

## GENERAL COMPLAINTS MANAGEMENT POLICY 2.31

<b>Responsible Directorate</b>	Corporate Services	
<b>Responsible Service Area</b>	Governance	
<b>Resolution</b>	September 2025	SC11-9-2025
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

- 1.1. To ensure that Shire of Mundaring employees handle complaints effectively and in accordance with the key principles of complaint handling as outlined by the Australian Standard for Complaints Management ISO 1002:2022 – Guidelines for complaint management in organisations and the Western Australian (WA) Ombudsman Guidelines on Complaint Handling.
- 1.2. Our complaint management system is intended to:
  - 1.2.1. Be fair and equitable for all parties.
  - 1.2.2. Enable Shire to respond to issues raised by people making complaints in a timely and cost-effective way.
  - 1.2.3. Provide public confidence in our administrative process; and
  - 1.2.4. Provide information that can be used by Shire to deliver quality improvements in our services, employees and complaint handling.
  - 1.2.5. provides guidance to the management and handling of vexatious complaints

### 2. SCOPE

- 2.1. This policy applies to all employees receiving or managing complaints from the public made to or about Shire of Mundaring, regarding Shire services, employees, contractors and the complaint handling process.
- 2.2. Employee grievances, public interest disclosures and Freedom of Information requests are dealt with in accordance with separate legislation or policies and procedures isms.
- 2.3. Complaints made in regard to Council Members, Committee Members and Candidates are outside of the scope of this Policy and are managed by the provisions of the *Local Government Act 1995* and Council policies *1.1 Code of Conduct for Council Members, Committee Members and Candidates* and *2.7 Code of Conduct Behaviour Complaints Policy*.

### 3. DEFINITIONS

Complaint for the purpose of this Policy a complaint is: -

Any expression of dissatisfaction or concern made to the Shire of Mundaring that relates to the Shire's services, or the performance, behaviour and conduct of employees, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected or legally required.

A complaint may concern the following:

- failure to achieve specified standards of service.
- delay in responding.
- conduct of staff; and or.
- withdrawal or reduction of service.

A complaint is not:

- An initial request for action or service.
- A request for information or explanations
- Statements or opinions
- A request for updates
- An expression of dissatisfaction with a decision
- Formal review requests under a legislated internal review scheme
- 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 •
- 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.

**Compliment** means positive feedback about a product or service and staff.

**Request for information** means an enquiry or request for information about Shire services, policies and procedures.

**Request for service** means a request for action to be taken in relation to a service or product. If a request for service is not acted upon and a second request is received, this may be treated as a service complaint.

service request includes:

- requests for the provision of works or services.
- routine inquiries about the Shire's business.
- requests for the provision of services and assistance.
- reports of failure to comply with laws regulated by Shire of Mundaring; or
- requests for information or explanation of policies, procedures and decisions.

**Suggestion** means a suggested service or product improvement.

**Feedback** is a compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect

**Vexatious** means a complaint or complaints brought solely to cause annoyance, trouble or embarrassment to an employee of the Shire. Vexatious complaints may take the form of repetitive, burdensome or unwarranted communication with one or more employees over matters that are considered resolved or responded to in previous communication with the complainant.

**Ombudsman** means the Parliamentary Commissioner for Administrative Investigations.

## 4. PRINCIPLES

- 4.1. **Community focus** – the Shire is committed to 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.
- 4.2. **Accessibility and Visibility** – information the process about how and where to make a complaint is readily available to customers, employees and other interested parties and presented in a way that ensure it is easy to understand what to expect.
- 4.3. **Responsiveness** – complaints are acknowledged promptly, addressed according to urgency, and the complainant is kept informed throughout the process.
- 4.4. **Objectivity and fairness** – complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Proactive and decisive action will be taken to manage any conduct that negatively and unreasonably affects Shire employees.
- 4.5. **Confidentiality** – personal information related to complaints is kept confidential.
- 4.6. **Remedy** – if a complaint is upheld, the Shire provides a remedy.
- 4.7. **Review** – there are opportunities for internal and external review and/or appeal about the Shire's response to the complaint, and complainants are informed about these avenues.
- 4.8. **Accountability** – accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders where appropriate.
- 4.9. **Continuous improvement** – complaints are a source of improvement for the Shire.

