

COUNCIL PROCEDURE

Complaints Management Procedure



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RESPONSIBLE DEPARTMENT:	Governance
LINK TO CORPORATE PLAN:	Our Governance - Transparent, Accountable and Engaged Governance

1. PURPOSE AND SCOPE

The purpose of the guideline is to formalise the council process in relation to the receipt, actioning and reporting of complaints. It is designed to meet requirements of the *Local Government Act 2009* (the Act) and *Local Government Regulation 2012* (the Regs).

2. PROCEDURE

There are six steps in the management of administrative actions complaints:

1. Receive
2. Record
3. Assess
4. Respond and resolve
5. Communicate with the Complainant
6. Report

3. RECEIVE

Verbal Complaints – these could be received either in person or over the phone. If possible, complaints should be resolved at this first point of contact. If the complaint has been resolved at the first point of contact there is no need to record the complaint. If not, the officer receiving the complaint should endeavour to:

- Obtain the complainant's name and contact details
- Basic details of their complaint (when, where, what and who it involved); and
- The complainant's desired outcome

Written Complaints – All correspondence received by Council is reviewed by the Governance Department then distributed to the responsible officer for actioning. Records staff are required to classify the record as a potential 'complaint' when profiling the request categories before taking it to the Complaints Officer for assessment.

In all cases, a detailed record of the complaint and tracking of any action or resolution is to be maintained in the Complaints Management System Database. This record system is monitored by Complaints Officer.

Referral by External Agencies – All correspondence received from external agencies such as Queensland Ombudsman, Department of State Development, Infrastructure and Planning or the Crime and Corruption Commission is reviewed by Senior Officers within the Governance Department of Council.

Depending upon the nature of the content, the correspondence is either forwarded to the CEO or Mayor in the first instance. The CEO or Mayor may then appoint the Complaints Officer for actioning. In some cases, matters

may also be directly emailed to Council Officers. This correspondence is to be forwarded to the Records Department for tasking to the Complaints Officer and inclusion in the Complaints Management System Database.

Council will ensure administrative action complaints are received with sensitivity and take into account any special needs of the complainant.

Council will accept anonymous complaints but Council officers will advise the complainant that information such as the complainant's name and contact details will assist Council to deal with their complaint effectively.

4. RECORD

Council Officers who receive information that may constitute a complaint will refer the information to the Complaints Officer. If there is any doubt then the Complaints Officer should be consulted as to whether the information should be referred.

The Complaints Officer will record the information in the complaints database and then overview the handling of the complaint until the process is concluded. It is essential that every action and decision made regarding the complaint is recorded in the complaints database.

The Complaints Officer will contact the Complainant within three (3) business days, either by phone, email or letter to confirm details of the complaint, unless this is not possible (as in the case of an anonymous complaint) or in circumstances where the matter is deemed not to be a complaint or it is possible to resolve quickly. In the latter case, the complainant will be sent correspondence explaining Council's actions or decisions regarding their complaint.

5. ASSESS

The initial assessment is to be completed within three (3) business days from receipt of the complaint. The Complaints Officer will coordinate the collection of sufficient information about a complaint so that an assessment of the matter may be made. This should normally occur in consultation with the Manager of the relevant area, unless there is a specific reason why such consultation cannot occur (such as when the complaint may involve those people). It may be possible to action the matter immediately.

Formal acknowledgement of complaint sent within ten (10) business days from receipt.

Information obtained at this stage should include:

- The specifics of the complaint (who, what, when)
- The complainant's desired outcome
- Any other information that may assist in determining an appropriate response

Consideration should always be given to contacting the Complainant, preferably by telephone, to seek further clarity about their complaint and their desired outcome.

Matters involving suspected official misconduct or corrupt conduct should be referred immediately to the CEO without any further action being taken.

Once sufficient information has been obtained, the relevant Manager, with the assistance of the Complaints Officer (and any other person deemed necessary), should assess whether the matter is a complaint and if it is, then determine an appropriate action.

