

Please note: These minutes are yet to be confirmed as a true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 29 SEPTEMBER 2016**

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## MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN MEETING ROOM A, CITY ADMINISTRATION SITE, HARRIS ROAD, BUSSELTON, ON 29 SEPTEMBER 2016 AT 1.00PM.

### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 1.01pm.

### 2. ATTENDANCE

#### Presiding Member:

Cr Coralie Tarbotton

#### Members:

Cr Rob Bennett (from 1.02pm)  
Cr Grant Henley  
Cr Ross Paine  
Cr Robert Reekie

#### Officers:

Mr Matthew Smith, Director, Finance and Corporate Services  
Miss Sarah Pierson, Manager Corporate Services  
Mr Hendrik Boshoff, Manager Information Services (until 1.13pm)  
Miss Hayley Barge, Administration Officer, Governance

#### Apologies

Nil

#### Approved Leave of Absence

Nil

### 3. PUBLIC QUESTION TIME

Nil

1.02pm At this time Cr Rob Bennett entered the meeting.

### 4. DISCLOSURE OF INTERESTS

Nil

### 5. CONFIRMATION OF MINUTES

#### 5.1 Minutes of the Policy and Legislation Committee Meeting held 18 August 2016

#### Committee Decision

**PL1609/084** Moved Councillor R Reekie, seconded Councillor R Paine

That the Minutes of the Policy and Legislation Committee Meeting held 18 August 2016 be confirmed as a true and correct record.

**CARRIED 5/0**

## 6. REPORTS

### 6.1 COMPLAINTS HANDLING POLICY REVIEW

<b>SUBJECT INDEX:</b>	Complaints Handling
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Information Services
<b>ACTIVITY UNIT:</b>	Customer Service
<b>REPORTING OFFICER:</b>	Manager, Information Services - Hendrik Boshoff
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Complaints Handling Policy with Tracked Changes

### PRÉCIS

The Complaints Handling Policy is presented for review and update as part of the ongoing policy review process. The policy has been reviewed and assessed as requiring only minor changes as outlined in this report. While only one minor alteration is recommended, the operation of the policy has been examined in detail to ensure no other changes are required. The opportunity has also been taken to provide information to Council on the work that has been undertaken in developing internal guidelines and procedures to bring the Policy into effect.

### BACKGROUND

At the meeting of 24 April 2012 Council resolved (C1204/104) to adopt a policy (012) to provide a guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

As part of the implementation officers developed a complaint handling Operational Practise and Procedure (OPP), which set out the business rules for the City. Once approved, the OPP was used to develop a training program for all staff, a complaint register module within the City's information technology systems and a complaints reporting mechanism.

The training program included training to staff in relation to:

- The officer's role in customer service delivery;
- Identifying the circumstances of a true complaint;
- Obligations officers have to uphold the Customer Service Charter; and
- The officer's role in the complaint handling process.

The training has been delivered as part of an organisation wide training program and was adapted for inclusion to the City's new staff induction process, which is currently being delivered to all new employees.

The complaints register information technology system enables the City to track a complaint as it is:

- received;
- distributed to the appropriate officers;
- actioned;
- corresponded to; and
- resolved.

The information retained in this system forms the basis of the biannual report to Council as part of the organisational Key Performance Indicator (KPI) report. Over the past three (3) years the City has experienced a fairly steady number of complaints each year. All complaints have all been tracked and resolved as at the close of the financial year 2015/16.

The policy is to be reviewed as required. As it has been four years since the implementation, this review is now being undertaken.

### **STATUTORY ENVIRONMENT**

The policy itself includes provisions in order to comply with the State Records Act 2000.

### **RELEVANT PLANS AND POLICIES**

This report recommends changes to an existing Council policy, the Complaints Handling Policy (012).

### **FINANCIAL IMPLICATIONS**

Nil

#### **Long-term Financial Plan Implications**

Nil

### **STRATEGIC COMMUNITY OBJECTIVES**

The ongoing policy review process is part of the City's governance systems which ensure responsible, ethical and accountable decision-making.

As the policy provides guidance for Council and the City with regards to complaints management, in order to most effectively meet its service provision obligations to the community, the policy aligns with Council's Strategic Priority Key Goal Area 6:

“Open and Collaborative Leadership”

and more specifically with the Community Objective 6.3:

“An organisation that is managed effectively and achieves positive outcomes for the community”.

### **RISK ASSESSMENT**

Not required for this policy review.

### **CONSULTATION**

Whilst there has been no specific consultation with the community in relation to the review of the policy, internal consultation have been undertaken with relevant officers as it relates to the operation of the complaints handling process.

### **OFFICER COMMENT**

Generally, it is believed that the Complaints Handling Policy and in particular the internal procedures developed to give effect to that Policy, are operating effectively.