## 5. MAKING A COMPLAINT

- 5.1. Complaints may be lodged with the Shire in the following ways:
  - 5.1.1. In writing: 7000 Great Eastern Highway, Mundaring WA 6073
  - 5.1.2. By telephone: 9290 6666
  - 5.1.3. In person at any of the Shire's customer locations
  - 5.1.4. via email: [shire@mundaring.wa.gov.au](mailto:shire@mundaring.wa.gov.au)
- 5.2. At a minimum, the following information is to be supplied in order to effectively manage the complaint:

- 5.2.1. Name and contact details of the person and organisation or group they represent (where relevant) who is making the complaint
- 5.2.2. Complaint details including description of complaint, date of occurrence and location (if relevant)
- 5.2.3. Any supporting evidence that supports the complaint
- 5.2.4. Contact details for relevant witnesses if applicable
- 5.3. As part of the complaint resolution process (refer CLAUSE 6), the Shire may request additional information and, or further evidence to substantiate the complaint.

#### **5.4. Support to lodge a complaint**

- 5.4.1. The Shire provides support to vulnerable persons, Aboriginal and Torres Strait Islander peoples, 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.

#### **5.5. Anonymous Complaints**

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

### **6. RESOLVING COMPLAINTS**

All complaints will be addressed in a respectful, equitable, objective manner applying the principles of natural justice in accordance with the Ombudsman procedural fairness (natural justice)

#### **6.1. Timeframes**

- 6.1.1. If a complaint is made, it can be expected that:
  - 6.1.1.1. a complaint to be acknowledged within five (5) working days
  - 6.1.1.2. complaints will be resolved within 20 working days.
  - 6.1.1.3. If there is going to be a delay in responding to your complaint due to complexity or the requirement of extensive investigation, you are to be informed why and provided regular updates. We shall endeavour to reach a mutually agreed timeframe
- 6.1.2. Complaints will be responded in accordance with the procedures and will depend on an assessment of the following factors:
  - 6.1.2.1. the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved.

- 6.1.2.2. the likelihood that the complaint can be quickly resolved.
- 6.1.2.3. the complexity of the complaint issue/s.
- 6.1.2.4. whether the complaint requires internal or external review.
- 6.1.3. the responding officer should aim to provide the complainant with an acknowledgement of their complaint within five (5) working days.
- 6.1.4. The acknowledgement serves multiple purposes. The acknowledgement advises the complainant of how the complaint will be handled and by whom. It also serves to provide contact details for the responding officer, thereby allowing the complainant to provide further information about the complaint if required.
- 6.1.5. Where further information arises that relates to the original complaint issue/s it will be included as a related matter and not a new complaint. Dependent on the circumstances, where a complaint can be responded to in full within five (5) working days it is reasonable that a separate acknowledgement is not issued to the complainant.

## **6.2. Complaint resolution process**

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

- 6.2.1. Level 1- Preliminary review (service complaint): Where an immediate resolution cannot be achieved the complaint will be reviewed by the relevant Supervisor/Manager or Director.
  - 6.2.1.1. As a rule, in the first instance any complaint matter will be referred to the Supervisor/Manager for consideration and response as part of a Preliminary Review, or to the Director if the complaint is about the Manager.
  - 6.2.1.2. The relevant officer may amend the decision or cause a remedy to have effect.
  - 6.2.1.3. A service complaint decision letter must be issued to the complainant outlining decision, reason for decision and appeal rights
- 6.2.2. Level 2 - Internal Review: 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 Shire, the following is to occur:
  - 6.2.2.1. The complaint is to be submitted to the CEO to investigate the matter and review the action and steps taken to resolve the complaint.
  - 6.2.2.2. A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue/s; and
  - 6.2.2.3. The CEO will determine the appropriate resolution of the outstanding complaint and the review of the service complaint handling process with the assistance of the Governance team.

- 6.2.2.4. Should the CEO consider it appropriate, an independent external review or investigation of the complaint will be carried out
- 6.2.3. Level 3 - 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.
- 6.2.4. Referral: In instances where the initial service 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 Shire officer to investigate and resolve. Where the complaint is about the CEO, it will be referred to the Shire President to appoint an independent investigator.

