



## POLICY DOCUMENT 6.0

<b>Policy Name (full)</b>	Complaints Handling – Consolidated
<b>Policy Family</b>	Document Series 6 – Complaints Handling
<b>Version/Date</b>	V1.1 24 September 2020
<b>Maintained By</b>	Board

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<b>PRECIS</b>	A consolidation of Lofty's Complaints Handling Policy (Document Series 6), with all subsections of said Policy contained within a single document.
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### Introduction

As per the Community Radio Codes of Practice 2008 (the “Code”), Lofty is obliged to have a complaints handling policy in place, written in terms of Code 7. Whilst Code 7 sets a sound framework for complaints or concerns relating to alleged transgressions of the Code and/or the Broadcasting Services Act (Cth) 1992 (the “Act”), it does not cover all of Lofty’s activities.

The Complaints Handling policy document series takes Code 7 – which also forms the basis for Rule 53 of the Lofty Constitution – into account. However, this policy also encompasses factors such as social media, face-to-face interaction between Lofty and the community, use of technology to capture and provide appropriate response to complaints, and so on.

The current Complaints Handling Policy (Document Series 6) consists of five sections:

- 6.0.1 – Introduction
- 6.0.2 – Definition
- 6.0.3 – Formal Complaints
- 6.0.4 – Informal Complaints
- 6.0.5 – Vexatious Complaints

### **POLICY 6.0.1 – COMPLAINTS HANDLING INTRODUCTION**

#### Introduction

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The Complaints Handling policy document series takes Code 7 – which also forms the basis for Rule 53 of the Lofty Constitution – into account. However, this policy also encompasses factors such as social media, face-to-face interaction between Lofty and the community, use of technology to capture and provide appropriate response to complaints, and so on.

#### Rationale

Whilst the Code provides a simple and robust framework for complaints relating to broadcasting, it does not provide a framework for complaints that fall outside of this scope.

Given that Lofty is a community media organisation made up of many moving parts, it is vital that we have a complaints handling framework that provides coverage across our entire organisation.

Our policies and procedures shall be designed to enable accurate and efficient capture of genuine complaints and concerns, along with reliable filtering of complaints that a reasonable person may deem to be of a frivolous or vexatious nature.

Above all, Lofty's complaints handling policies and procedures shall protect the rights of both the audience and Lofty.

## **POLICY 6.0.2 – COMPLAINTS HANDLING DEFINITION**

### **Introduction**

Lofty takes its role as a community media outlet seriously. As well as providing an FM community broadcasting service, Lofty also operates a web site and social media feeds, as well as participating directly in community events which may or may not be subject to broadcast.

As such, the minimum standards required for a community broadcaster (viz. Code 7 of the Community Radio Broadcasting Codes of Practice 2008, the “Codes”) may not adequately confer the rights of the community to provide feedback to Lofty; nor may the Codes adequately reserve Lofty’s rights in dealing with complaints that are frivolous, vexatious or otherwise not made in good faith.

This policy serves as an adjunct to Code 7, as well as Rule 53 of Lofty Constitution V1.1 October 2018.

### **Rationale**

Whilst the Code provides a simple and robust framework for complaints relating to broadcasting, it does not provide a framework for complaints that fall outside of this scope.

Said complaints may arise from concerns about Lofty’s perceived conduct on social media, at public events or in any other context that does not constitute a broadcast as defined in the Broadcasting Services Act (Cth) 1992 (the “Act”).

As Lofty takes pride in being an active participant in the community on many levels, we believe that it is important we remain open to feedback on all of our activities.

### **Complaint Classification**

Where a real name and at least two of three following contact points are given (being postal address, email address and/or contact telephone number), this shall be treated as a formal complaint. Formal complaints are to be dealt with in terms of Policy 6.0.3

Any complaint received that falls outside the above parameters is considered to be an Informal Complaint, and treated as such. Informal complaints are to be dealt with in terms of Policy 6.0.4.

All complaints, irrespective of whether deemed formal or informal, are to be logged by Lofty. Records of said complaints are to be retained for a minimum of seven (7) years.