The following assessment criteria may assist Council Officers to determine the type of complaint and the best process to use to resolve the matter:

- Is the matter a complaint?
- The matter is not a complaint if it relates to:

- A request for information about Council services, policies or procedures
 - A request for service or action to be taken in relation to a service or product provided by Council, such as branches trimmed on a footpath tree or a rubbish bin fixed
 - A report of damaged or faulty infrastructure or hazards, such as potholes or fallen branches
 - A suggestion for a proposed service or product improvement, such as additional kerbside clean up events
 - An enquiry or request for clarification or more information, such as a question about the environment levy on a rates bill
 - A follow up or further request for service that has not been completed by Council but is still within the timeframe advised to the customer, such as the customer was told their rubbish bin would be collected within three days and the customer contacted Council again within one day.
 - A petition to Council about a particular matter
 - A matter that is outside of Council's jurisdiction (e.g. it is a State or Commonwealth Government issue)
- Is the person an affected person?
 - Determine whether the person is sufficiently directly affected by the matter, rather than having only an intellectual or emotional interest in the subject.

Even if a complainant is not deemed to be an affected person, consideration should be given to factors that may still warrant the matter being treated as a complaint, such as the impact of the issue on the Community and/or council.

What type of complaint is being made?

The following outlines some complaint types and suggested action for resolution. Some complaints may not need to be referred on for resolution but may be dealt with immediately by the relevant council business unit, with the assistance of the Complaints Officer. Some types of complaints will be referred to other areas of Council for resolution, depending on the nature of the complaint.

Complaint Type	Suggested Action
Administrative Action	Refer to the Complaints Officer in the first instance. It will then be referred to the relevant Director and/or Manager for a response
Competitive Neutrality	These complaints will be referred to the Chief Executive Officer for review in accordance with the <i>Local Government Act 2009</i> .
Officer Conduct (not official Misconduct) including Code of Conduct and Grievance Matters	These will be referred to Chief Executive Officer and will be dealt with under the relevant Council Policies
Corrupt Conduct/Official Misconduct	These complaints will be directed to the Chief Executive Officer for initial review and where appropriate, referred on to the Crime and Corruption Commission (CCC).
Public Interest Disclosure	Complaints made under the <i>Public Interest Disclosure Act 2010</i> will initially be referred to the CEO
Privacy/Right to information	These complaints will be directed to the Complaints Officer to be dealt with in accordance with the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i> .
Councillor Conduct	These will be referred to the Chief Executive Officer to be dealt with in accordance with the <i>Local Government Act 2009</i> .

Note: In some cases Council has a legislative obligation to deal with a certain type of complaints in a particular way e.g. Official Misconduct, Councillor Conduct etc.

Any matters that are assessed as not being complaints (such as service requests) should be referred back to the relevant department to be dealt with as per Council's usual process for dealing with such issues, ensuring that the target time frames for responding to a service request can still be met.

6. RESPOND AND RESOLVE

This stage is to be completed within 25 business days from the receipt of the complaint. Extensions to this timeframe may only be granted by the Chief Executive Officer or Nominated Person. Request for extensions must be in writing and the reasons for the request must be stated.

The information gained during the assessment process should be used to determine an appropriate response by Council to a complaint and the Complainant should be advised accordingly. Where possible, complaints should be responded to at the local level. Appropriate responses include, but not limited to:

No Action

Council may decide to take no action if the issue has been resolved or the situation complained about no longer exists. For example, a person might make a complaint that Council overcharged them on their dog registration but the error has been identified and fixed and they made the complaint before they received the notification of the error. In that case it is a valid complaint (that they were overcharged) but no further action is necessary.

In some instances, it may be determined (following a thorough assessment) that an administrative action complaint should not be acted upon or action discontinued if:

- The circumstances clearly show that a complaint is made frivolously, without grounds lacking in substance, or with the intent to harass;
- The complainant seeks to revisit a previously concluded complaint when no new evidence or material is provided;
- The complainant displays aggressive or abusive behaviour, or threatens or uses physical violence against themselves, a council employee, or property.

In certain situations it may be clear that despite the dissatisfaction expressed by the Complainant, the issue complained about is the result of a routine Council process and the Complainant has not identified any departure from Council policies, procedures or relevant legislation. For example, a person may complain about their rates being too high but in the absence of any indication that a mistake has been made, no further action is required, other than possibly an explanation as to how rates are calculated.

Management Action

If there is sufficient information, Council may respond to a complaint by changing a decision, providing a service or information, correcting a record, waiving a penalty or taking any other action within its power to take in order to resolve the complaint.