### **6.3. Complaint Outcomes**

Following the investigation of a complaint, the following outcomes are available, but not limited to:

- 6.3.1. an explanation.
- 6.3.2. an apology.
- 6.3.3. mediation.
- 6.3.4. a change in decision.
- 6.3.5. a change to policy, procedure or practice.
- 6.3.6. a correction of inaccurate records.
- 6.3.7. financial compensation, including a refund of a fee.
- 6.3.8. the remission of a penalty.
- 6.3.9. referral to an external agency for further investigation
- 6.3.10. no case to answer.
- 6.3.11. no further action required

The Shire will apply the most suitable outcome and provide a formal response to the complainant detailing the remedies that are reasonable in the circumstances.

### **6.4. Complaints that will not be considered**

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

- 6.4.1. is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters.
- 6.4.2. 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.
- 6.4.3. where a matter is subject to an existing mediation process.
- 6.4.4. relates to a decision made by a meeting of Council.
- 6.4.5. relates to conduct before a court, coroner or tribunal.

- 6.4.6. 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.
- 6.4.7. relates to the appointment or dismissal of an employee or an industrial or disciplinary issue.
- 6.4.8. relates to actions or conduct of private individuals.
- 6.4.9. does not relate to an action the Shire has taken or is the responsibility of the local government; or
- 6.4.10. involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Shire and/or its staff (in such instances the relevant Director is to be notified).
- 6.4.11. Should the Shire decide not to proceed with the complaint, the complainant will be advised of the reason for the decision.
- 6.4.12. Where a person is communicating via legal representatives or has made threats of civil action against the Shire, the complaint should be escalated to the relevant Director.

## **7. REVIEW PROCESS**

- 7.1. In circumstances where internal processes are unable to resolve a complaint or satisfy the complainant, the Shire may refer the complainant to appropriate external agencies, such as the State Administrative Tribunal or WA Ombudsman Office, for review.
- 7.2. A complainant may at any time contact the WA Ombudsman or other external body if they are not satisfied with the Shire's handling of the complaint.

## **8. COMPLAINTS RECEIVED FROM EXTERNAL AGENCIES**

- 8.1. Where the Shire receives a complaint from an external agency such as the WA Ombudsman or other external body, the CEO is nominated as the Officer to coordinate the Complaint on behalf of the CEO and the Shire.

## **9. CONFIDENTIALITY**

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

## **10. MALICIOUS, FRIVOLOUS AND VEXATIOUS COMPLAINTS**

- 10.1. Every endeavour will be made by the Shire to consider complaints with the utmost seriousness; however, the CEO may refuse to manage a complaint if:

- 10.1.1. the complainant behaves in an ongoing actively hostile manner.
- 10.1.2. the complaint is considered to be trivial and/or frivolous or the complainant is consistently making complaints of trivial and/or frivolous matters.
- 10.2. The Shire 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 Shire's resources away from its local government functions.
- 10.3. The Shire may, at its discretion, seek legal advice with respect to implications of the suspected malicious, frivolous or vexatious complaint.

## **11. UNREASONABLE CONDUCT BY COMPLAINANTS**

- 11.1. In some instances, the Shire 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 Shire to the point that the complaint or complainant diverts a substantial and unreasonable portion of resources away from the Shire's other functions. Refer to Appendix 1 Unreasonable Conduct Guidelines
- 11.2. In some instances, the Shire 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 Shire services or on Shire premises).
- 11.3. Under the above circumstances, details of complaints are to be provided to the relevant Director who will make a recommendation to the CEO that:
  - 11.3.1. further correspondence and/or telephone contact with the complainant be restricted.
  - 11.3.2. further discussions, interviews etc will not be granted that relate to the same matter; and
  - 11.3.3. access to Shire premises be restricted for a specified period of time.
- 11.4. 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.
- 11.5. All threats made to staff, or third parties will be reported to the WA Police

## **12. SERIOUS OR CRIMINAL COMPLAINTS**

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



### **13.RECORDING COMPLAINTS**

- 13.1. All correspondence relating to a customer complaint must be recorded in accordance with the Shire of Mundaring Record Keeping Plan

