

Strategic Outcome Supported: 12 – A well respected, professionally run organisation.

OBJECTIVE

1. To provide a fair, accessible, timely, and consistent approach for managing general complaints about Shire services, actions, staff conduct (that does not amount to misconduct under statute), contractors or volunteers—while promoting service improvement, accountability, and community confidence. This policy gives effect to the Shire’s customer service commitments to courtesy, respect, fair and efficient service, timely responses, clear information, privacy, and prompt, professional complaint resolution.

SCOPE

2. This policy applies to:
 - a. Who can complain: Any community member, ratepayer, resident, visitor, business, or stakeholder affected by the Shire’s services or actions.
 - b. What is covered: General complaints about service quality, timeliness, decisions (where a statutory appeal is not available), communication, staff/contractor/volunteer behaviour falling short of expectations but not amounting to misconduct, and accessibility of services/information. It includes complaints received via in-person, phone, email, website forms, letters, and social media (noting complex matters raised on social platforms will be redirected to formal channels).
 - c. What is not covered:
 - i. FOI access/amendment requests (handled under the *Freedom of Information Act 1992* process and the Shire’s FOI arrangements).
 - ii. Public Interest Disclosures (PID) and suspected corruption, serious or minor misconduct (handled under dedicated legislation and procedures).
 - iii. Complaints with statutory appeal/review pathways (e.g., planning, health, infringements) where legislation prescribes processes.

DEFINITIONS

3. **CEO** means Chief Executive Officer
4. **Charter** means Customer Service Charter.
5. **Code** means the Shire’s Code of Conduct for Employees, Contractors and Volunteers.
6. **Complaint** means an expression of dissatisfaction about the Shire’s standard of service, action or inaction, decision, or staff/contractor/volunteer conduct, where a response or resolution is explicitly or implicitly expected.

7. **Confidential Information** means information obtained or created in the course of duties that is handled and disclosed only as required for complaint management or as permitted/required by law.
8. **Feedback/Compliment** means a suggestion for improvement or positive comment about services or staff.
9. **FOI** means Freedom of Information.
10. **Misconduct / Serious or Minor Misconduct** means conduct as defined under the *Corruption, Crime and Misconduct Act 2003*, to be handled in accordance with the Code of Conduct and statutory reporting pathways.
11. **PID** means Public Interest Disclosure.
12. **Service Request** means a request for the first-time provision of a service (e.g., report a pothole) rather than dissatisfaction with how a service was delivered.
13. **Shire** means Shire of Donnybrook Balingup.

POLICY STATEMENTS

Principles

14. The Shire will manage complaints in accordance with the following principles:
 - a. Courtesy, respect and professionalism in all interactions with complainants and staff.
 - b. Accessibility—multiple channels, reasonable assistance, and inclusive practices to ensure information and services are accessible to all.
 - c. Timeliness and clear communication—acknowledgement, updates, and reasons for decisions, consistent with the Shire’s customer service standards.
 - d. Fairness and impartiality—objective assessment, free from bias, consistent with employees’ obligations to act impartially and in the public interest.
 - e. Privacy, confidentiality and information security—complaint information handled responsibly and disclosed only as authorised by the CEO or permitted/required by law.
 - f. Accountability and learning—use complaint insights to improve services, consistent with transparency and accountability aims reflected in the Information Statement and FOI framework.

How to Make a Complaint (Channels)

15. Complaints may be lodged:
 - a. Online via the Shire’s website feedback/complaints form;
 - b. Email or letter; or
 - c. Telephone; or
 - d. In person at the Administration Office.

Expected Timeframes and Communication

16. Acknowledgement (written complaints): The Shire endeavours to acknowledge within five (5) working days and, where complex, provide an expected completion date. Emails are treated the same as other written correspondence.
17. Phone or in person enquiries: Staff will aim to resolve immediately; otherwise, contact within two (2) working days to schedule or discuss next steps.
18. Updates and Outcomes: Complainants will be advised of the assessment outcome, reasons for decisions, any actions to resolve the issue, and available review options (internal or external). This aligns with the Charter's commitments to clear, accurate information and keeping customers informed.
19. Where a complaint is escalated to an external oversight or review body, internal complaint handling may be paused or coordinated in accordance with the requirements of that body, and the complainant will be informed accordingly.

