

Complaints Management Policy

Responsible Division	Corporate Services
Responsible Business Unit/s	Communications, Engagement and Customer Relations
Responsible Officer	Manager Communications, Engagement and Customer Relations
Affected Business Unit/s	All
ECM Document Set ID	4549365

Purpose

This policy provides a framework to guide the City of Bayswater (City) in managing complaints from its customers and stakeholders and is part of its commitment to excellence in customer service. This policy covers complaints relating to the City, including its services, decisions, practices, policies, procedures and employees. The City views the effective management of complaints as an opportunity to continually improve its service delivery.

Objectives

The objectives of the policy are to:

- provide a framework for the management of complaints to ensure they are consistently handled in a prompt, efficient, fair and transparent manner
- ensure the practice of complaint handling at the City is aligned with its corporate values and Customer Service Charter
- ensure the complaint process is accessible, visible and considers the diverse needs of our community
- ensure the City has a clear process in place for dealing with unreasonable complaints to prevent the diversion of a disproportionate amount of City resources
- enable the City to compile and use complaint data to drive business improvement and increase community satisfaction with its service delivery
- reflect best practice as outlined in the Western Australian Ombudsman's Guidelines on Effective Complaint Handling
- ensure complaints are managed in accordance with legislative requirements.

Scope

This policy applies to all:

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- City employees
- Contractors, consultants and volunteers engaged by the City or acting on its behalf.

This policy **does not** cover any of the following:

- complaints about Elected Members, Committee Members or Candidates. Refer to Code of Conduct Complaints Management Policy
- 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 or *Public Interest Disclosure Act 2023* for information on how to report suspected breaches
- complaints made in relation to the *Privacy and Responsible Information Sharing Act 2024 (WA.)*

Any of the following is not considered a complaint:

- an initial request for service
- a request for documents, information or an explanation of policies or procedures
- a request for the City to exercise a regulatory function
- a submission relating to the exercise of a regulatory function
- the lodgment of an appeal or objection in accordance with a statutory process, standard procedure or policy
- a petition
- feedback gained as part of community consultation
- matters currently being dealt with or previously dealt with by a court, tribunal or external complaints agency.

Definitions

For the purpose of this policy -

Complaint means 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.

Feedback means a compliment, comment or suggestion where a response is not sought or not reasonable to expect.

Request for service means 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.

Complainant means an individual or entity expressing dissatisfaction.

Unreasonable complaint means the complainant generally believes their complaint is legitimate despite behaving in a manner that exceeds reasonable bounds.

Vexatious complaint means a complaint without real merit or trivial; the complainant's primary objective is to distress, annoy or harass rather than have their complaint addressed. This is considered a type of unreasonable complaint.

Policy Statement

1. Complaint management

The City is committed to providing excellence in customer service. The City strives to be easy to interact with, accessible, and responsive. Complaints are to be handled in line with the City's values of customer, accountability, respect, excellence and safety.

All complaints will be addressed in a fair, objective and unbiased manner. Complaints are to be managed promptly and in line with the timeframes set out in the City's Customer Service Charter. The complainant is to be kept informed of the progress of the complaint and of any delays during the process.

Complaints will be managed consistently and in accordance with legislative requirements and the Western Australian Ombudsman's Guidelines on Effective Complaint Handling.

Under certain circumstances, the Chief Executive Officer (CEO) may determine that the City will no longer communicate with a complainant regarding a specific complaint or category of complaints.

This decision may be made if:

- a. the City has previously responded to the complainant about the same issue
- b. the complaint is assessed as vexatious, misconceived, frivolous or lacking substance.

In either case, the CEO must be satisfied that continuing to respond would divert an unreasonable proportion of the local government's resources from its other operations.

2. Complaint resolution

The City aims to resolve complaints on first contact. This requires the staff member **managing the complaint to have all of the following:**

- a clear understanding of the key issues and outcome being sought
- sufficient information and delegation to make a sound decision
- the ability to provide a prompt, fair and reasonable response to the complainant.

Initial complaints will be managed by the relevant service area manager.

If a complaint is upheld, the focus should be on providing a remedy such as an apology, change in decision, a change in policies or practices to prevent a reoccurrence or action taken to modify the behaviour of the staff member who the complaint was about, if applicable.

As part of complaint resolution, the City may take one or more of the following courses of action:

- resolve the complaint by using strategies such as, but not limited to, informal discussion, mediation or negotiation
- take no further action and give the complainant reason/s
- discontinue the assessment in circumstances where the matter will be referred to another body or person, advising the complainant accordingly.