All complaints shall be screened in an attempt to confirm that said complaint is made in good faith, and is not frivolous, vexatious or otherwise spurious. Our screening process, along with how said complaints are handled, is detailed in Policy 6.0.5.

## Comparison of Lofty's Complaint Policy vs minimum mandated standards

<b>Issue</b>	<b>Minimum Standard</b>	<b>Lofty Policy</b>
Alleged non-compliance with both the licence conditions in the Act and the requirements outlined in the Codes. (Code 7.1)	Listeners, members and volunteers are entitled to make complaints in writing. (Code 7.1)	Lofty offers the following mechanisms to accept complaints: <ul style="list-style-type: none"> <li>- In writing via email</li> <li>- In writing via post</li> <li>- Verbally via telephone</li> <li>- Online feedback form on the Lofty website</li> </ul>
Resolution of complaints that are made with sufficient grounds or are made in good faith. (Code 7.2)	We will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, without sufficient grounds or not made in good faith. (Code 7.2)	We will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, without sufficient grounds or not made in good faith.  Lofty reserves the right to undertake screening of complaints and/or complainants where we have reason to believe that said complaint is vexatious.  Should a complaint and/or a complainant be deemed to be vexatious pursuant to Policy 6.0.5, this complaint shall be recorded in terms of Lofty's complaints recording procedures, along with file notes detailing the rationale behind said ruling. Said records may be forwarded to the regulator at any time without further reference to the complainant.
Response mechanism to complaints. (Code 7.3)	We will ensure that complaints will be received by a responsible person in normal office hours and receipt is acknowledged in writing. (Code 7.3.a)	Lofty offers 24/7 access for complainants to leave feedback via email, online web form and phone (voicemail).  Where Lofty has been provided with adequate contact details to provide a receipt in writing, we shall do so as soon as practicable.
Response mechanism to complaints. (Code 7.3)	We will ensure that complaints will be conscientiously considered, investigated if necessary, and responded to	All complaints shall be conscientiously considered.  Classification of the complaint shall occur in terms of our

	<p>substantively as soon as possible. (Code 7.3.b)</p>	<p>Complaints Policy Framework, Policy 6.</p> <p>Lofty reserves the right to prioritise its complaint handling resources based on the classification and nature of the complaint.</p> <p>Any complaint that has not been deemed as vexatious shall be investigated and responded to substantively as soon as possible.</p>
Response mechanism to complaints. (Code 7.3)	<p>We will ensure that complaints will be responded to in writing within sixty (60) days of receipt, as required by the Act, and the response will include a copy of the Codes. (Code 7.3.c)</p> <p>A written complaint or response can be a letter, fax, or email. (Code 7.3.d)</p>	<p>We will ensure that any complaint that falls under the category of a Formal Complaint in terms of Policy 6 shall receive a comprehensive response within sixty (60) days of said complaint being received.</p> <p>Said response shall be delivered via post or email, at Lofty's discretion.</p> <p>Where a complaint relates directly to the Codes, a copy of the Codes shall be provided to the complainant as part of our response.</p> <p>All complainants shall receive either a soft or hard copy of Policy 6.</p>
Response mechanism to complaints. (Code 7.3)	<p>We will ensure that complainants are advised in writing that they have the right to refer their complaint about a Code matter to ACMA provided they have first:</p> <ol style="list-style-type: none"> <li>1. formally lodged their complaint with the licensee in writing, and</li> <li>2. received a substantive response from the licensee and are dissatisfied with this</li> </ol>	<p>Where a formal complaint relates to either an alleged breach of the Code or the Act, Lofty shall state in their response to said complaint that the complainant has the right to escalate their complaint to ACMA should the complainant feel Lofty's response is unsatisfactory or not substantive.</p> <p>Where a formal complaint is not within the scope of the Code or the Act, Lofty will endeavour to provide the most appropriate escalation point should the complainant feel the response to</p>