Process (Three-Tier Pathway)

20. Tier 1 – Frontline resolution
Where possible, staff receiving the complaint will attempt prompt resolution (e.g., apology, explanation, quick fix). Staff will maintain courteous and professional communication consistent with the Code and Charter.
21. Tier 2 – Service area review
If not resolved, the matter is referred to the relevant supervisor/manager for review, clarification of issues, remedy options, and written outcome with reasons and timeframes.
22. Tier 3 – Internal review
Where the complainant remains dissatisfied, an internal review may be requested (escalated to a senior officer not involved in the original decision). (Note: This is distinct from formal FOI internal review and does not displace any statutory appeal rights.)
23. Where the complainant remains dissatisfied, they may seek external review (refer *External Review and Oversight (Handling Ombudsman and External Oversight Enquiries)* below).

External Review and Oversight (Handling Ombudsman and External Oversight Enquiries)

24. The Shire recognises the role of external oversight bodies, including the Ombudsman, in reviewing administrative actions and complaint handling processes.
25. Where an enquiry, investigation or request for information is received from an Ombudsman or other authorised oversight body:
 - a. the matter must be immediately referred to the Chief Executive Officer or delegate;
 - b. staff must not respond directly unless authorised to do so; and
 - c. all relevant complaint records must be preserved and managed in accordance with recordkeeping and legal requirements.

26. The Shire will:
 - a. cooperate fully, professionally and promptly with external review bodies;
 - b. provide complete, accurate and impartial information within required timeframes; and
 - c. ensure responses are coordinated centrally to maintain consistency and accountability.
27. Outcomes and recommendations arising from Ombudsman or external oversight reviews will be considered by the Executive and used to inform service improvements, risk management and governance practices where appropriate.

Conduct, Respect and Safety

28. Staff must treat all members of the community with respect, courtesy and professionalism, and deliver services in accordance with the Charter; issues must be resolved promptly, fairly and equitably.
29. Staff will comply with lawful and reasonable directions and Shire policies, use accurate, polite and professional communications, and maintain professional presentation.
30. The Shire expects complainants to treat staff with courtesy and respect and use appropriate channels, as encouraged by the Charter.

Unreasonable, Persistent or Vexatious Conduct

31. The Shire may set boundaries where behaviour unreasonably impacts staff or processes (e.g., threats, abuse, excessive contact), while preserving access to complaint pathways commensurate with safety and fairness obligations under the Code. Any restrictions will be proportionate, documented, and communicated with reasons. See Appendix A - Guideline For Managing Unreasonable Complainant / Customer Conduct.

Privacy, Confidentiality and Information Access

32. Complaint records will be created and managed in accordance with the Recordkeeping Plan and *State Records Act 2000*, and information will be used/disclosed only as required for handling the complaint or as permitted/required by law, consistent with the Code.
33. Access to complaint documents may be sought through the FOI process—noting rights, timeframes, fees/charges, exemptions, and review pathways outlined in the Information Statement.
34. Where a complaint is subject to review by an external oversight body, information may be disclosed to that body as required or authorised by law.

Public Interest Disclosures and Misconduct

35. If a complaint indicates serious or minor misconduct or matters suitable for Public Interest Disclosure, it must be escalated in line with the Code of Conduct and relevant legislation. The CEO will notify the Corruption and Crime Commission (serious misconduct) or the Public Sector Commission (minor misconduct) where required, and complainants may also report directly to those bodies or make a PID using the Shire's PID procedures.