3. Request for review

3.1 Internal 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.

Where a complainant is dissatisfied with the way a complaint has been handled or the outcome of the complaint, they may request a secondary internal review. The review will be undertaken by the relevant Director. The Director will examine how the decision was reached, taking into account all relevant information and provide the customer with a reviewed outcome.

If the customer is still dissatisfied, they can escalate the matter to the CEO, who will undertake a final internal review and provide the customer with a reviewed outcome.

3.2 External review

If the customer is not satisfied with the way the City deals with the complaint, the complainant will be informed of the most appropriate external body the complaint can be referred to, such as the Western Australian Ombudsman or the Local Government Inspector.

4. Unreasonable complaints

A complainant's conduct may be considered unreasonable if it involves one or more of the following:

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments
- unreasonable behaviour.

Fair consideration must be given to all complaints while ensuring the handling of them does not divert a disproportionate amount of City resources.

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Under Part 10A of the *Local Government (Administration) Regulations 1996 (WA)*, a CEO can declare a complaint unreasonable if it has been previously responded to or if the complaint is assessed as vexatious, misconceived, frivolous or without substance.

A person can be restricted from communicating with the local government about that matter for a period determined by the CEO.

This process for unreasonable complaints does not prevent a person from exercising other rights or entitlements under the law such as lodging applications, participating in elections or inspecting documents. A person may apply to the Inspector if they wish for the CEO's decision to be reviewed.

Regulation 37A of the *Local Government (Administration) Regulations 1996 (WA)* requires the CEO to provide notice to the person making the unreasonable complaint, which includes:

- details of the local government's previous responses regarding the subject matter of the complaint
- the reasons why the CEO is satisfied that the complaint is vexatious, misconceived, frivolous or without substance (where that is the basis)
- the reasons why the CEO is satisfied that responding to the complaint would divert an unreasonable portion of the local government's resources
- details of how the complainant can make a general complaint to the Inspector in relation to the CEO's decision

5. Lodging a complaint

Complaints can be lodged by phone, email, in writing, via the City's website or in person.

Unless a complaint is lodged anonymously, **all of the** following minimum information should be provided:

- the name and address of the complainant
- the contact details of the complainant
- the nature of the complaint and the date it occurred.

6. Anonymous complaints

The City will investigate and record anonymous complaints where reasonable and sufficient information is provided. As the complaint is anonymous, the City will not provide feedback on decisions made or action taken.

7. Recording complaints

All relevant information in relation to a complaint, including actions, decisions and interactions resulting in its resolution, will be collected and registered within the City's business systems as per the *State Records Act 2000*.

8. Complaints reporting

Complaints and compliments are collated and presented to the City's Executive Leadership Team on a quarterly basis. This allows the City to identify key issues and trends related to compliments and complaints received. This information is used for business improvement purposes.

9. Privacy and confidentiality

All complaints are 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.

With respect to complaints about employees, the complainant will not be advised of the outcome unless required by law.

The City is committed to handling complaints confidentially and protecting personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024 (WA)*. Reasonable steps will be taken to protect personal information from misuse, loss, unauthorised access, modification and disclosure.

Personal information collected through the complaints process will only be accessed, used or disclosed by authorised officers for the purpose of receiving, assessing, investigating, resolving and reporting, or where required by law.

10. Freedom of Information

Complaints may be accessed by the public in accordance with the *Freedom of Information Act 1992 (WA)*. The City will only release complaint information in accordance with the process and parameters set out in the legislation.

11. Accessible complaints

The method, channels and locations where complaints can be lodged should be visible and accessible. They must consider the needs of people living with disability and from culturally diverse backgrounds.

Related Legislation

Local Government Act 1995 (WA)

Local Government (Administration) Regulations 1996 (WA)

Freedom of Information Act 1992 (WA)

State Records Act 2000

Privacy and Responsible Information Sharing Act 2024 (WA)

Related Documentation

City of Bayswater Customer Service Charter

City of Bayswater Code of Conduct – Employees

City of Bayswater Complaint Handling Management Practice

Ombudsman of Western Australia; *Guidelines on Effective Complaint Handling and the Managing Unreasonable Complaint Conduct Practice Manual. 2020*

Document details

Relevant delegations	Nil		
Risk evaluation	Moderate		
Strategic link	5.2 Stakeholder Leadership		
Council adoption	25 July 2023	Resolution	10.5.1.13
Reviewed/modified	22 September 2026	Resolution	10.5.2.2.2
Next review due	September 2029		