

Policy Type

Council

Policy Purpose

The purpose of this policy is to guide the City of Cockburn in its management of compliments, feedback and complaints in a consistent and unbiased manner that complies with the Australian Standard Guidelines, the Ombudsman Western Australia Guidelines and the City's Customer Service Charter.

Policy Statement

- 1) The City of Cockburn will manage any feedback in accordance with its Customer Service Charter and Complaints Handling Procedure.
- 2) Feedback including complaints should be directed to the City's Administration.
- 3) Feedback will be used by to the relevant service unit to review and improve its services and to celebrate and share positive feedback.
- 4) The City will provide a complaint system that is:
 1. easy to use, fair and unbiased;
 2. accessible to people with disability and people from cultural and linguistically diverse backgrounds;
 3. able to provide a platform that enables the public to:
 - i. be heard and understood
 - ii. be respected
 - iii. receive an explanation, apology or action where appropriate
- 5) The City will inform the complainant on the outcome of a complaint on conclusion of its investigations. If the investigation is prolonged, the City will ensure that the customer is kept up-to-date on any progress or delay.
- 6) The City will have a procedure for reviewing complaints if a customer is not satisfied with the way the City handled their initial complaint. If complainants have exhausted the review process at the City, they may request an external review through the Department of Local Government and/or the State Ombudsman.

- 7) The City recognises the right of complainants to express dissatisfaction with the City or its decisions/conduct/services/products or policy. However, should complainants become rude or abusive, communication with the City may be formally terminated. Should there be threatening or abusive behaviour that poses an Occupational Health and Safety risk to our employees or volunteers, the matter will be referred to the Police where appropriate.
- 8) Unreasonable complainants - The City has an obligation to responsibly manage its resources on behalf of its ratepayers. The substance of a complaint will dictate the resources allocated by the City. A person may be deemed an unreasonable complainant and a restriction of service may be applied to them should circumstances be considered warranted. This decision will be made by a designate senior employee. The Ombudsman Western Australia defines unreasonable complainant conduct as:

- (i) Rude, angry and harassing
- (ii) Aggressive conduct
- (iii) Habitual or obsessive. This includes:

- Cannot 'let go' of their complaint
- Cannot be satisfied despite the best efforts of the agency
- Complains about frivolous matters on a consistent basis
- Make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)

Each occasion will be judged on its merits to ensure that legitimate difficult dealings are not misinterpreted as unreasonable behaviour.

If a matter is consider closed by the City, unless there is a substantial change in facts or circumstances, or new information comes to light, no further correspondence on the matter will be responded to.

9) Unreasonable complaints

Under legislation, the City can determine a complaint to be unreasonable and decide not to take further action on a complaint and/or to restrict ongoing correspondence about the complaint. This process:

- a) Will be complaint-focused, not behaviour focused; and
- b) Will not be used to manage abusive or aggressive conduct.

Measures taken regarding aggressive and behaviour-based conduct will be managed under paragraph (8) of this policy.

Under the *Local Government Act* and associated regulations, the City may declare a complaint or category of subject matter as unreasonable. A complaint will only be

declared unreasonable when further dealing with the complaint would involve an excessive use of the City's time or resources, and:

- a) The complaint has already been properly considered; or
- b) The complaint is vexatious, misconceived, frivolous or without substance.

If the City decides to determine a complaint unreasonable and take no further action, it will provide the complainant a notice containing:

- a) The decision;
- b) The subject matter or category of subject matter that the decision applies to;
- c) The period during which the decision will apply;
- d) Advice on how to appeal the decision; and
- e) Any other information required by legislation.

The City will ensure that, when considering whether to declare a complaint unreasonable, it applies the principles of procedural fairness.

9) Complaints about Elected Members:

Complaints regarding Elected Members are also covered by an Elected Members' Code of Conduct available on the City's website and the Local Government (Model Code of Conduct) Regulations 2021. The complaint must be made on the relevant Form, available from the City's website or by contacting the City.

10) Complaints about employees:

Complaints about employees must initially be directed to the Chief Executive Officer.

This Policy is supported by an internal Complaint Handling Procedure.

Strategic Link:	Listening and Leading
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Lead Business Unit:	Communications and Marketing
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