

Complaint Management Policy

Legislation / local law requirements	<i>Local Government Act 1995</i> <i>Freedom of Information Act (WA) 1992</i> <i>Public Interest Disclosure Act 2003</i> <i>Public Sector Management Act 1994</i> <i>State Administrative Tribunal Act 2004</i> <i>State Records Act 2000</i>
Relevant delegations	Nil
Related policies, procedures and supporting documentation	Customer Service Charter Code of Conduct - Employees Code of Conduct Behaviour Complaints Management Policy Australian Privacy Principles City of Vincent Code of Conduct Ombudsman Western Australia Guidelines on Complaint Handling

PRELIMINARY

INTRODUCTION

The Customer Service Charter outlines the level and standard of service that City of Vincent customers can expect.

As part of the Charter, the City commits to resolving complaints in a fair, equitable, transparent and efficient manner.

PURPOSE

The purpose of this Policy is to set out the City of Vincent's position on the management and resolution of complaints.

Accepting feedback and effectively managing complaints enhances engagement with the community and enables the City to continually improve service delivery.

OBJECTIVES

- Provide a framework for the management of complaints to ensure requests are acknowledged promptly and courteously and investigated effectively and comprehensively in a timely manner.
- Enhance community confidence in the City's commitment to being transparent and accountable.
- Enable the City to compile and use complaint data to drive business improvement and increase community satisfaction with service delivery.

SCOPE

This policy applies all employees, consultants or contractors engaged to provide services on behalf of the City or to the City.

This policy does not cover:

- Complaints made by City employees or about City employees related to suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour – refer to Code of Conduct – Employee.
- Complaints about Elected Members – refer to Code of Conduct Behaviour Complaints Management Policy.

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The following are not considered a complaint:

- Initial request for service*.
- Request for documents, information or an explanation of policies or procedures.
- Request for the City to exercise a regulatory function.
- Community consultation feedback.
- Lodgement of an appeal or objection in accordance with a statutory process, standard procedure or policy.
- A petition.
- Matters currently being dealt with, or previously dealt with by a court, tribunal or external complaints agency.
- Matters that have already been subjected to an internal review with an outcome determined.

*This may escalate into a complaint if not addressed to a Customer's satisfaction.

POLICY PROVISIONS

DEFINITIONS

The following definitions apply for the purpose of this policy:

Complaint – *“An expression of dissatisfaction made to an organisation, related to its product or service, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected”¹*

Feedback - Includes compliments or suggestions received from customers where a response is not explicitly or implicitly expected or legally required.

Request for Service - The provision of a City service or an action required to address a problem. If the problem is not rectified, it may escalate into a complaint.

Unreasonable Complainant - An individual who habitually or obsessively expresses their concern(s) in a rude, angry, aggressive or harassing manner. This may be due to the nature or frequency of the complaint or because it raises health, safety, resource or equity issues for the City, its staff and/or customers.

Vexatious Complainant - Someone who communicates or complains in a repetitive, burdensome or unwarranted manner with the intention of harassing or subduing the City or its staff.

POLICY

1. Complaint resolution

Complaints will be acknowledged and responded to according to the service standards set out in the City's [Customer Service Charter](#).

The City will ensure anyone who is dissatisfied with a City service can easily and simply make a complaint and provide feedback by providing an accessible complaint handling process reflecting the preferences and needs of the community, including people who may otherwise experience difficulty due to age, disability, language, geographical, health, or cultural reasons.

¹ As defined in the [AS/NZS 10002-2018 Guidelines for Complaints handling in organisations](#).

The City may take the following courses of action as part of the complaint resolution:

- Resolve the complaint by use of strategies such as, but not limited to, mediation, informal discussion or negotiation.
- Discontinue the assessment in circumstances where the matter will be referred to another body or person, advising the complainant accordingly.
- Take no further action, providing the complainant with the reason/s.

2. Lodging a complaint

The following information is required for the City to effectively process the complaint:

- Name and address
- Contact details
- Complaint details
- Date the incident occurred (if relevant)

3. Anonymous complaints

The City understands that some customers may wish to remain anonymous when making a complaint.

As part of [Australian Privacy Principles²](#), under the Australian Privacy Principle 2, anonymity and pseudonymity, individuals must have the option of not identifying themselves, or using a pseudonym, in relation to a particular matter.

The City will accept an anonymous complaint but it will only be acted upon if it raises a serious matter that poses a public health or safety risk or in an emergency situation where there is sufficient information to enable an inquiry to be conducted.

The City will be unable to provide feedback or communicate the outcome of the complaint without knowing the identity of the complainant.

4. Complaint management

Complaints will be addressed in a fair, objective and unbiased manner in line with the timeframes set out in the Customer Service Charter.

The complainant will be kept informed of the progress of the complaint and of any delays during the process.

5. Recording complaints

All relevant information in relation to a complaint will be collected and registered within the City's business systems as per the *State Records Act 2000*.

6. Unreasonable and Vexatious Complainant Conduct

As defined by the Ombudsman Western Australia, Unreasonable Complainant Conduct (UCC) tends to fall into the following three groupings:

² The Australian Privacy Principles (or APPs) are the cornerstone of the privacy protection framework in the *Privacy Act 1988*.

6.1. Habitual or obsessive conduct

This includes behaviour by a person who:

- Can't 'let go' of their complaint;
- can't be satisfied despite the best efforts of the agency; and
- makes unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)

6.2. Rude, angry and harassing conduct

6.3. Aggressive conduct

Vexatious means a complaint brought solely to harass or subdue. Vexatious complaints may take the form of repetitive, burdensome or unwarranted communication with one or more City employees over matters that are considered resolved or responded to in previous communication with the complainant.

UCC and vexatious complaints are unacceptable. Regardless of how stressed, angry or frustrated a complainant is, if the health, safety and/or security of City employees, elected members, other service users, or the complainant themselves is at risk, the City may restrict or withhold the provision of service to the complainant at the discretion of the Chief Executive Officer (or their delegate).

The City may manage UCC and vexatious complaints by placing a reasonable and proportionate limitation on one or more of the following:

- The subject matter of communications, such as where the City believes a specific issue has been adequately addressed.
- The timing of communications, including time of day, and frequency and/or duration of contact with the City.
- Access, such as restricting or prohibiting entry to City premises.
- How the complainant may contact the City, such as in writing only or via email.
- Any other limitation which is reasonable and appropriate and satisfies legislative requirements.

7. **Privacy and Confidentiality**

All complaints will be handled with confidentiality. Identities will only be made known to the relevant parties for the purpose of investigating and resolving the complaint. The complaint will not be available publicly except where required by law in accordance with the *Western Australian Freedom of Information Act 1992*.

8. **Freedom of Information**

The City will assist the public to obtain access to documents held by the City in accordance with the *Western Australian Freedom of Information Act 1992*. For more information please refer to the [Freedom of Information section](#) on the City's website.

9. **Request for Review**

Not all complaints can be resolved to the satisfaction of the customer. Complainants have the right to request a review of a decision or outcome unless it relates to an employee disciplinary matter or a matter that is covered under a separate process, policy or legislation.

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Where a complainant is dissatisfied with the way a complaint has been dealt with and/or the final determination of the complaint, they may request a secondary internal review. This will only be supported when new information that was not already initially considered is presented.

If no new information is presented for review, the complainant will be informed of the most appropriate external body such as the Ombudsman Western Australia or the Department of Local Government. The City will work cooperatively with these external agencies as appropriate to assist in the resolution of the external review.

OFFICE USE ONLY	
Responsible Officer	Executive Manager Communications and Engagement
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