

## 1. Objective

The objectives of the Complaints Management Policy (policy) are to:

- Ensure complaints are managed in accordance with best practice as outlined by the Australian Standard for Complaints Management ISO 10002:2022 – Guidelines for complaint management in organisations, and the Western Australian (WA) Ombudsman Guidelines on Complaint Handling;
- Ensure that complaints received by the City are managed efficiently, effectively and fairly from the time of receipt through to a satisfactory resolution or final determination of the matter; and
- Support a culture of continuous improvement, by valuing the opportunity to identify business improvements and increase the level of satisfaction with the delivery of services.

This policy is underpinned by a Complaints Management Framework.

## 2. Statement

The City of Mandurah (the City) is committed to providing an accessible, consistent and responsive Complaints Management Framework that promotes organisational learning and continuous improvement of the City's services.

## 3. 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 City (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 City
- 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 City's jurisdiction.

**Complaints Management Framework:** refers to the policies, procedures, practices, staff and systems involved in the managing of complaints across the City.

**Customer:** refers to a person who is accessing the City's services, facilities, policies, products, programs or events.

**Malicious Complaint:** A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

**Frivolous Complaint:** A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.

**Vexatious Complaint:** A complaint that is not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

## 4. Applicability

This policy applies to all complaints received from customers relating to:

- A City service, process, product, policy, event or facility.
- The services provided by the Chief Executive Officer (CEO), a City employee, volunteer, contractor, elected member or committee member.
- A third party under the jurisdiction of the City.

This policy does not apply to:

- Employment or behavioural/conduct of City employees or CEO – refer to Code of Conduct for Employees
- Behavioural/conduct related complaints regarding volunteers – refer to Code of Conduct for Volunteers
- Behavioural/conduct related complaints regarding contractors – refer to Statement of Business Ethics
- Behavioural/conduct of Elected Members, Committee Members or Candidates – refer to Code of Conduct for Elected Members, Committee Members or Candidates and Code of Conduct Complaints Management Policy POL-GVN 09
- Public Interest Disclosure – refer to the City of Mandurah Public Interest Disclosure Guidelines

## 5. Principles of Complaint Management

The following complaints management principles apply:

- a. Complaints are people focused, transparent and accessible to all:
  - **People Focus:** the City will be proactive in listening and responding to complaints, treating all people with respect, and actively involving them in the complaints process as far as practicable and appropriate.

- Visible & Transparent: the City will actively publicise information about how and where to complain and make it easy to understand what to expect.
  - Accessible: the City will ensure that our complaint handling process is accessible and easy to use for all our customers.
- b. Complaints are managed in an efficient, fair and equitable manner:
- Responsive: the City will respond to all complaints as quickly as possible and endeavour to regularly communicate and inform parties involved.
  - Objective and Fair: the City will review all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and officers.
  - Equality and Privacy: the City will be consistent and ethical in our treatment of complaints and customers involved.
- c. Complaints are managed in a supported manner:
- Conduct: the City will work together to resolve problems respectfully and cooperatively and as far as practical maintain the confidentiality of all parties.
  - Empowerment: the City will continually work to improve the complaint management process to meet operational needs and the expectations of customers, including providing support to vulnerable people, people with disability, indigenous people, young people and culturally and linguistically diverse.
  - Facilitate: the City will work together to reach a solution that provides the best outcome for all parties wherever practical and actively communicate with all involved
- d. Complaints are used as an opportunity to improve services:
- Accountability: the City will ensure that our staff are aware of and accountable for complaints.
  - Learning: the City will respond to and learn from complaints with the intention to continually improve our services
  - Prevention: the City will effectively report on and analyse complaints to identify trends and endeavour to minimise the escalation of complaints.

## 6. Making a complaint

### 6.1 Lodging a complaint

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

- In writing: PO BOX 210 Mandurah WA 6210 or via email: [council@mandurah.wa.gov.au](mailto:council@mandurah.wa.gov.au)
- By telephone: 9550 3777
- In person at any of the City's customer locations
- Interpreter service contact TSI National on 131 450 and ask to be connected to the City of Mandurah on 08 9550 3777.