Social Media

36. The Shire will acknowledge enquiries raised through its official social media channels in a timely and professional manner. Matters that raise concerns, constitute complaints, or require further assessment will be redirected to appropriate formal channels to ensure procedural fairness and the consistent application of the Shire's complaints handling arrangements.

Continuous Improvement

37. The Shire will periodically analyse complaint trends to improve services and publish high level insights (without personal information) where appropriate, consistent with the transparency aims in the Information Statement.

DELEGATION AND AUTHORISATION

38. Nil.

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Freedom of Information Act 1992 and Freedom of Information Regulations 1993*
- *Public Interest Disclosure Act 2003*
- *Corruption, Crime and Misconduct Act 2003*
- *State Records Act 2000*
- *Work Health and Safety Act 2020*
- *Parliamentary Commissioner Act 1971 (Ombudsman)*

APPENDIX

A. GUIDELINE FOR MANAGING UNREASONABLE COMPLAINANT / CUSTOMER CONDUCT

Purpose

The purpose of this guideline is to assist employees to act fairly, consistently, honestly and appropriately when identifying and responding to unreasonable complaint conduct.

Objectives

The objectives of this guideline are to:

- ensure equity and fairness for all complainants;
- improve resource allocation and efficiency;
- protect health and safety of staff and other affected persons.

Expectations of staff regarding interactions with customers

Shire staff must ensure that in all interactions with customers they uphold Council's adopted Code of Conduct for Employees, Contractors and Volunteers. They must also:

- deal with customers in a fair and respectful manner;
- remain calm;
- act professionally and impartially;
- provide clear communication about processes and outcomes;
- maintain accurate and full records of interactions with customers.

This guideline applies to all complaints managed under this policy and to all interactions between complainants and the Shire, including in person, telephone, written, electronic and social media communications.

Suspected Unreasonable Complainant/ Customer Conduct

There are four key steps that staff should take in relation to suspected unreasonable complainant or customer conduct. Identify the warning signs, assess the reasonableness of the conduct, categorise the conduct and record and refer. Further details on these four steps are outlined below.

1. Identify the warning signs:

Warning signs may include when the complainant displays any of or a combination of the following behaviours:

- repeated complaints/requests about the same issue, not allowing sufficient time for the issue to be managed;
- behaviour that may indicate vulnerability or support needs;
- look and content of communication – e.g. use of bolding, highlighting, different colours and fonts, inappropriate language, dramatic language, lengthy or excessive submissions;
- rudeness, abruptness, anger, aggression, manipulation or uncooperative behaviour;

- disproportionate outcomes sought or high expectations - excessive use of Council resources;
- refusal to accept outcome or decisions; and
- escalating the complaint without reasonable grounds.

2. Assess the reasonableness of the conduct

The following criteria should be balanced against each other for each individual case to determine whether the conduct in question meets the threshold of being considered unreasonable.

- What is the potential level of risk to staff, other affected persons and service delivery?
- Does the complaint have merit?
- Is the behaviour proportionate? Is the customer over-reacting, or are their expectations / requests reasonable?
- Are there any Human Rights issues relevant to the complaint?
- Has the complainant responded appropriately to calming measures?
- Are there any extenuating circumstances? Intellect, language barriers, cultural barriers or influences, social resources, general health, age?

Conduct that is considered to be unreasonable under all circumstances includes:

- Aggression;
- Harassment (words or actions);
- Threats; and
- Violence or assault.

3. Categorise the conduct

Unreasonable complainant or customer conduct can be categorised into five categories - persistence, demands or expectations, lack of cooperation, arguments and behaviour. These categories are further defined below. The purpose of categorising conduct is to focus on the observable conduct which may negatively impact on the handling of a complaint and to help determine the most appropriate and strategic course of action to respond and manage the behaviour.

Unreasonable persistence: The complainant's or customer's conduct is unrelenting and causes a disproportionate and unreasonable impact on Council, its staff, services, time or resources.

