
COMPLAINTS POLICY

Version 1 Adopted on 15/02/2012 by Council Resolution 0212/011

1. PURPOSE

The purpose of this policy is for Council to provide open and accountable local government. An effective and transparent method of accepting, dealing with and responding to complaints regarding Council services, administrative actions, and the conduct and performance of staff enables Council to fulfil this function.

2. PRINCIPLES

Council is committed to a complaints management process which ensures the transparent, effective and timely resolution of all complaints.

3. SCOPE

This policy applies to all complaints received from persons about –

- (a) Administrative actions of Council;
- (b) Minor complaints; and
- (c) Staff conduct¹

4. RESPONSIBILITIES

The administration of this policy is the responsibility of the Chief Executive Officer, Directors, Managers and Complaints Officers are responsible for ensuring that this policy is understood and applied by all Councillors and staff.

5. DEFINITIONS

Administrative action complaint means a complaint made by an effected person about an administrative action of Council, including –

- (a) A decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- (b) An act or a failure to do an act;
- (c) The making of a recommendation.

¹ Note that complaints about Councillors are dealt with separately. All complaints about Councillors must be referred to the CEO. Complaints about Councillors are dealt with under separate processes set out in the Local Government Act 2009 and do not fall within the scope of this policy or procedures.

In deciding whether a complaint is an administrative action complaint it is irrelevant –

- (i) How quickly the complaint was resolved;
- (ii) To which area of Council the complaint was made;
- (iii) Whether the complaint was written or verbal;
- (iv) Whether or not the complaint was made anonymously.

affected person for an administrative action complaint means a person who is apparently directly affected by an administrative action of Council.

complaint –

- (a) Does not include a customer request;
- (b) Does not include a frivolous or vexatious complaint;
- (c) Does not include a complaint about a matter more than 12 months old;
- (d) Includes verbal and anonymous complaints.

Complainant means an affected person who makes a complaint.

Customer request means a request for service or information made to Council.

For example –

A customer rings to report that a footpath needs mowing. This is a customer request. However, if Council fails to deal with the request and the customer rings a second time after a reasonable period of time has passed, the second request may be treated as a complaint.

Frivolous or vexatious complaint means a complaint that –

- (a) Is trivial or very minor in nature;
- (b) Would not warrant any action at all, or any action required would be disproportionate;
- (c) Is repeated or has been dealt with by another body or person;
- (d) Is designed only to subject Council to inconvenience or expense;
- (e) Is otherwise an abuse of process.

Minor complaint means a complaint of a minor nature about service delivery which is easily resolved in the preliminary stage of the complaints process.

Staff includes employees, contractor, volunteers and all other persons who perform work for or on behalf of Council.

Staff conduct complaint means a complaint related to the conduct or work performance of staff.

6. POLICY

Council will treat all complaints confidentially and with due respect. Complainants will not suffer any reprisal from Council or staff for making a complaint. To avoid any doubt, staff may make complaints under this policy where the complaint does not fall within the scope of Council's grievance procedures.

All complaints will be investigated in a timely manner with the primary aim of reaching a resolution acceptable to both Council and the complainant. A complainant will be kept informed of progress in dealing with the complaint and of the outcome of the complaint management process.

To facilitate the effective management of complaints, Council will –

- (a) develop and maintain a complaints policy;
- (b) develop and implement complaints management procedures;
- (c) ensure that training is provided to staff;
- (d) ensure that persons are aware of the methods available to lodge a complaint with Council;
- (e) provide for continuous improvement in its practices and procedures through reporting and customer feedback.

To ensure that all decision making is fair and reasonable, the principles of natural justice will apply to all investigations, including –

- (a) the right to a fair hearing;
- (b) the right to know the substance of any allegations²;
- (c) an absence of bias;
- (d) decisions based on evidence; and
- (e) a proper examination of all issues.

The criteria to be used in assessing a complaint are –

- (a) whether or not the complaint is –
 - (i) frivolous or vexatious;
 - (ii) an unjustifiable or inappropriate use of resources;
 - (iii) made using rude or intemperate language or if the complainant is harassing an officer;
 - (iv) made more than 12 months after the event, unless extenuating circumstances exist;
 - (v) made anonymously and there is insufficient evidence to proceed;

² To avoid any doubt, this does not necessarily mean the right to know the identity of a complainant.