	<p>response, or have not received a response from the licensee within sixty (60) days after making the complaint. (Code 7.3.d)</p>	<p>their complaint is unsatisfactory or not substantive.</p>
Record keeping of complaints (Code 7.4)	<p>A responsible person of the licensee will maintain a record of complaints and responses for at least two (2) years from the date of the complaint. (Code 7.4)</p>	<p>Lofty shall retain records of all complaints recorded, irrespective of classification (viz. formal, informal or vexatious) for at least seven (7) years from the date of the complaint.</p> <p>For the purposes of the Code, the Secretary of the Association shall be deemed as the responsible person.</p>
Provision of records to the regulator (Code 7.5)	<p>The record of complaints and responses will be made available to ACMA on request. (Code 7.5)</p>	<p>Upon ACMA's request, Lofty shall provide details of any or all recorded complaints ACMA requests.</p> <p>Said request shall be honoured irrespective of whether or not said complaint relates to an alleged breach of the Codes and/or the Act.</p>
Complaints relating to social media activities undertaken by Lofty and/or its members and volunteers.	<p>As at the time of writing, there appears to be no enforceable Code or Act pertaining to social media conduct.</p>	<p>There is no single act that may apply to social media.</p> <p>Portions of other Acts and Codes, such as the Spam Act 2003, Code 6 of the Community Radio Broadcasting Codes of Practice, or various State and Commonwealth Acts (such as Defamation Acts) have the potential to intersect with allegations of Lofty misusing social media.</p> <p>Despite the lack of unified social media Act or Code, Lofty takes its responsibility as a good social media citizen seriously, and will conscientiously consider any <i>genuine</i> complaint relating to Lofty's social media presence or conduct.</p>

		<p>In this instance, the onus is on the complainant to provide substantive proof of Lofty's alleged misconduct.</p> <p>Should said complainant not provide said proof within seven (7) days of their complaint being acknowledged, Lofty shall record the complaint and complainant as vexatious.</p>
Complaints delivered via social media	<p>A written complaint or response can be a letter, fax, or email. (Code 7.3.d)</p>	<p>Where a complaint is made to Lofty via social media, either publicly or privately, the complainant shall be contacted via private message and invited to lodge their complaint via official channels.</p> <p>Where the complainant has a genuine complaint but chooses not to make a formal lodgement, Lofty shall record the complaint and take it to the Board for their consideration as an informal complaint at the next Board meeting.</p> <p>Where a public complaint is made on Lofty's social media pages, Lofty reserves the right to delete said complaint where either the complaint or the complainant is deemed to be vexatious in terms of Policy 6.0.5.</p> <p>Furthermore, where a complainant is deemed to be vexatious, Lofty reserves the right to ban said complainant from Lofty's social media pages with no further recourse.</p>

## **POLICY 6.0.3 – COMPLAINTS HANDLING – FORMAL COMPLAINTS**

### **Rationale**

Complaints come in all shapes and sizes. As we are a volunteer-run organisation with limited resources, Lofty needs to prioritise its complaints handling response based on a number of factors, including but not limited to severity and legitimacy.

As outlined in Policy 6.0.2, complaints can be categorised into three broad types. This policy relates to the handling of formal complaints.

Type of complaint	Typical characteristics	Complaint handling style
Formal complaint	<ul style="list-style-type: none"><li>- Lodged via official channels, often in writing</li><li>- Real name and full contact details provided</li><li>- Complaint is specific in nature, and may detail times and dates when the alleged transgression had taken place</li><li>- Substantive proof is available to verify the complaint's authenticity</li><li>- Lofty may already be aware of said transgression, and has therefore kept a record prior to receiving said complaint</li></ul>	<ul style="list-style-type: none"><li>- A comprehensive investigation into said complaint shall be undertaken by Lofty</li><li>- A substantive personalised response is to be provided as soon as practicable, but not longer than sixty (60) days after receipt of complaint.</li></ul>

### **Formal complaint**

Formal complaints are the most serious of all. In a formal complaint, a complainant is likely to be either a genuine audience member or someone with an interest in ensuring Lofty maintains a high standard of conduct at all times.

In order to prove their bona fides, the complainant is likely to give their real name and contact details. Given how easy it is for anybody to set up a fake account on social media and make complaints without giving their real identity away, when a complainant does give their real information, it behoves Lofty to treat every formal complaint with respect and gravitas.