Unreasonable persistence may include:

- repetitive phone calls, letters, visits, emails sometimes after being asked to stop.
- pursues and exhausts all available review options, and still continues to attempt raising the issue.
- refuses to accept that the complaint has been closed or that no further action can or will be taken.
- "shopping around" seeking contact with other areas of Council in the hope of achieving a different outcome.

Unreasonable demands or expectations: The complainant or customer makes demands or expresses expectations (either directly or impliedly) that are disproportionate to the issue and/or would cause an unreasonable impact on Council, its staff, services, time and/or resources.

Unreasonable demands or expectations may include:

- issuing instructions or demands on how the complaint will be handled, the priority it should be given, or the outcome that should be achieved.
- insisting on speaking with a senior officer or manager/director/CEO when it is not appropriate or warranted.
- insisting on impossible or inappropriate outcomes (e.g. “sack the lot of them”).
- demanding services or a nature/scale beyond what Council can reasonably provide when this has been explained to them.
- expanding the scope of their complaint matter while it is still being dealt with.

Unreasonable lack of cooperation: The complainant or customer displays an unwillingness or inability to cooperate with Council, its staff, and processes causing disproportionate and unreasonable impact on the use of services, time and/or resources.

Lack of cooperation may include:

- sending bulk amounts of information without adequately defining the issues or explaining the relationship between the information and the issue complained about.
- providing little or no details, irrelevant information, or “trickle feeding” information.
- refusing to follow or accept instructions, suggestions, or advice without clear or justifiable reasons.
- displaying unhelpful behaviour e.g. withholding information, acting dishonestly, misquoting others.

Unreasonable arguments: The complainant or customer makes submissions that are not based on reason or logic, or are incomprehensible, false or inflammatory, trivial or delirious causing disproportionate and unreasonable impact on Council, its staff, services, time and/or resources.

Arguments are unreasonable when they:

- are irrational or fail to follow a logical sequence.
- are exaggerated, not supported by any evidence and/or are based on conspiracy theories.
- lead to the rejection of all other valid and contrary arguments (refusing to see the other side of the argument).
- are focussed on the irrelevant or are trivial when compared to the amount of time, resources and attention being demanded.
- are false, inflammatory or defamatory.

Unreasonable behaviour: Conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant or customer is – because it unreasonably compromises the health, safety and security of staff, other parties or the complainant. Risks associated with some behaviour may be low. However, high and extreme risk behaviours are associated with this category:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks.
- harassment, intimidation or physical violence.
- rude, confronting and threatening correspondence.
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- stalking (in person or online).
- emotional manipulation.

4. Record and refer

All incidents of unreasonable complainant or customer conduct should be recorded and then reported to the appropriate supervisor or manager. Records of complainant or customer conduct should be factual and professional, avoiding statements that may contain personal opinion or speculation about the complainant, their thoughts or motives.

Records should include:

- complainant's name;
- officer's name;
- location of interaction (e.g. front counter, complainant's residence, public carpark) and means of communication (e.g. via telephone, face-to-face);
- date and start and finish time of interaction;
- summary of the issues discussed, including any questions asked, advice given, agreed outcomes, specific details of any threats or abusive words (record the exact words used);
- any other relevant information;
- records should be accompanied by any supporting evidence including CCTV.

Procedural Steps Prior to Imposing Restrictions

Before any decision is made to restrict a complainant / customer's access to Council services, the following procedural steps must be undertaken:

1. The complainant / customer must be informed in writing of the concerns regarding their conduct, including specific examples.
2. They must be given an opportunity to respond to the concerns within a reasonable timeframe (e.g. 10 business days).
3. A senior officer (e.g. Director or CEO delegate) must review the response and assess whether the conduct meets the threshold for unreasonable conduct.

4. Consideration must be given to any mitigating factors, including disability, mental health, cultural or linguistic background, or other vulnerabilities.
5. A written decision must be provided to the complainant/customer outlining the outcome and reasons.

Management of Unreasonable Conduct

Council's Chief Executive Officer, or the CEO's delegate, has the authority to make a decision in relation to access to Council services in cases where a customer or complainant's conduct is deemed to be unreasonable.