At a minimum, the following information is to be supplied in order to effectively manage the complaint:

- Name and contact details of the person and organisation or group they represent (where relevant) who is making the complaint
- Complaint details including description of complaint, date of occurrence and location (if relevant)

As part of the complaint resolution process (refer Section 7), the City may request additional information and, or evidence to substantiate the complaint.

### 6.2 Support to lodge a complaint

In accordance with the Complaints Management Framework, the City provides support to vulnerable persons, indigenous people, people with disability, young people and culturally and linguistically diverse, who may require assistance and allow complaints to be made by authorised representatives. Where a customer nominates another person to assist or make a complaint on their behalf, the customer must provide permission in some form for another person to act on their behalf.

### 6.3 Anonymous Complaints

The City understands that some customers may wish to remain anonymous. Whilst anonymous complaints will not be rejected, they may limit the City's ability to effectively respond to the matter and resolve the complaint. Where sufficient information is provided, the City will manage the complaint in accordance with the City's Complaint Management Framework. However, due to the anonymity, the City will be unable to provide any feedback on decisions made or action taken.

## 7. Resolving complaints

All complaints will be addressed in a respectful, equitable, objective manner applying the principles of natural justice in accordance with the Complaints Management Framework.

### 7.1 Complaint resolution process and timeframes

The Complaints Management Framework provides guidance and direction on the management of complaints. In summary complaints will be managed through the following complaints management pathways:

- Informal complaints:** where City officers receive complaints and can provide an immediate resolution to the customer, complaints will be classified as informal complaints. Where an immediate resolution cannot be achieved the complaint will be managed in accordance with subclause 7.1b.
- Formal complaints:** where complaints cannot be resolved immediately, the complaint will be managed by the most appropriate City officer and where possible achieve a resolution.

All complaints submitted must be acknowledged within two business days in accordance with the City of Mandurah service delivery timeframes.

All complaints submitted must be responded to within ten business days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim response outlining the reason for the delay, further action to be taken and anticipated timeframe that a full response will be provided.

- c. Referral: In instances where complaints are of a more serious nature, are not satisfactorily resolved or require investigation across a number of work areas, the complaint will be escalated to the Chief Executive Officer (CEO) to determine the most relevant City officer to investigate and resolve.
- d. Internal Review: Where the outcome of a complaint is regarded as unsatisfactory to the complainant the CEO will determine the appropriate resolution (refer Section 8 Review Process).
- e. External Review: In circumstances where these internal pathways are unable to resolve a complaint or satisfy the complainant, the complainant may choose to refer the complaint to an appropriate external agency for review.

### 7.2 Complaint outcomes

If the complaint is upheld, the City will determine an appropriate remedy which may include:

- an explanation;
- an apology;
- mediation;
- a change in decision;
- a change to policy, procedure or practice;
- a correction of misleading records;
- financial compensation, including a refund of a fee;
- the remission of a penalty;
- referral to an external agency for further investigation.

The City will provide a formal response to the complainant detailing the remedies that are reasonable in the circumstances.

### 7.3 Complaints that will not be considered

The City's CEO or Director, may determine that a complaint may not commence if it:

- is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters;
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- where a matter is subject to an existing mediation process;
- relates to a decision made by a meeting of Council;
- relates to conduct before a court, coroner or tribunal;

- relates to a matter under investigation by the Minister for Local Government, Corruption and Crime Commission, the WA Ombudsman's office, a Minister of the Crown or Government Department or the WA Police Service;
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to actions or conduct of private individuals;
- does not relate to an action the City has taken or is the responsibility of the local government; or
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the City and/or its staff (in such instances the relevant Director is to be notified).

Should the City decide not to proceed with the complaint, the complainant will be advised of the reason for the decision.

Where a person is communicating via legal representatives or has made threats of civil action against the City, the complaint should be escalated to the relevant Director.

## 8. Review Process

Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the City, the following is to occur:

1. The complaint is to be referred to the relevant Director to investigate the matter and review the action and steps taken to resolve the complaint;
2. A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue/s; and
3. The CEO will determine the appropriate resolution of the outstanding complaint and the review of the service complaint handling process.

Should the CEO consider it appropriate, an independent review of the complaint will be carried out by a Director who has not been involved in the complaint previously.