### **Formal complaint handling principles**

Policy 6.0.2 contains details of how Lofty's complaints policies act as an adjunct to Code 7.

Complaint handling principles and mechanism for formal complaints is as follows:

1. We will ensure that any complaint that falls under the category of a Formal Complaint in terms of Policy 6 shall receive a comprehensive response within sixty (60) days of said complaint being received.

2. Said response shall be delivered via post or email, at Lofty's discretion.
3. Where a complaint relates directly to the Codes, a copy of the Codes shall be provided to the complainant as part of our response. Additionally, all complainants shall receive either a soft or hard copy of Policy 6.
4. Where a formal complaint relates to either an alleged breach of the Code or the Act, Lofty shall state in their response to said complaint that the complainant has the right to escalate their complaint to ACMA should the complainant feel Lofty's response is unsatisfactory or not substantive.
5. Where a formal complaint is not within the scope of the Code or the Act, Lofty will endeavour to provide the most appropriate escalation point should the complainant feel the response to their complaint is unsatisfactory or not substantive.

## **POLICY 6.0.4 – COMPLAINTS HANDLING – INFORMAL COMPLAINTS**

### **Rationale**

As outlined in Policy 6.0.2, complaints can be categorised into three broad types. This policy relates to the handling of informal complaints.

Type of complaint	Typical characteristics	Complaint handling style
Informal complaint	<ul style="list-style-type: none"><li>- May be lodged by official or unofficial channels</li><li>- A real name and limited contact details provided</li><li>- Complaint may either be specific or generic in nature</li><li>- May be able to provide broad examples of the alleged transgression(s) taking place</li><li>- Substantive proof may not be held by the complainant</li><li>- Lofty may already be aware of said transgression, and has therefore kept a record</li></ul>	<ul style="list-style-type: none"><li>- A formal personal response may not be required; a simple private message using an unofficial channel may suffice</li><li>- Once the complaint has been established as a genuine information complaint, said complaint shall be raised as an item at the next Board meeting</li><li>- Informal complaints requiring further investigation are to be investigated and resolved as soon as practicable</li></ul>

### **Informal complaint**

Informal complaints tend to be less serious than formal complaints, but still need to be taken seriously and with a conscientious effort to investigate and resolve.

Often, an informal complaint is made by a genuine audience member or someone with an interest in Lofty, and they may have picked up on something that probably shouldn't have happened, or otherwise identified an opportunity for Lofty to improve.

Most of the time, an informal complainant has given their real name. However, they may not wish to go as far as a formal complaint, as they may be unsure as to the severity of said complaint. A complaint of this nature may come via official channels (email, web form, phone) or unofficial channels (social media).

Informal complainants shall be treated with the utmost respect and gravitas, as there is a chance that said complainant may become an advocate for Lofty as long as we take their feedback seriously.

## **Informal complaint handling principles**

Policy 6.0.2 contains details of how Lofty's complaints policies act as an adjunct to Code 7.

Complaint handling principles and mechanism for informal complaints is as follows:

1. We will ensure that any complaint that falls under the category of an Informal Complaint in terms of Policy 6 is acknowledged and discussed within three (3) working days of receipt.
2. Said response is usually delivered using the same media with which it was lodged viz. emailed response to emailed complaint etc.
3. Where a complaint relates directly to the Code or the Act, Lofty shall provide a link to the Codes for the complainant to review and download. A link to Policy 6 shall also be provided.
4. Where an informal complaint relates to either an alleged breach of the Code or the Act, Lofty shall remind the complainant of their right to escalate to a formal complaint.
5. Should Lofty not receive a follow up formal complaint within fourteen (14) days of the informal complaint being acknowledged, Lofty shall finalise its record of the complaint and deem said complaint to be resolved.
6. All informal complaints received since the previous Board meeting are to be conscientiously considered at the next Board meeting, irrespective of whether or not said complaint has been resolved.

## **POLICY 6.0.5 – COMPLAINTS HANDLING – VEXATIOUS COMPLAINTS**

### **Rationale**

As outlined in Policy 6.0.2, complaints can be categorised into three broad types. This policy relates to the handling of vexatious complaints.

