

# Unreasonable or Vexatious Complaints

### SCOPE:

Corporate - This procedure is applicable to staff that are responsible for handling and registering complaints.

### OBJECTIVES:

This procedure will describe when a complaint is to be regarded as 'unreasonable' or 'vexatious' and how such complaints are to be dealt with.

Everyone has the right to complain, and as such, every opportunity must be afforded to an individual to make a valid complaint.

### PROCEDURE DETAILS:

#### i) Definitions

'complaint':	As defined in Council Policy 2.16: Complaints Management.
'Complaints Officer'	Any staff member within a Service Unit with a responsibility to handle complaints.
'Feedback Officer':	Customer Experience staff member with specific responsibilities to receive and handle a complaint.

### PROCEDURE STEPS:

1. Defining 'unreasonable' and vexatious'
2. Handling an unreasonable or vexatious complaint
3. Terminating service of an unreasonable or vexatious complaint
4. Recording the termination of service on the register

#### 1. Defining 'unreasonable' and 'vexatious'

1.1. A complaint may be **unreasonable** if it:

- a) Contains unrealistic or unreasonable demands;
- b) Does not specify what the expected outcome of the complaint is;

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- c) Is based on clearly illogical or irrational beliefs; or
- d) Is based on a refusal to accept a previous decision on a complaint simply because it was not in the complainant's favour.

1.2. A complaint may be **vexatious** if it:

- a) Contains threats of harm to the Complaints Officer;
- b) Uses abusive language beyond what a Complaints Officer should be able to reasonably handle;
- c) Makes baseless attacks on the Complaints Officer's intent or motives or otherwise harasses the Complaints Officer; or
- d) Contains no valid issue to be addressed.

*NOTE:* According to the WA Ombudsman: "For conduct to be unreasonable, it must clearly go beyond the usual situational stress commonly experienced by complainants when they bring a grievance to an agency." In the same way, for a complaint to be considered unreasonable or vexatious, it must be considered in light of any special relationship between the complainant and the subject of the complaint that may impact their capacity to make a complaint. This includes a consideration of the personal circumstances of the complainant and their capability to effectively communicate a complaint, which may be inhibited by any vulnerabilities or cultural differences.

### 2. Handling an unreasonable or vexatious complaint

2.1. A complaint may still contain a valid issue despite the use of offensive or inappropriate language. The Complaints Officer must take care to separate the language and tone used by the complainant from the substance of the complaint and still act fairly, respectfully, and objectively.

2.2. If the complaint does not clearly set out valid issues to be addressed, the Complaints Officer will attempt to communicate with the complainant to extract valid issues from the complaint.

2.3. Unreasonable behaviour by the complainant in the process of extracting valid issues from the complaint will be dealt with according to PRXXXX Unreasonable Complainant Behaviour.

### 3. Terminate service of an unreasonable or vexatious complaint

3.1. If a complainant fails to cooperate with attempts to extract valid issues or meaning from the complaint, or the Complaints Officer otherwise fails to resolve the complaint, the Complaints Officer will escalate the complaint to a Feedback Officer in Customer Experience.

3.2. The Feedback Officer, if necessary, may escalate the complaint to the Complaints Officer in Corporate Governance.

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3.3. If the Corporate Governance Complaints Officer receiving the escalated complaint believes that the complaint is unreasonable or vexatious and cannot be resolved, they will recommend to the General Manager Corporate Services to terminate service of the complaint on the grounds that the complaint was unreasonable or vexatious, and give reasons. The decision to terminate service of a complaint must ultimately be made by the General Manager Corporate Services.

3.4. If service of the complaint is terminated on the grounds that it was unreasonable or vexatious, the Corporate Governance Complaints Officer will inform the complainant of that decision and the grounds on which it was deemed to be so, and inform them of the relevant avenues of appeal, i.e. to the WA Ombudsman.

#### 4. Recording the termination on the register

4.1. The reasons for refusing or terminating service of a complaint based on unreasonable or vexatious content or conduct will be recorded in the register for complaints.

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#### BACKGROUND:

PROCEDURE REF NO:	PR 1209
OWNER UNIT:	Corporate Planning and Performance
ORIGINATOR (TITLE):	Project Support Officer
PROCEDURE APPROVED BY:	Chief Executive Officer
DATE CREATED:	31 January 2022
REVIEW FREQUENCY:	Biannually
RELATED DOCUMENTS:	Council Policy 2.16: Complaints Management PR0558: Service Complaints
ADDITIONAL COMMENTS:	