Any restrictions imposed must be:

- Proportionate to the nature and severity of the conduct.
- Time-bound, with a review date specified (e.g. 6 or 12 months).
- Clearly communicated to the complainant/customer, including the reasons, scope, and duration.
- Documented in Council's register, with justification and supporting evidence.
- The Chief Executive Officer may choose to:
 - take no further action in relation to the customer's requests or in relation to a complaint; or
 - decline to acknowledge or act on any future complaints of the same type and/or nature from the same complainant; or
 - review the level of service provided to the complainant (applying a risk-based approach).

Further, Council's Chief Executive Officer may choose to manage unreasonable complainant / customer conduct by limiting or changing the way that a complainant / customer can interact with employees and / or access Council services including:

- limiting contact persons – appointing a point of contact in Council for the complainant / customer;
- limiting subject matter – limiting the subject matter of communications that will be responded to under the complaint;
- limiting contact times – limiting a complainant / customer's contact to a particular time of day, length of time and / or frequency;
- limiting contact channels – limiting or modifying the forms of contact that the complainant / customer can have with Council including face to face interviews, telephone and written communications, prohibiting access to Council's premises and making contact through a designated point of contact.

Each case will be assessed by considering all relevant factors associated with a complainant / customer's interactions, including their prior conduct and history with Council.

Decision-Making Criteria

In determining whether to impose restrictions, the CEO or delegate must consider:

- The nature, frequency, and severity of the conduct.
- The impact on staff safety, service delivery, and Council resources.
- Whether the conduct has persisted despite prior warnings or interventions.
- The complainant / customer's history of interactions with Council.
- Any relevant legal or human rights considerations.
- Whether less restrictive measures have been attempted or are appropriate.

Council will maintain a register of complainants / customers that have been assessed and managed under this process. A review of this register will be undertaken as required or following a request from employees arising from further incidents involving the complainant.

The CEO has the authorisation to:

- remove the restrictions on complainants / customers;
- modify the restriction on complainants / customers;
- reduce service levels to the complainant by applying a risk-based approach.

The CEO can delegate their power and authority under this policy and guideline to a Director.

Review and Appeal of Restrictions

Following the imposition of any restriction:

- Complainants may seek review through the Shire's internal complaint review process.
- A review of the restriction must be conducted periodically or upon request, considering any changes in behaviour or circumstances.
- The outcome of the review must be communicated in writing, including any changes to the restriction.

Validity of Complaints

All complaint matters will be considered on their merits. Unreasonable complainant / customer conduct does not mean that the issues raised will automatically be considered as invalid or lacking in substance.

GOVERNANCE

Related Policy(s):

- ADM/CP-1 — Records Management
- COMD/CP-3 — Community Engagement Framework
- EXE/CP-6 — Organisational Risk Management
- EXE/CP-7 — Work Health and Safety
- EXE/CP-8 — Policy Framework
- EXE/CP-13 – Social Media
- EXE/CP-14 – Official Communications
- EM/CP-3 — Legal Representation for Elected Members & Employees
- FIN/CP-4 — Purchasing

Related Procedure(s):

- N/A.

Other:

- Customer Service Charter (Shire website)
- Code of Conduct for Employees, Contractors and Volunteers (2026)
- Information Statement 2025–2026

Revision Requirements and Version Control:

Responsible Department(s):	Executive			
Review to be conducted by:	Executive Manager Corporate Services			
Revision Frequency:	<input type="checkbox"/> Annual (1yr)	<input type="checkbox"/> Biennial (2yr)	<input checked="" type="checkbox"/> Triennial (3yr)	
Current Version Date:	27/05/2026	Next Due:	05/2029	
Policy Version Details and Information:				
#:	Synopsis:	Date:	Ref.:	Synergy:
1	Initial creation and adoption of Council policy	27/05/2026	88/05-26	NPP18916