Type of complaint	Typical characteristics	Complaint handling style
Vexatious complaint	<ul style="list-style-type: none"><li>- Usually lodged on social media, but may also be lodged directly to the regulator without reference to complaint handling protocols set out in the Code</li><li>- When lodged on social media, said complaint may be made in groups or forums other than those administered by Lofty</li><li>- Can also come in the form of email or telephone</li><li>- May be abusive or abrasive in tone</li><li>- The complaint may be anonymous, made under a false name, or under the complainant's real name</li><li>- Makes claims of transgressions, yet is unable to provide any substantive evidence</li><li>- May make complaints to regulators that have no authority to act on said complaint</li></ul>	<ul style="list-style-type: none"><li>- Log the complaint, including but not limited to taking screenshots of said complaint</li><li>- Attempt to establish the complainants bona fides by undertaking a brief investigation into their social media profile</li><li>- Should the complainants bona fides be verifiable, send a private message to said complainant, inviting them to make a formal complaint via the correct channels</li><li>- Should the complainants bona fides be unverifiable, said complaint is to be deleted and the complainant banned from Lofty's social media pages</li><li>- In extreme cases, including but not limited to repeat vexatious complaints, or where a vexatious complaint has been made with threatening and/or abusive language, Lofty reserves the right to exclude the complainant from joining Lofty in future pursuant to Rule 16 of the Lofty Constitution</li><li>- Where a vexatious complaint is made in such a way to threaten, intimidate and/or otherwise constitute a reasonable threat to Lofty, its property, its members and/or its volunteers, Lofty reserves the right report said complainant to law enforcement agencies and/or the broadcasting regulator where appropriate.</li></ul>

### **Vexatious complaints**

As the name suggests, a vexatious complaint is a complaint that is not made in good faith. It may be frivolous, trifling, based on a fabrication, malicious or otherwise spurious.

The rise in social media appears to have emboldened complainants that choose to make complaints that are unsubstantiated, often using multiple fake social media profiles. This may be deemed as a form of trolling.

It is this reason why Lofty does not accept formal complaints via social media; however Lofty does accept informal complaints from bona fide complainants via this channel in terms of Policy 6.0.4.

Vexatious complaints may also be delivered via email or phone.

Any complaint made in a threatening, aggressive, malicious or otherwise intimidating manner shall be deemed to be a vexatious complaint without any further reference to the complainant.

This policy is designed to strike a balance between ensuring genuine complaints are heard and vexatious complaints being treated in an appropriate manner.

### **Complaint handling mechanism**

1. All complaints via social media, particularly those posted on public pages or groups, are to be checked carefully in order to attempt to establish the bona fides of said complainant.
2. Where the bona fides of said complainant have been substantiated, Lofty shall contact said complainant via private message in an attempt to talk through their complaint.
3. Should a bona fide complainant wish to continue with the complaints process, Lofty shall work with the complainant to determine whether said complaint is formal or informal.
4. Where the bona fides of said complainant are unable to be substantiated, Lofty reserves the right to delete said complaint and/or ban the complainant from Lofty's social media pages with no further reference to the complainant.
5. All vexatious complaints shall be logged, and reported to the regulator as and when necessary.
6. Where a complainant has used threatening or menacing language, either written or verbally, Lofty reserves the right to file this complaint as a vexatious complaint with no further reference to the complainant. In extreme cases, Lofty reserves the right to report said complaint to the relevant authorities, including but not limited to law enforcement agencies, where the tone and wording of said complaint may be in breach of section 474.15 (Using a carriage service to make a threat), section 474.16 (Using a carriage service for a hoax threat) and/or section 474.17 (Using a carriage service to menace, harass or cause offence) of the Criminal Code Act (Cth) 1995.
7. Where a complainant has made multiple complaints of a vexatious nature, either written or verbally, Lofty reserves the right to file this complaint as a vexatious complaint with no further reference to the complainant.
8. Said vexatious complaints may be considered in the complainant's future membership application attempts pursuant to Rule 16 of the Lofty Constitution