For example, a person may complain that despite several requests, their address has not been changed in Council records. A check reveals that a technical error has occurred and once corrected the complainants details are changed successfully. In this case the complaint is valid but the situation can be rectified immediately.

Investigation

If there is insufficient information or the matter is complex / serious or there is no agreement on the circumstances, Council may have the complaint investigated. This may be done internally, or when a complaint is more complex, serious or sensitive, then the Chief Executive Officer may choose to have it done externally.

Investigations will be conducted in a fair, objective and timely matter in accordance with the principles of natural justice and procedural fairness.

The following process will be used for investigations:

- Gather and analyse information
- Formulate decisions and recommendations
- Write a report detailing the above
- Submit to an authorised officer for approval

Investigations can consider oral evidence (from the complainant and relevant witnesses), documentary evidence, technical/professional advice, site inspections, equipment or any other necessary source or relevant information.

The outcome of the investigation will determine an appropriate response from one of the other response categories in this section.

If during an investigation it becomes clear that the complaint is not an administrative action complaint or is another complaint type, the investigation should be discontinued and the complaint referred or otherwise dealt with appropriately.

Mediation / Conflict Resolution

In situations where a relationship between Council or an officer and the complainant has broken down then Council may wish to enter into mediation or a conflict resolution process. Once approved by an authorised Council Officer, the appropriate resolution to the complaint should be implemented. In some cases it may be necessary or prudent to discuss the chosen course of action with the complainant before implementing it.

7. COMMUNICATE WITH THE COMPLAINANT

An acknowledgement of the complaint will be sent to the complainant within ten (10) business days of receiving the complaint. This will normally be done by the officer investigating the complaint, providing contact details of the investigating officer.

The Complaints Officer should regularly update the Complainant and advise of any change to the process. Such updates can be done by phone, email or letter as appropriate. All updates are to be recorded in the complaints database.

At the end of the process, the Complainant should be advised in writing of:

- The process followed by Council to respond to the complaint;
- The outcome and the reasons for it; and
- Their options to have the matter internally reviewed (see review process), or referred to an external agency for independent review if the Complainant does not agree with the outcome.

The complainant should be advised of the external avenues for the independent review through the following agencies:

- The Queensland Ombudsman
- The Queensland Civil and Administrative Tribunal
- Crime and Corruption Commission
- The Courts

8. REVIEW PROCESS

If the Complainant is dissatisfied with the outcome of the complaint process or the process itself, they can request a review by the Chief Executive Officer or Nominated Person.

The complainant must request the review within 14 days of receipt of correspondence advising the outcome.

The decision to conduct a review, the resources to be applied and whether a review will be conducted internally or externally will be at the discretion of the Chief Executive Officer.

The Complainant should be advised of the outcome of the review in a similar format to Section 7.

9. REPORT

A complaint should be formally finalised and closed at the end of the process, with the complete file saved to the CRM Module in Authority. Council will then report on administrative action complaints to allow any trends or systemic issues to be identified that may inform improvements to Council services.

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The Complaints Officer will report the following on a quarterly basis to the Chief Executive Officer:

- Number of administrative actions complaints received
- Number of administrative action complaints resolved
- Number of administrative action complaints remaining unresolved from the previous financial year

10. EVALUATION AND REVIEW

Council's Complaints Officer will conduct a regular review of the effectiveness of the Complaints Management Policy and Procedural Guideline.

The review will evaluate the performance of the Procedural Guideline and may consider the follow aspects:

- Accessibility – whether the administrative action complaints process is readily available to members of the community and is user friendly
- Trends – whether any complaints trends have been identified and if so, proposed action; and
- Effectiveness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.

11. RELATED LEGISLATION

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Crime and Corruption Act 2001*
- *Public Interests Disclosure Act 2010*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Sustainable Planning Act 2009*

12. RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS ETC)

- Complaint Management Policy
- Administration Complaint Form
- Complaint Involving Public Officials Policy
- Councillor Inappropriate Behaviour Investigation Policy
- Public Interest Disclosure Policy & Procedure

13. APPROVAL

Adopted at the July 2020 Council Meeting - Resolution Number 2926.

Complaint Procedure