### **14.RELATED LEGISLATION**

*State Records Act 2000*

*Freedom of Information Act 1992*

*Privacy Act 1988 (Cth)*

### **15. RELATED DOCUMENTS**

AS/NZS 10002:2022 Guidelines for complaint management in organisations

Ombudsman Western Australia Guidelines Complaints Management

Shire of Mundaring Records Keeping Plan

## APPENDIX 1- UNREASONABLE CONDUCT GUIDELINES

Conduct	What is it and how do we deal with it?	Examples
<b>Unreasonable persistence</b>	<p>This includes complainants persisting with their issues even though they have been dealt with and determined, refusing to accept final decisions and sending excessive amounts of correspondence.</p> <p>The management strategy for dealing with unreasonable persistence is <b>saying 'no'</b> – not necessarily using the word but the same principle.</p>	<ul style="list-style-type: none"> <li>• An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.</li> <li>• Persistently demanding a review simply because it is available and without arguing or presenting a case for one.</li> <li>• Pursuing and exhausting all available review options when it is not warranted and refusing to accept that further action cannot or will not be taken on their complaints.</li> <li>• Reframing a complaint in an effort to have it reconsidered again.</li> <li>• Bombarding the Shire with phone calls, visits, letters and/or emails (including cc'd correspondence) after repeatedly having been asked not to do so.</li> <li>• Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.</li> </ul>
<b>Unreasonable demands</b>	<p>This includes complainants insisting on outcomes that are unattainable, moving the goal posts, or demanding to have their complaints dealt with in a particular way.</p>	<ul style="list-style-type: none"> <li>• Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.</li> </ul>

	<p>The management strategy for dealing with unreasonable demands is <b>setting limits</b> – eg limiting how often a complainant can telephone the Shire, who they can call, for how long etc.</p>	<ul style="list-style-type: none"> <li>• Insisting on talking to the CEO or a Director personally when it is not appropriate or warranted.</li> <li>• Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.</li> <li>• Insisting on outcomes that are not possible or appropriate in the circumstances – eg requesting someone should be sacked or prosecuted, demanding an apology and/or compensation when there is no reasonable basis for expecting this.</li> <li>• Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.</li> </ul>
<p><b>Unreasonable lack of co-operation</b></p>	<p>This includes complainants providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to define their issues of complaint when they are capable of doing so.</p> <p>The management strategy for dealing with unreasonable lack of co-operation is <b>setting conditions</b> – e.g. requiring a complainant to define their issues of complaint or organise information they have submitted with their complaint.</p>	<ul style="list-style-type: none"> <li>• Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this.</li> <li>• Providing little or no detail with a complaint or presenting information in ‘drips and drabs’.</li> <li>• Refusing to follow or accept Shire instructions, suggestions, or advice without a clear or justifiable reason for doing so.</li> <li>• Arguing frequently and/or with extreme intensity that a particular solution is the</li> </ul>

		<p>correct one in the face of valid contrary arguments and explanations.</p> <ul style="list-style-type: none"> <li>• Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.</li> </ul>
<b>Unreasonable arguments</b>	<p>This includes complainants seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.</p> <p>The management strategy for dealing with unreasonable arguments is <b>declining and discontinuing</b> – eg refusal to deal with complaints that are not supported by any evidence.</p>	<p>Arguments are unreasonable when they -</p> <ul style="list-style-type: none"> <li>• fail to follow a logical sequence.</li> <li>• are not supported by any evidence and/or are based on conspiracy theories.</li> <li>• lead a complainant to reject all other valid and contrary arguments.</li> <li>• are trivial when compared to the amount of time, resources and attention that the complainant demands; and/or</li> <li>• are false, inflammatory or defamatory.</li> </ul>
<b>Unreasonable behaviours</b>	<p>This includes extreme anger, aggression, threats or threatening or violent conduct.</p> <p>The management strategy for dealing with unreasonable behaviours is <b>setting limits and conditions</b> about acceptable and unacceptable behaviour and, if necessary, applying risk management strategies.</p>	<ul style="list-style-type: none"> <li>• Acts of aggression, verbal abuse, derogatory, racist, sexist or grossly defamatory remarks.</li> <li>• Harassment, intimidation or physical violence.</li> <li>• Rude, confronting and threatening correspondence.</li> <li>• Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.</li> <li>• Stalking (in person or online).</li> <li>• Emotional manipulation.</li> </ul>