



Shire of West Arthur Council Policy – Vexatious or Unreasonable Persistence Complaints

Policy Number	G1.6 Governance
Policy Title	Vexatious or Unreasonable Persistence Complaints
Related Legislation	Local Government Act 1995
Strategic Outcome Supported	Outcome 5.2: Accountable service delivery by Council and well trained, motivated, customer focused staff.
Adopted by Council	15 June 2021
Review	CEO Annually

1. Objective

To provide a framework for dealing with vexatious or unreasonable persistence complaints and to assist Council Members and employees in their engagement with members of the public, ratepayers, and other stakeholders.

2. Scope

This policy and the principles within it, apply to all Council Members, Shire employees and contractors of the Shire that receive and manage complaints.

3. Definitions

Complainant: means a person, organisation or its representative, making a complaint (and may include staff, Council Members and/or the Chief Executive Officer).

Complaint: means an expression of dissatisfaction made to or about an organization, related to:

- products and/or services; or
- staff, Council Members and/or the Chief Executive Officer.

A complaint is not:

- an initial service request to the Shire;
- a request for information from the Shire;
- the lodging of an appeal in accordance with statutory process;
- a submission relating to a regulatory function;
- a petition;
- the reporting of a civil dispute between two individual parties.

Vexatious: means a complaint or complaints brought solely to harass or subdue. Complaints may take the form of repetitive, burdensome or unwarranted communication with one or more Shire employees over matters that are considered resolved or responded to in previous communication with the complainant.

4. Policy Statement

4.1 Principles

Principles underlying this Policy are:

- commitment to providing quality services to the Shire's ratepayers, residents, and stakeholders;
- compliance with the local government legislative framework;

- respect and sensitivity towards the needs of the Shire's ratepayers, residents, and stakeholders;
- transparency and accountability in the delivery of services; and
- maintenance of confidentiality and respect for natural justice principles.

This Policy sets out how the Shire will deal with complainants who:

- cannot be satisfied;
- make unreasonable demands;
- constantly raise the same issue with different employees; and/or
- are rude, abusive, inappropriate or aggressive/intimidating.

4.2 Policy Threshold Considerations

Prior to enacting this Policy, Council Members and employees must ensure they have complied with the provisions listed below:

- Code of Conduct for Council Members, Committee Members, and candidates for Election – for Council Member;
- Code of Conduct for Employees – for employees;
- Ombudsman WA Effective Complaints Handling Guidelines

4.3 Difficult People Categories

4.3.1 A person who cannot be satisfied

Despite the best efforts of Council and/or Shire employees, some members of the public may not be satisfied with the action taken or the service provided by the Shire in the resolution of a complaint or service request.

4.3.2 A person who makes unreasonable demands

Demands or levels of contact are deemed to be unreasonable when the matter begins to impact excessively on the work of employees and Council Members or the time dealing with the issue impacts on service levels available to other customers.

This can be due to:

- the quantity of information the customer is requesting;
- the nature and scale of service the customer is seeking; or
- the number of approaches the customer makes.

4.3.3 A Person who constantly raises the same issue with different employees

A person who is dissatisfied with the action taken or service provided and continues to raise the same issue with different employees.

4.3.4 A Person who is Rude, Inappropriate, Intimidating, Angry, Threatening or Harassing

For a range of reasons, a person may display inappropriate, rude, angry, harassing, or intimidating behaviour whilst using Shire facilities, attending a Shire activity, or during other interactions with Council Members, Shire employees, customers and/ or clients.

4.3.5 General Management of Policy

If the CEO determines that service or access restrictions are necessary in line with this policy, the customer must be notified accordingly and given an opportunity to make representations about the proposed course of action to the CEO and, if applicable, the Manager of the appropriate Section.

The CEO must advise the Council as soon as practicable of the relevant circumstances and action taken if a decision is made to withdraw service or limit/refuse access in accordance with this policy.

The duration of any service or access restrictions will be at the discretion of the CEO.

In actioning this policy, the CEO and management will follow current procedures as guided by the Ombudsman WA, which may include written notification that the Shire may:

- not accept any further calls from the person;
- not grant any further interviews;
- require all further communication to be put in writing; and
- only a nominated person will discuss their concerns in the future;
- continue to receive, read, and file correspondence but only acknowledge or otherwise respond to it, if:
 - the person provides significant new information relating to their complaint or concern; or
 - the person raises new issues which, in the CEO opinion, warrant fresh action.
- If, in the opinion of the CEO, correspondence received by the Shire contains personal abuse, inflammatory comments or material clearly intended to intimidate, this correspondence will be returned to the sender and not otherwise acted upon.

Shire employees may take the following actions when subjected to a person who displays the above behaviour during their duties:

- ask the person to stop their current behaviour and warn the person that if the behaviour continues the conversation, interview or access to the facility/activity will be terminated,
- cease the conversation or interview if the rude, angry, or harassing behaviour continues after a warning has been given,
- where this behaviour continues to occur at a Shire facility/activity, the person will be asked to leave, and,
- call the Police should the situation require.

Where a person or persons have been asked to leave a Shire facility or activity, the CEO may notify the person in writing, advising them of Council's concerns and that they could be banned from Shire facilities and future functions if the behaviour continues to occur.

This procedure may be applied in relation to complaints to the Shire's Behaviour Complaints Officer, pursuant to Division 3 of the Shire's Code of Conduct for Council Members, Committee Members and Candidates for Election.

5. Associated Documents

- Shire of West Arthur Code of Conduct for Council Members, Committee Members, and Candidates for Election.
- Shire of West Arthur Code of Conduct for Employees.
- WA Ombudsman "Helping Public Authorities" - "Effective Complaints Handling."
<https://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Dealing-with-unreasonable-complainant-conduct.pdf>
https://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Unreasonable_Complainant_Conduct_Manual.pdf