

	<b>Function:</b> GOVERNANCE	<b>Adopted:</b> 16 <sup>TH</sup> JANUARY 2013
	<b>Policy Number:</b> GOV017	<b>Resolution No.:</b> C7:13
	<b>Version Number:</b> 1.1	<b>Last Review:</b> 14 <sup>TH</sup> FEBRUARY 2018
	<b>Frequency of Review:</b> As Required	<b>Resolution No.:</b> C26:0218
		<b>Next Review:</b> TBA
<b>EXTERNAL COMMUNICATION POLICY</b>		

## Policy Statement

### 1. Introduction

This Policy establishes a framework for how the Copper Coast Council will respond to a customer, particularly those dissatisfied with a process, product or service offered or provided by the Council and who has spoken to the relevant Council officer and has not been satisfied with the response given.

The Council:

- Welcomes complaints as a form of feedback that will ultimately identify service improvement opportunities;
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealings with its customers while meeting the needs of the community;
- Is committed to identifying, investigating and where possible resolving complaints and grievances;
- Recognizes the importance of transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and services provisions.

These principles are of utmost importance in the Councils endeavours to retain the trust, confidence and support of its community.

Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will under pin Council's service delivery.

By working together, using open and honest communication, and listening and respecting customers, we will provide a high level of service to our community.

---

*Lifestyle location of choice*

### What we will do for you

- Treat customers as we would like to be treated ourselves – with respect and courtesy.
- Be active listeners and identify customers' needs by asking questions and confirming details.
- Acknowledge a customer's need for assistance and always make a service promise to ensure that we follow through.
- Wear name badges for the customer's convenience and give staff names on all our dealings with the customer.
- Respect cultural diversity, consider natural and cultural and social justice and value human dignity.
- Provide our customers and the community with processes to review our decisions
- Encourage customer feedback as an opportunity to improve our services and our image.
- Exercise integrity and provide consistent professional and high quality service.
- Our website will contain quality, easily accessible information.
- All complaints are processed and replied to within 10 working days – if not the complainant will be advised why there is a delay and when to expect a response.
- If we are not the providers of the service or information, we will refer the customer to the relevant service area or organisation for assistance.

### How the customer can help us by

- Clearly identifying themselves and the nature of their call.
- Treat staff with respect.
- Be honest, open and transparent in their dealings with us.
- Tell us as soon as they know their circumstances have changed – eg address, builder's name etc.
- Provide us with feedback through customer surveys.
- Give us all of the information we need to help them including all relevant documentation.
- In the case of disabled customers, by providing us with any advice on how we can better service their needs.
- Ask us to explain anything that they are not sure about.

### Complaints

Complaints about the Copper Coast Council are processed in accordance with the Complaints Handling and Grievance Procedure Policy. Council staff inevitably come into contact with a small number of complainants who take up an unwarranted amount of Council resources or impede the investigation of their complaint. The aim of this policy is to identify situations where the complainant could be considered vexatious or persistent and how to deal with such situations.

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognized that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

This Policy does not apply to complaints in respect of Councillors. Guidance on how to proceed with a complaint about a Councillor can be found in the Council Member Conduct Complaint Handling Policy.

---

*Lifestyle location of choice*



## 2. Applicable Legislation

There is no legislative requirement for the Council to have a policy that deals with aggrieved customers, however, the Council recognises that this policy represents good governance practice.

Local Government Act 1999

Section 270 of the Local Government Act 1999 requires Council to establish procedures for the internal review of Council decisions.

Under Section 270 of the Local Government Act 1999, the Council has the ability to refuse to consider an application for review of a decision on the grounds that the application is frivolous or vexatious, or where the applicant does not have sufficient interest in the matter.

Section 99(1)(g) of the Local Government Act 1999 provides that the Councils Chief Executive Officer must ensure that the assets and resources of the Council are properly managed and maintained.

Section 103 of the Local Government Act 1999 delegates the authority to the Council's Chief Executive Officer to appoint, dismiss and manage employees.