The Policy currently contains a requirement to develop a procedure for complaint handling as follows:

*'Develop clear and accessible guidelines for dealing with vexatious and / or malicious complainant.'*

Upon review, it is believed that the complaint handling processes and guidelines that have been put in place already allow the opportunity to assess each complaint based on its own circumstances and enable vexatious and/or malicious complaints to be dealt with as part of the investigation process.

For example, in situations where a complainant might make contact with the City via multiple channels or on multiple occasions in relation to the same complaint, the process allows for each to be recorded under the original complaint and dealt with as a singular complaint. Where a complaint might be found to lack substance during any stage of the investigation, there is an opportunity to resolve the complaint and communicate the findings at that time. Similarly, if a complaint is received the subject of which has already been investigated and resolved, in the absence of new information or any change of circumstances surrounding the matter, the process allows for the complaint to be noted as resolved and the resolution communicated to the complainant.

On this basis it is seen as unnecessary and perhaps counterproductive to produce a specific procedure dealing with vexatious or malicious complaints. Ultimately the complaint investigation process will determine whether or not a complaint is substantiated and generally specifically identifying a complaint as vexatious or malicious is unnecessary and would not add to the process or assist to meet the objectives of the Policy. Thus it is proposed that the requirement to develop this procedure be deleted.

## **CONCLUSION**

The Complaints Handling Policy is a mechanism to support the City in meeting its complaints management obligations, with the ultimate aim of improving the City's overall customer service. Given the work that has been done in developing complaint handling guidelines in the form of an Operational Practice and Procedure, it is not considered necessary to develop a further procedure to deal with vexatious and malicious complaints. Other than removing the specific requirement to develop this procedure, no further changes are recommended to the Complaints Handling Policy as part of this review.

## **OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policy amendments will be effective immediately upon adoption by the Council.

### **Committee Recommendation and Officer Recommendation**

**PL1609/085** Moved Councillor R Bennett, seconded Councillor G Henley

That the Council adopts the following updated Complaints Handling Policy:

<b>012</b>	<b>Complaints Handling</b>	<b>V2 Draft</b>
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## **STATEMENT**

Council recognizes and acknowledges the importance of providing impartial, equitable and timely complaint resolution to the community, its residents and stakeholders.

## **PURPOSE**

The intent of the Policy is to provide the guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

## **SCOPE**

This policy applies to all Employees of the City of Busselton.

## **POLICY CONTENT**

The City of Busselton regards the provision of excellent complaint resolution services as a core strategic responsibility. In development of this policy, the Council has considered community feedback and expectations, relevant internal and external processes, organizational risks and officer recommendations. In addition, this policy takes into consideration the existing City of Busselton Code of Conduct and Customer Service Policy, which broadly outlines responsible behavior for all City Officers.

This policy applies directly to the delivery of services as documented in the City of Busselton Customer Service Charter. This policy is to ensure that everyone within the organization understands the duties and responsibilities applicable at all levels.

The City of Busselton Complaint Handling Policy is our commitment to the community to address their complaints in a manner that is:

- Customer focused;
- Responsive and empathetic;
- Objective and fair;
- Confidential;
- Accountable and transparent;
- Outcome focused;
- Free of reprisals; and
- Accessible for review and improvement.

## **Complaint Definition**

The City of Busselton recognizes a complaint to be:

*Any expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct and/or behavior of any person employed by the City of Busselton, which is not anonymous, made to the City of Busselton through its Councilor, Chief Executive Officer or any of its employees in writing or verbally, where a response or resolution is explicitly or implicitly expected.*

A complaint is therefore not:

- A request for service;

A request for information is:

- A request for an explanation of a policy or procedure;
- The lodging of an appeal in accordance with a standard procedure or policy;
- A freedom of information enquiry;
- An allegation of a breach of the law by a third party; or
- An expression of dissatisfaction with a decision.

**Responsibilities:**

## Councilors will:

- Ensure guidelines for complaint handling service delivery as stated in this policy and the Customer Service Charter are current and relevant and that these guidelines continue to be customer and outcome focused;
- Review this policy on a periodic basis as required by changing community needs;
- Identify performance indicators for expected complaint resolutions, including expected levels of compliance and reporting requirements;
- Support the CEO and Executives in the provision of excellent complaint resolution services;

## CEO and Executives will:

- Endorse and support all standards documented in this policy;
- Promote a positive attitude towards complaint and complainant handling;
- Endorse and support an organizational complaint handling procedure which includes, but is not limited to:
  - Processes to capture complaints;
  - Investigation methods and results;
  - Guidelines for resolution decisions;
  - Training requirements;
- Contribute to the regular periodic review of this policy by:
  - Engaging in regular community consultation to ensure current and future customer needs are adequately addressed;
  - Identifying opportunities for improvements to complaint handling procedures;
  - Support Managers and other staff in the provision of customer-focused complaint resolution;
  - Establish mechanisms to monitor compliance with this policy;
  - Establish processes to deal with failure to meet endorsed standards;
  - Report to Council on performance indicators for Complaint resolution.