- (vi) complex and the complainant refuses to put it in writing;
- (vii) being pursued through other processes; for example, the Courts or the Ombudsman;
- (viii) made by a complainant who directly or indirectly inhibits or hampers the investigation; for example, by failing to provide requested information within a reasonable time.

7. LEGAL PARAMETERS

- *Local Government Act 2009*
- *Local Government (Beneficial Enterprise and Business Activities) Regulation 2010*
- *Local Government (Finance, Plans and Reporting) Regulation 2010*
- *Local Government (Operations) Regulation 2010*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Judicial Review Act 1991*
- *Public Interest Disclosure Act 2010*

8. ASSOCIATED DOCUMENTS

- AS/ISO 10002-2006 – Customer Satisfaction – Guidelines for Complaints Handling in Organisations.
- Guide to developing Effective Complaints Management Policies and Procedures, Queensland Ombudsman.
- Complaints Management Procedure (annexed to this Policy).
- Code of Conduct for Staff.
- Complaints Form.

9. NEXT REVIEW

30 June 2014

10. RESOLUTION

Adopted by Council on the 15 February 2012 by Council Resolution 0212/011



Chief Executive Officer

APPENDIX – COMPLAINTS MANAGEMENT PROCEDURE³

INTRODUCTION

Council implements a four stage process for dealing with administrative action complaints, minor complaints and staff conduct complaints –

- Stage 1: **Initial Contact** – the person receiving the complaint deals with and resolves the complaint.
- Stage 2: **Initial Review** – the complaint is not resolved at Stage 1 and the complaint is referred to the Complaints Officer for assignment to the Director or Manager for investigation and response.
- Stage 3: **Internal Review** – the complaint is not resolved after the Initial Review. The Complaints Officer prepares a report and refers the matter to the Chief Executive Officer for an Internal Review where the complainant requests such a review.
- Stage 4: **External Review** – the complaint has not been resolved at Stage 3 and the complainant is referred to an external body (for example, the Ombudsman).

Complaints about Councillors are dealt with by separate processes set out further below.

STAGE 1 – INITIAL CONTACT

1. A complaint is received by a Customer Service Officer (“CSO”) who attempts to resolve the complaint at this first point of contact.
2. The CSO must collect and complete as much information as possible on the Complaint Form.
3. Urgent complaints are to be reported to the relevant Director or Manager by telephone.
4. Apparent serious or complex complaints must be referred directly to the Complaints Officer who will refer the matter to the CEO.
5. If the complaint is resolved, the details and outcome must be forwarded to the Complaints Officer who will record this information in the Complaints Register.
6. If the complaint is not resolved, the complaint must be referred to the Complaints Officer who will coordinate the Initial Review.

³ *This procedure does not form part of the Complaints Policy and the procedure may be amended by the Chief Executive Officer to address operational requirements. To avoid any doubt, the Complaints Policy may only be amended by Council.*

STAGE 2 – INITIAL REVIEW

1. The Complaints Officer will record all required details about the complaint in the Complaints Register.
2. The Complaints Officer will then determine the most appropriate officer to whom the complaint should be referred for an Initial Review. The most appropriate officer will normally be the Director or Manager for the area in which the complaint falls. If a Director or Manager receives a complaint directly, they must forward all details to the Complaints Officer for recording in the Complaints Register.
3. The Complaints Officer will acknowledge the complaint in writing within 3 working days and will inform the complainant of the name of the person undertaking the Initial Review and the likely timelines and process for the review.
4. The relevant Director or Manager will decide within 3 working days of receiving the complaint whether or not to investigate the complaint by assessing it against the following criteria –
 - (a) Whether or not the complaint is –
 - (i) frivolous or vexatious;
 - (ii) an unjustifiable or inappropriate use of resources;
 - (iii) made using rude or intemperate language or the complainant is harassing the officer;
 - (iv) made more than 12 months after the event, unless extenuating circumstances exist;
 - (v) made anonymously and there is insufficient evidence to proceed;
 - (vi) complex and the complainant refuses to put it in writing;
 - (vii) being pursued through other processes; for example, the Courts or the Ombudsman;
 - (viii) made by a complainant who directly or indirectly inhibits the investigation; for example, by failing to provide requested information within a reasonable time.
5. If the Director or Manager decides not to investigate the complaint, the decision and the reasons for the decision needs to be given to the Complaints Officer immediately.
6. The Complaints Officer will then write within 2 working days informing the complainant of the above decision and the reasons for the decision. The letter will set out further rights of review, including both Internal Review (Stage 3) and External Review (Stage 4).
7. If the Director of Manager decides to investigate the complaint, the Director or Manager will –
 - (a) contact the complainant within 2 working days to obtain any further information, clarify the complaint and find out the expectations of the complainant;
 - (b) attempt to resolve the complaint to the satisfaction of the complainant and Council if the matter is straightforward;