## 3. Integration with Corporate Objectives

Governance Objective:

To provide Leadership and ensure community resources are managed efficiently and effectively

Our Values:

We will:

Treat everyone with fairness and respect.

Work together to provide the best possible services.

## 4. Definitions

*The Council* – Copper Coast Council as a local government entity.

*Customer* – ratepayer, resident, visitor or business.

*Correspondence* – means any written communications that requires registration in Council's record system under the State Records Act

*Frivolous* – a complaint that lacks substance or merit, or is obviously untenable.

---

*Lifestyle location of choice*

*Malicious* – someone who is motivated by wrongful, vicious or mischievous purposes.

*Persistent* – someone who is refusing to give up or let go and/or is obstinate and/or insistently repetitive or continuous.

*Request for Information* – when the Council receives a request for information regarding services.

*Request for Service* – when a customer requests the provision of service, or for some action to be taken to address a problem, or a request for a change to the way the Council delivers a service. If a service is not dealt with appropriately, it may then become a complaint.

*Review of a Council Decision* – when a customer seeks a review of a decision made by the Council, an employee of the Council, or persons acting on behalf of the Council. These are dealt with in Council's "Internal Review of Council Decision Policy".

*Unreasonable complainant conduct* – unreasonable conduct by complainants, which goes beyond normal situational stress associated with complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

*Vexatious* – when a complaint is considered to harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is a sham and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint, or possessed insufficient direct interest in the issue complained about.

## 5. Application

Council's aim is to better serve the community through our customer service as follows:

### 5.1 Incoming letters/faxes/emails/social media – Council Operations

We will use our best endeavours to:

:

- Process Section 7 (Land and Business (Sale and Conveyancing) Act 1994) searches within 8 clear business days;
- Write to correspondents in easily understood language;
- Send out standard information to correspondents within 3 clear business days of your request;
- Respond to letters of correspondence to staff, requiring a response, within 14 days of receipt;
- If an enquiry requires in depth research that will take longer than 14 days, we will acknowledge the request and where possible provide a completion date and contact details for further enquiries;
- Provide responses to submissions to public consultation, however, the response will be varied and may be through a range of direct or indirect media such as the newsletter or local paper.
- Note comments posted on social media, but they are not guaranteed a response and correspondents should use an alternate media should they need a guaranteed response.

---

*Lifestyle location of choice*



- Take immediate action if we determine the matter is a threat to public health and safety.
- Not process anonymous correspondence. It will be held by records staff in accordance with the State Records Act. It may be forwarded to an external authority due to the nature of the correspondence after consultation with the CEO, but it will not be forwarded to the recipient or distributed further within the organisation.

5.2 Incoming letters/faxes/emails – Council Meetings, Council Elected Members  
We will use our best endeavours to:

- Include letters addressed to Elected Members in the next public Council Agenda should the writer request a decision from Council or request in the letter that it be included in the Council Agenda. Other correspondence will be forwarded to the Elected Members privately. Note: Any Elected Member may request an item of correspondence be placed on the Council Agenda through the CEO.
- Respond to correspondence forwarded to or addressed to individual Elected Members, however, the timing and content of that response will be at the discretion of the Elected Member;

5.3 Incoming telephone calls  
We will endeavour to:

- Answer calls within 4 rings;
- Have a 'smile in our voice' and courteously welcome callers to the Copper Coast offices;
- Comply with the Copper Coast Council telephone answering procedure;
- Return calls on the same day, if possible, and normally within 3 clear business days of your call;

5.4 Complainants

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.

Sometimes the situation between the Council and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable for example, abusive, offensive or threatening.

Complaints may be deemed to be vexatious as a result of their unreasonable behaviour where current or previous contact with them shows that they have met one or more of the following criteria:

5.4.1 Expectations of Complainants' Conduct

When members of the public approach Council it is expected that they will treat staff with respect and courtesy and will adhere to the following standards:

- speak politely and with courtesy
- not make threats
- refrain from abusive language
- not act aggressively
- provide all reasonable and relevant information about their complaint
- limit contact to reasonable and required communications.