## Managers will:

- Optimize and support complaint handling and resolution mechanisms in place to comply with this policy;
- Ensure officers under direct and indirect supervision are aware of and are following guidelines detailed in this policy and related procedures.
- Ensure new employees are made aware of the complaint policy and procedure and their requirements.
- Ensure ongoing training to foster and develop conflict resolution and other customer service related skills;
- Implement endorsed procedures to deal with failure to meet the standards of this policy;
- Report to the CEO and Executives on performance indicators for complaint resolution.

## All Employees will:

- Comply with this policy and associated procedures;
- Actively support others in compliance with this policy and associated procedures;
- Undertake training and performance management as required to maintain an appropriate level of skill in conflict resolution and other customer service related skills;

- Report to Managers as required on performance indicators for complaint handling responsibilities.
- Support complainants through the complaints process as required:
- Seek and report on customer feedback, positive and negative, during the course of customer interaction.

### Procedures:

Procedures developed for complaint handling will:

- Provide for various methods by which complaints can be lodged, taking into account complainants with disabilities, language issues and literacy issues.
- Include links to the Customer Service Charter agreed levels of service provision that incorporate appropriate timeframes and communication requirements.
- Be customer and outcome focused.
- Adhere to the standardized definition of 'complaint' as stated in the Policy.
- Give means to ensure as many true complaints are captured as is reasonably practical, including relevant documentation, investigation outcomes and resolutions.
- Outline a centralized complaint register format.
- Develop clear responsibilities for all officers across all levels within the organisation as set out in the Policy.
- Develop clear and accessible guidelines for appropriate complaint resolution.
- Comply with the State Records Act 2000.
- Provide clear guidelines for staff training requirements including:
  - New staff inductions;
  - Complaint handling training;
  - Conflict Resolution.
  - Periodic refresher courses;
- Provide guidelines to senior officers delegated to review all complaints, investigations and their resolutions on a regular basis with the goal of identifying trends and issues and providing guidance for service delivery.

### Policy Background

Policy Reference No. – 012 Owner Unit – Corporate Services

Originator – Customer Service Coordinator Policy Approved by – Council

Date Approved – 24 April 2012 Review Frequency – As required

Related documents – Customer Service Policy and Customer Service Charter

### History

Council Resolution	Date	Information
		Adjustment made to remove the line item relating to dealing with vexatious and/or malicious complainants. Version 2
C1204/104	24 April, 2012	Date of Implementation Version 1

**CARRIED 5/0**

1.13pm

At this time the Manager Information Services left the meeting and did not return.

## 6.2 ORGANISATIONAL WIDE RISK MANAGEMENT POLICY

<b>SUBJECT INDEX:</b>	Risk
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Employee Services and Risk
<b>REPORTING OFFICER:</b>	Manager, Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Organisation Wide Risk Management Policy with Track Changes

### PRÉCIS

The Council has an existing Organisation Wide Risk Management Policy. This policy has been reviewed as part of the City's rolling review of Council policies and is now presented for updating.

### BACKGROUND

The purpose of the Organisation Wide Risk Management Policy (the Policy) is to demonstrate the City's commitment to the development of a culture of risk based decision making aimed at the effective management of potential opportunities and reduction of potential impacts of risk.

Council adopted version 1 of the Organisation Wide Risk Management Policy on 10 May 2006, with further improvements being adopted in:

- Version 2 on 27 July 2011; and
- Version 3 on 12 August 2015.

### STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

### RELEVANT PLANS AND POLICIES

This report recommends the update of Policy 234 – Organisational Wide Risk Management.

As per the requirements of the Policy, the City has a Risk Management Framework which was endorsed by the Senior Management Group in December 2011. The framework outlines the City's formal risk management system and processes for the management of risks. Specifically it outlines:

- The definition of risk and risk management
- The City's risk reference tables
- The risk tolerance levels
- The risk management processes and procedures

### FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

This policy will contribute to the achievement of the key goal area of Open and Collaborative Leadership, and the community objectives of:

- “Governance systems that deliver responsible, ethical and accountable decision making”, and
- “An organisation that is managed effectively and achieves positive outcomes for the community.”

**RISK ASSESSMENT**

The proposed improvements do not present any risks to Council.

**CONSULTATION**

Nil

**OFFICER COMMENT**

The review of the Policy has resulted in minor improvements aimed at ensuring a clear policy statement and a clear set of responsibilities at all levels.

