

PROCEDURE NO & TITLE	PR030 COMPLAINTS HANDLING
Responsible Directorate	Executive Services

1. PURPOSE OR OBJECTIVE

A formal complaints handling procedure has been implemented to ensure all complaints are treated with the same amount of respect and diligence, and that complainants receive prompt action and formal response.

2. DEFINITIONS

Complaint

The Australian Standard for Complaints Management (ISO 10002:2022) defines a complaint as any *“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:

- The initial requests for a service or action by the Shire (unless there was inaction or an unsatisfactory response to the initial request for service).
- Feedback on a service where there is not an issue to be resolved or does not necessitate action by the Shire.
- Feedback obtained during stakeholder and community engagement processes.
- Requests for information or explanations of policies, procedures, or decisions of Council.
- Reports of damaged, faulty infrastructure or a hazard.
- Reports concerning neighbours or neighbouring property.
- The lodging of an appeal or an objection in accordance with policy or procedure.
- A petition.
- A civil dispute between private individuals.
- Made on social media or letters to the editor.
- Matters regarding State or Federal Government or matters not within the Shire’s jurisdiction.



3. PROCEDURE

Lodging Complaints

Complaints may be lodged with the Shire in the following ways:

- In writing including by letter, email, facsimile or via web www.dardanup.wa.gov.au

On receiving a complaint staff must distinguish between a request for service, complaint, or formal review of a decision. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be managed via the Shire's customer request process.

Where a complaint is lodged with an Elected Member the member should direct the complaint in the first instance to the Chief Executive Officer.

Anonymous Complaints

If the complaint is anonymous the complaint will be dealt with in a similar manner to any other complaint.

If the matter is not considered serious or there is insufficient information in the complaint to enable the investigation to be conducted, the complaint may not be investigated, nor will we be able to advise the complainant of the outcome.

Recording of Complaints

All complaints will be recorded and managed in the Shire's Electronic Records Management system. Procedures will be developed to provide guidance to staff to ensure that these records can be tracked and that all similar types of complaints are dealt with in a consistent manner.

Once a complaint has been lodged, the Shire will acknowledge receipt of the complaint and the complainant will be notified of the appropriate time frame within which an investigation will be undertaken, and a determination made to resolve the complaint.

Confidentiality

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the complaint.

Where the complaint relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Director and will be dealt with in accordance with the Shire of Dardanup Code of Conduct.

Grievances that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance with the Shire of Dardanup Code of Conduct.

Formal Complaints of a Serious Nature



All formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the CEO. The Chief Executive Officer will refer such complaints to the appropriate office.

Unreasonable Complaints

Occasionally complainants may not accept the Shire's determination or response to their complaint and engage in unreasonable complainant conduct. This conduct is defined as:

- *Using unreasonable persistence* by persisting with a complaint even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- *Using unreasonable demands* by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond the Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals). The decision to provide services and facilities to the community is guided by Council's strategic priorities, developed through Council's Vision, Council Plan, Community Facility Plans and other community survey/feedback mechanisms. By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- *Using unreasonable lack of cooperation* by presenting a large quantity of information which is not organised, sorted, classified, or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- *Using unreasonable behaviours* by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via letters/emails.
- Where the complaint is about something that is beyond Council's jurisdiction or outside of Council's control.

Managing Malicious, Frivolous, Persistent and Vexatious Complaints

All complaints received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a complainant to be malicious, frivolous, unreasonable, persistent, or vexatious, the Shire will take into consideration the following action:

- Such a determination 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 and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the complaint will be made by a Director or the CEO, and the complainant will be informed in writing that no evidence was found to support the allegations or the allegations have been previously addressed.



- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.
- A decision to take no further action on the complaint may be made by a Director or the Chief Executive Officer and the complainant will be informed in writing.

Limiting Contact between the Shire and members of the public

The Shire 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 Shire to place limits on the type of services that will be made available to complainants whose behaviour goes beyond acceptable limits.

The Shire may impose limits on the times and days that correspondence be accepted from a complainant or may request all complaints and communications be provided in writing to the Shire's email address records@dardanup.wa.gov.au.

Where limitations on contact with a complainant are imposed, the Shire will inform the complainant in writing, specifying the limits, and the reasons for their impositions. Before imposing the limits, the Shire may try alternatives, such as determining whether a different and more senior office 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 Shire is aware of the legitimate right of members of the public to access Shire information under the *Freedom of Information Act 1991*. Any limits will not impede these statutory rights.

Not replying to Correspondence

Where following an appropriate written response to a complainant, the Shire receives further complaints that detail the same or substantially similar matters to those received previously, the Staff or Elected Member is entitled to inform the complainant that the Shire will not provide a substantive response to the current matter, or similar complaints.

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

Terminating Phone Calls

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

Where a complainant repeatedly telephones a Staff or Elected Member, 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.



Limiting Face to Face Contact

Where a complainant is making the same or a substantially similar complaint to numerous Staff or Elected Members in person, it is appropriate for the Shire to nominate a particular officer to deal with the complaints.

The Shire 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.

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

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

Limits could include: -


- Declining to respond to any further communications unless they are in writing.
- Informing the complainant that any further complaints will be filed by the Shire with or without acknowledgement unless it includes significant new information or new issues which in the opinion of the Shire warrant action.
- Informing the complainant that the complaint will be referred to the Ombudsman (or other external agency) for action.

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

Seeking Legal Advice

In some instances, it may be appropriate for staff 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 Chief Executive Officer or representative.

Where a complaint relates to a particular member of Staff, consideration will be given to making advice available to the employee on request.



Where a particular member of Staff or Elected Member believes that a complaint may have impugned their professional reputation, they may seek their own legal advice in relation to what private action that may take, in accordance with Exec CP012 Legal Representation – Costs Indemnification.

Supporting Staff and Elected Members

The Shire has certain obligations under the *Work Health and Safety Act 2020* to provide a safe working environment. The Shire is mindful of the stress that dealing with difficult complainants can place on Staff and Elected Members.

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

4. DOCUMENT CONTROL

DOCUMENT RESPONSIBILITIES:			
Owner:	Manager Human Resources		
Reviewer:	Chief Executive Officer	Decision Maker:	CEO
COMPLIANCE REQUIREMENTS:			
Legislation:	Local Government Act 1995		
Other (Plans, Strategies, Policies, Procedures, Standards, Promapp, Delegations):	AP021 - Complaints Handling Customer Service Charter		
DOCUMENT MANAGEMENT:			
Risk Rating:	Moderate	Records Ref:	R0000190329
Review Frequency	Biennial	Next Due:	30-05-2026
Version #	Date & Decision Reference:	Synopsis:	
1	25-01-2017 OCM Res: 02/17	PR030 Procedure endorsed by Council	
2	30-05-2024 Reviewed	PR030 Biennial Review endorsed by Deputy CEO	

Note: Changes to Compliance Requirements may be made without the need to take the Procedure to Council or EMT/CEO for review.