---

*Lifestyle location of choice*

#### 5.4.2 Unreasonable Persistence

- persisting with a complaint even though it has been comprehensively considered by the Council staff, and where all avenues of review have been exhausted;
- reframing a complaint in an attempt to get it taken up again;
- showing an inability to accept the final decision by repeatedly raising the issue after reasonable attempts have been made to provide a reasoned and rational explanation;
- persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly;
- persisting in wanting to know where to go next when it has been explained that there is nowhere else to go, demanding a review because it is available but not arguing a case for a review;
- making an issue out of anything;
- getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.

#### *Staff Response*

- be prepared to say 'no'
- it may be appropriate to advise the complainant that the issue will not be investigated any further
- clearly communicate if an unproductive telephone call is to be terminated
- provide one internal review only
- adopt, when appropriate, a firm position of no further contact or correspondence
- do not allow the complainant to re-frame the complaint to keep the matter alive unless there are significant new issues
- make it clear that the decision of Council is final.

#### 5.4.3 Unreasonable demands

- Insisting on outcomes that are unattainable (is a not-in-jurisdiction issue, wants the department shut down or someone fired from their job, prosecution of individuals);
- Insisting on a 'moral' outcome eg justice in the community interest, when really a personal interest is at stake;
- Demanding an apology and/or compensation when no reasonable basis for expecting such outcomes exist;
- Wanting what is not possible or appropriate eg copies of sensitive documents, names/contact details of staff, other complainants or whistleblowers, etc;
- Issuing instructions and making demands as to how a complaint should be handled;
- Making unreasonable resource demands, expecting resources in excess of or out of proportion to the seriousness of issue, eg wanting us to seek expert opinion.
- Consistently creating complexity where there is none.

---

*Lifestyle location of choice*



#### *Staff Response*

- set limits of what will be done ie what issues will be investigated, by whom, how communication will happen etc.
- be clear with complainant in advance what Council will do, and the limits
- end telephone calls that are unproductive, with a warning
- may need to limit contact to in writing only.

Where a complainant engages in unreasonable complainant conduct the Council's may deal with the complaint and complainant in accordance with this Policy.

#### 5.4.4 Unreasonable behaviour

- displaying confronting behaviour
- being rude
- being aggressive
- making threats of self harm
- making threats of harm / violence to others.

#### *Staff Response*

- staff will not tolerate unreasonable behaviour
- complainant is to be told that threats are unacceptable and may be reported to the police
- rude correspondence will not be responded to. Complainant is asked to reframe their complaint in more moderate terms
- if a complainant is behaving unreasonably in a telephone conversation he or she should be warned that their conduct is unacceptable and that if the behaviour persists the call will be terminated
- telephone calls are to be ended if the complainant continues to behave unreasonably after being warned. The Director and/or Chief Executive Officer is to be advised of this action.

#### 5.5 Managing Malicious, Frivolous, Persistent and Vexatious Complaints

Following an investigation, the Council Chief Executive Officer may determine a complaint is malicious, frivolous, unreasonable, persistent or vexatious.

A determination that a complaint is malicious, frivolous, unreasonable, persistent or vexatious must take into account:

- any previously similar complaints from the complainant;
- the response and outcome to the previous complaints;
- the resources required to address the complaint (to ensure that it is not an unreasonable diversion of public resources);
- the principles of equity and procedural fairness.

A decision to take no further action on the complaint will be made by a Director or the Chief Executive Officer, and the complainant will be informed in writing.

Where the Council determines a complaint to be malicious, frivolous, unreasonable, persistent or vexatious it will respond in a consistent manner, taking into account the individual circumstances of each complaint.

---

*Lifestyle location of choice*

#### 5.5.1 Limiting contact between the Council and members of the public

The Council is entitled to expect that members of the public who have a complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the council to place certain limits on the type of services that will be made available to complainants whose behaviour goes beyond acceptable limits.

