local government, tabling of the decision for review by council or hiring an independent reviewer. This option needs to consider the cost implications that may arise, especially for smaller local governments, so a tailored approach would be necessary

The Ombudsman website provides examples of good complaints management for both reasonable and unreasonable complainant conduct.

Have your say

Have your say on these important issues by completing the [survey](#) or emailing actreview@dlgsc.wa.gov.au. A [more detailed paper](#) is also available.