- (c) if the matter is complex, advise the complainant of the time expected to conduct the investigation (not more than 10 working days);
- (d) assess and investigate the complaint while adhering to the principles of natural justice (see Policy);
- (e) make a decision based on the evidence from the investigation;
- (f) advise the complainant within 3 working days after the completion of the investigation of the outcome, together with a Statement of Reasons;
- (g) provide all relevant details, including findings and correspondence, to the Complaints Officer who will update the Complaints Register;
- (h) if the complaint is upheld, advise the complainant of any redress and the timeframe in which it is to be provided, and if the complainant has lead to a policy or procedural change within Council, what that change is and when it will be implemented;
- (i) if the complaint is not upheld, advise the complainant of further rights of review, including both Internal Review (Stage 3) and External Review (Stage 4).

STAGE 3 – INTERNAL REVIEW

1. If a request is made for an Internal Review, the complaint will be forwarded to the CEO by the Complaints Officer, together with a brief written report on the background of the complaint.
2. The CEO will assess and investigate the complaint in consultation with the complainant and the relevant Director or Manager.
3. The CEO will make a decision on the complaint and on any remedy or redress within 7 working days.
4. The CEO will advise the complainant of the decision and will provide a Statement of Reasons for the decision within 3 working days of making a decision.
5. All relevant details, including findings and correspondence, must be given to the Complaints Officer who will update the Complaints Register.
6. If the complaint is upheld, advise the complainant of any redress and the timeframe in which it is to be provided, and if the change has lead to a policy or procedural change within Council, what that change is and when it will be implemented.
7. If the complaint is not upheld, advise the complainant of further rights of review (External Review – Stage 4).

STAGE 4 – EXTERNAL REVIEW

Once Council has finished dealing with the complaint and the complaint has not been resolved, the Complaints Officer must provide to the complainant details of avenues for External Review, including contact details for various organisations.

SUPPORTING INFORMATION

Statements of Reasons

Where a Statement of Reasons is provided to the complainant, the Statement must include –

- (a) reference to relevant Council policies and/or legislation;
- (b) details of correspondence relevant to the dispute;
- (c) details of evidence considered by Council;
- (d) findings of fact;
- (e) the decision made;
- (f) the reason why the decision was made.

Summary of Timeframes

1. **Acknowledgement** of complaint by Complaints Officer – within 3 working days;
2. **Initial Review** – within 3 working days of receiving notice of the complaint from the Complaints Officer, the Director or Manager must decide whether or not they are going to investigate the complaint;
3. Initial Review – within 2 working days of deciding not to investigate the complaint, advise the Complaints Officer who will inform the complainant in writing of the decision and the reasons for the decision;
4. Initial Review – within 2 working days of deciding to investigate the complaint, contact the complainant to obtain further information and advise the complainant of the likely timeframe for the review.
5. Initial Review – the timeframe for any investigation is to be no more than 10 working days.
6. **Internal Review** – within 7 working days of receiving the complaint; the CEO must make a decision.
7. Internal Review – within 3 working days of making a decision, the CEO must advise the complainant of the decision and provide a Statement of Reasons.

Possible remedies or redress

If a complaint is upheld, consideration must be given to possible remedies and redress that are fair to both the complainant and Council. Examples of possible remedies and redress include –

- (a) admission of fault;
- (b) apology;

- (c) change of decision;
- (d) change of policy, practices or procedures;
- (e) refund of waiver;
- (f) withdrawing;
- (g) correction of incorrect records;
- (h) repair;
- (i) technical support;
- (j) further officer training or discipline;

Complaints Register

Every complaint that is received by Council must be recorded in the Complaints Register by the Complaints Officer.

The Complaints Register will be used for annual reporting purposes and to record details of business improvements resulting from the complaints management process.