The Council may impose limits on the times and days that correspondence may be accepted from a complainant, or may request all complaints and communication be provided in writing.

Where limitations on contact with a complainant are imposed, the Council will inform the complainant in writing, specify the limits, and the reasons for their imposition.

Before imposing limits the council may try alternatives, such as determining whether a different and more senior officer is able to deal with the complainant.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their complaint and communication.

The Council is aware of the legitimate right of members of the public to access Council information under the Freedom of Information Act 1991. Any limits will not impede these statutory rights.

#### 5.5.2 Not replying to correspondence

Where, following an appropriate written response to a complainant, the Council received further complaints that detail the same or substantially similar matters to those received previously, the Council is entitled to inform the complainant that the Council will not provide a substantive response to this, or similar complaints.

This approach provides the complainant with the opportunity to reframe the complaint if the similarities were unintentional.

#### 5.5.3 Terminating phone calls

In the first instance calls will be taken through the switchboard and logged in the Customer Service system prior to being transferred to appropriate Council officer.

In some circumstances it may be appropriate for a Council officer to inform the complainant that they will no longer deal with their complaints over the telephone, and to terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Council employee, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

#### 5.5.4 Limiting face to face contact

Where a complainant is making the same of a substantially similar complaint to numerous Council officers in person, it is appropriate for Council to nominate a particular officer to deal with the complaints.

---

*Lifestyle location of choice*



The Council will notify the complainant in writing of the name and contact details of the officer who will respond to complaints, and specify that no other officer will respond to complaints made by the complainant.

#### 5.5.5 Declining to further investigate complaints

Where:

- a thorough examination of a complaint has occurred;
- the complainant remains dissatisfied with the outcome of the complaint and demands further review.

the Council will consider placing limits on further communications with the complainant.

This act will only be taken as a last resort, with the decision taken by a Director or the Chief Executive Officer after all other avenues have been exhausted and where the complainant is making unacceptable demands on the Council's complaint handling resources.

Limits could include:

- declining to respond to any further communication unless they are in writing;
- informing the complainant that any further complaints will be filed by the Council with acknowledgement unless it includes significant new information to the Ombudsman (or other external agency) for action.

If it appears to the council that the complainant is deliberately providing information in a selective manner, the Council will request the complainant to immediately pass on all relevant information to the Council. The Council may advise the complainant that if further material is provided, the Council will require a satisfactory explanation as to why it was not provided earlier, before it will give consideration to the material.

#### 5.5.6 Seeking legal advice

In some instances it may be appropriate for Council management to seek legal advice with respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint. A decision to seek legal advice will be taken by the relevant Director or Chief Executive Officer.

Where a complaint relates to a particular member of Council staff, consideration will be given to making advice available to that staff member on request.

Where a particular officer of the Council believes that a complaint may have impugned their professional reputation, they may seek their own legal advice in relation to what private action they may take.

### 5.6 Supporting staff

The Council has certain obligations under Occupational Health, Safety and Welfare legislation to provide a safe working environment. Council is mindful of the stress that dealing with difficult complainants can place on Council staff.

Management will always provide support to junior staff when dealing with difficult complainants, and ensure appropriate customer service policies are in place.

---

*Lifestyle location of choice*

6. **Delegation**

*Policy Implementation*

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

In accordance with the Local Government Act 1999, all matters relating to the behaviour and decision making of Council employees will be managed by the Chief Executive Officer or their delegate, and not the Elected Council.

7. **Adoption and Review**

The External Communication Policy will be reviewed as required.

8. **Availability of Policy**

This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website.

A copy of this Policy may be obtained on payment of a nominated fee from Councils' principal office or may be down loaded from Councils' website.

Signed 

Mayor

Signed 

Chief Executive Officer

Date 13<sup>th</sup> March 2018

---

*Lifestyle location of choice*