In circumstances where internal processes are unable to resolve a complaint or satisfy the complainant, the City may refer the complainant to appropriate external agencies, such as the State Administrative Tribunal or WA Ombudsman Office, for review.

A complainant may at any time contact the WA Ombudsman or other external body if they are not satisfied with the City's handling of the complaint.

## 9. Complaints received from external agencies

Where the City receives a complaint from an external agency such as the WA Ombudsman or other external body, the Director, Business Services is nominated as the Officer to manage the Complaint on behalf of the City.

## 10. Confidentiality

# Complaints Management Policy

## POL- CPM 05



Customers have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. The City of Mandurah Records Management Policy has two key elements which relate to security, protection and access to records. The City also considers the Privacy Principles of the *Privacy Act 1988* (Cth) in regards to the collection and disclosure of personal and sensitive information. The City respects all personal and confidential information and will protect information from unauthorised access, loss or misuse, as far as practicable.

### 11. Malicious, frivolous and vexatious complaints

Every endeavour will be made by the City to consider complaints with the utmost seriousness, however the CEO may refuse to manage a complaint if:

- the complainant behaves in an ongoing actively hostile manner;
- the complaint is considered to be trivial and/or frivolous or the complainant is consistently making complaints of trivial and/or frivolous matters.

The City may consider it appropriate to determine that vexatious questions, complaints and repetitive communications are not given priority or that no further action will be taken regarding the complaint as the complaint may divert a substantial and unreasonable portion of the City's resources away from its local government functions.

The City may, at its discretion, seek legal advice with respect to implications of the suspected malicious, frivolous or vexatious complaint.

### 12. Unreasonable conduct by complainants

In some instances, the City will encounter complainants who refuse to accept the decision of the CEO solely on the basis that the decision was not in the complainant's favour. Complainants may also make persistent and repeat contact with the City to the point that the complaint or complainant diverts a substantial and unreasonable portion of resources away from the City's other functions.

In some instances, the City will encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using City services or on City premises) or in general. City Officers should refer to the CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy for guidance.

Under the above circumstances, details of complaints are to be provided to the Director Business Services who will make a recommendation to the CEO that:

- further correspondence and/or telephone contact with the complainant be restricted;
- further discussions, interviews etc will not be granted that relate to the same matter; and
- access to City premises be restricted for a specified period of time.

The CEO will consider all facts and issues of the individual case prior to acting on any recommendation/s. If a decision is made to endorse the recommendation, the CEO will write to the complainant explaining the decision.

All threats made to staff or third parties will be reported to the WA Police.

### 13. Serious or Criminal Complaints

# Complaints Management Policy

## POL- CPM 05



Complaints involving allegations of serious improper conduct, corruption, fraud or other criminal conduct must be referred to the appropriate authority.

## 14. Recording complaints

All correspondence relating to a customer complaint must be recorded within the City's records management system. Information recorded must be factual, accurate and current as per the *State Records Act 2000*.

### Legislative Context

*Freedom of Information Act*  
*State Records Act 2000*  
*Freedom of Information Act 1992*

### Related Documents

City of Mandurah Customer Service Charter  
AS/NZS 10002 – Guidelines for complaint management in organisations Western Australian  
Ombudsman Complaint Handling Guidelines  
City of Mandurah Code of Conduct for Employees  
City of Mandurah Code of Conduct for Volunteers  
City of Mandurah Code of Conduct Elected Members, Committee Members and Candidates  
City of Mandurah Code of Conduct Complaints Management Policy POL-GVN 09  
City of Mandurah Statement of Business Ethics Contractors  
City of Mandurah Public Interest Disclosure Guidelines  
City of Mandurah CoM-LWE 02 Unacceptable Behaviour at City Facilities Policy

---

<b>Responsible Directorate:</b>	Business Services
<b>Responsible Department:</b>	Governance Services
<b>Reviewer:</b>	Executive Manager Governance Services
<b>Creation date and reference:</b>	22 March 2011, Minute G.32/3/11
<b>Last Review:</b>	13 December 2022, Minute G.6/12/22

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.57/2/12	28/02/2012	24/02/2015
3	Minute G.35/2/15	24/02/2015	23/07/2019
4	Minute G.12/7/19	23/7/2019	13/12/2022
5	Major review to meet AS Standard Minute G.6/12/22	14/12/2022	-