The Policy Statement currently reads “The Risk Management Committee has been established to be responsible for developing, maintaining and assisting in the implementation of the City’s Risk Management Framework.” Developing and maintaining the Risk Management Framework is undertaken by Responsible Officers within Corporate Service, with the Framework endorsed by the Senior Management Group and ultimately the CEO. The Risk Management Committee’s role is to assist in the Framework’s development and to generally provide advice and champion the implementation of risk management systems and processes across the organisation. Hence the Policy Statement has been edited to reflect this and now reads “The Risk Management Committee has been established to assist in developing, maintaining and implementing the City’s Risk Management Framework and is responsible for championing risk management processes throughout the organisation.”

The Policy also included a statement - “The Risk Management Committee is to ensure that all of the risk management processes are fully documented and managed through the records management system.” This is recommended for deletion as this may cause ambiguity with the responsibility of Management for the identification and documentation of risks.

**CONCLUSION**

The changes being proposed, while minor, seek to strengthen the Policy’s intent and provide a clear overview of responsibilities.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policy update would be effective immediately.

**Committee Recommendation and Officer Recommendation****PL1609/086**

Moved Councillor G Henley, seconded Councillor R Paine

That the Council adopts the following updated Organisational Wide Risk Management Policy:

<b>234</b>	<b>Organisation Wide Risk Management</b>	<b>V4</b>
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**PURPOSE**

The purpose of this policy is to demonstrate the City of Busselton's commitment to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

**SCOPE**

This policy applies to all Councillors and employees of the City of Busselton and covers all City operations.

**POLICY STATEMENT**

Risk Management is the systematic application of management policies, practices and procedures in order to identify, analyse, evaluate, treat and monitor risk.

The City of Busselton is committed to the effective management of risk and will implement a Risk Management Framework based on the AS/NZS ISO 31000:2009 Standard to achieve this. The Council recognises that adequate resources are needed to effectively manage risks. The Risk Management Committee has been established to assist in developing, maintaining and implementing the City's Risk Management Framework and is responsible for championing risk management processes throughout the organisation.

**Responsibilities**

The Council is responsible for:

- \* Ensuring that a Risk Management Policy has been developed, adopted and communicated throughout the City.
- \* Ensuring that the CEO has implemented the Risk Management Framework using Standard AS/NZS ISO 31000:2009.
- \* Communicating with the community about the City's approach to risk
- \* Establishment of an Audit Committee

The Audit Committee is responsible for:

- \* Assisting the Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to risk management.
- \* Providing guidance and assistance in relation to risk management initiatives and the effective conduct of risk management activities.

CEO and the Senior Management Group are responsible for:

- \* As part of the Risk Management Framework establishing the risk tolerance level of the City.
- \* Conducting risk assessments as part of decision making & future planning.

Risk Management Committee is responsible for:

- \* Communicating the policy and framework to all employees.
- \* Developing and managing the risk management plan for the City.
- \* Development of Risk Management skills through training and education.
- \* Establishing and maintaining an appropriate risk register or risk registers for the City.

Management are responsible for:

- \* Identifying and assessing all the risks in their area of responsibility as part of business planning reporting, project management and daily decision making.
- \* Collating, assessing, treating and reporting to the Risk Management Committee in relation to areas and tasks under their responsibility.

All Employees are to:

- \* Comply with the City's risk management policy and procedures.
- \* Attend relevant risk management training.
- \* Actively participate in the risk management programme.

### **Policy Background**

Policy Reference No. - 234

Owner Unit – Employee Services and Risk

Originator – Risk and OHS Officer

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

### **References**

Australian and New Zealand Standard AS/NZS ISO 31000:2009 - Risk Management Principles and Guidelines.

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/217	12 August, 2015	Version 3
C1107/229	27 July, 2011	Version 2
C0605/146	10 May, 2006	Date of implementation. Version 1

**CARRIED 5/0**

**7. GENERAL DISCUSSION ITEMS****7.1 POLICY REGARDING THE USE OF THE MAYOR'S VEHICLE**

<b>SUBJECT INDEX:</b>	City Vehicles
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Council
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Policy 001 - Fees Allowances and Expenses for Elected Members

Information was provided by the Director, Finance and Corporate Services relating to the use of the Mayor's vehicle.

Examples were provided relating to other Local Governments and Department guidelines.

The Committee was of the general consensus that they supported changes to the Fees, Allowances and Expenses for Elected Members Policy and that an Officer report should be presented to the Policy and Legislation Committee.

**8. NEXT MEETING DATE**

Thursday, 20 October 2016

**9. CLOSURE**

The meeting closed at 1.44pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 14 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 20 OCTOBER 2016.

DATE: \_\_\_\_\_ PRESIDING MEMBER: \_\_\_\_\_