



COMPLAINTS MANAGEMENT POLICY

Adopted Date:	22 June 2011
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Policy Type:	Strategic
Responsible Officer:	Chief Executive Officer
Department:	Executive

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1	GRC 0017	22 June 2011	Review June 2014
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3	Reviewed	24 July 2018	Review July 2020
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1. STATEMENT OF INTENT

In accordance with section 268 of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*, a complaints Management process is established. The policy underpins the complaint management process and is consistent with the *Local Government Principles* as defined in section 4 of the *Local Government Act 2009*.

2. SCOPE OF THE COMPLAINTS MANAGEMENT PROCESS

The complaints management process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The complaints management process does not apply to a complaint as follows:

- a) be made under Chapter 3 of the Act about competitive neutrality issues;
- b) about official misconduct that should be directed to the Crime and Corruption Commission;
- c) made under the *Public Interest Disclosure Act 2010*; and
- d) about conduct and performance of Councillors as prescribed in Chapter 6, Part 2, Division 6 of the *Local Government Act 2009*.

3. OBJECTIVES

The complaints management process is established with the following objectives;

- 3.1 The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the Council;
- 3.2 A complaints management process that is easy to understand and is readily accessible to all;
- 3.3 Detection and rectification, where appropriate, of administrative errors;
- 3.4 Identification of areas for improvement in the Council's administrative practices;
- 3.5 Increase in awareness of the complaints management process for the Council's staff and the community;
- 3.6 Enhancement of the community's confidence in the complaints management process and the reputation of the Council as being accountable and transparent;
- 3.7 Building the capacity of staff to effectively manage complaints in an environment of continuous improvement;
- 3.8 Complaints will be acknowledged and resolved in a timely manner;
- 3.9 Council will manage complaints confidentially and ensure that complainants do not suffer any form of reprisal for making a complaint;
- 3.10 Council will abide by the principles of natural justice/procedural fairness when dealing with complaints.

4. POLICY COMMITMENT

Council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.

Council commits to providing adequate resources to deal with complaints and to record and analyse complaints data.

Council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action can easily and simply lodge a complaint;
- Complainants are provided with information on the complaints management process and, if necessary, assistance to make their complaint;
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices;

- Complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward;
- Complainants are advised of their appeal rights at the relevant stages of the complaint management process;
- Complainants will be provided with a written statement of the outcomes, including details of the reasons for the outcome at the relevant stages of the decision-making process;
- Persons with a disability or special needs are offered every opportunity and assistance in accessing Council's complaints processes. Reasonable assistance will be provided to any complainant upon request (e.g. interpreter services, services for people with hearing or speech impairments or other disabilities).

5. DEFINITIONS

Terms used in the complaints management process have the following meanings:

Administrative action – an administrative action of the Council, being an action about a matter of administration, including each of the following-

- a) a decision and an act;
- b) a failure to make a decision or do an act, including to provide written reasons for a decision;
- c) the formulation of a proposal or intention;
- d) the making of a recommendation.

Affected person – is a person who is apparently directly affected by an administrative action of a local government.

CEO – the Chief Executive Officer of the Council.

Council – Goondiwindi Regional Council.

Council Officer – includes a permanent, temporary, casual or contractor employed by Council.

Complaint – includes information or matter.

Complaints management process – is a process for resolving complaints about administrative actions of the local government that –

- a) covers all administrative action complaints made to the local government; and
- b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
- c) includes the criteria considered when assessing whether to investigate a complaint; and
- d) requires the local government to inform an affected person of the local government's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

The Act – Local Government Act 2009.

Natural Justice – or procedural fairness is giving someone who might be adversely affected by a decision a fair hearing before the decision is made.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.

6. REMEDIES

Council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:

- 6.1 An explanation for the action in question
- 6.2 An admission of fault
- 6.3 An apology
- 6.4 Revocation or amendment of the decision
- 6.5 Rectification, including repairing or replacing the matter in dispute
- 6.6 Revision of relevant policy, procedure or practice
- 6.7 Provision of technical assistance
- 6.8 Reimbursement of cost incurred as a result of the action in question
- 6.9 Financial compensation, including an ex-gratia payment
- 6.10 Waiver of debt

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

7. IMPLEMENTATION OF REMEDY

Council, through the CEO or delegate, will take action in a timely manner to implement any remedy made available to a complainant and/or any revision of its policy, practice or procedure.

8. REVIEW BY OTHER COMPLAINTS ENTITIES

If Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details). It is also recognised that a complainant is also entitled to have a matter externally reviewed if they are still dissatisfied with the outcome of Council's review process.

9. COMPLAINTS MANAGEMENT SYSTEM

Council will maintain a *Register of administrative action complaints* to ensure complaints are recorded including the decision and outcome.

10. RESPONSIBILITY OF OFFICERS

All Council officers –

- a) Are required to observe the complaints management process; and
- b) Wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints management process.

11. RELATED POLICIES OR PROCEDURES

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process.

12. COMMUNICATION

Council will make its complaints management process readily available to all employees and members of the public, through a number of mechanisms including:

- incorporating appropriate training into Council's induction process;
- training Customer Service Officers and Investigating Officers on Public Interest Disclosures and the lodgement of complaints;
- including details of processes for employees to lodge complaints on Council's intranet;
- making this policy and procedure available for inspection during Council's office hours at Council's Customer Service Centres; and
- making this policy and procedure available on Council's website and intranet.

13. REVIEW DATE

July 2020

14. ATTACHMENT

Procedure – Complaints Management

Procedure – Complaints Management

Approval Date: 22 March 2011

Review Date: June 2018

Department/Section: Governance

Goondiwindi Regional Council

OBJECTIVE

A procedure to outline a process to be followed in dealing with administrative action complaints in accordance with section 268 the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

The procedure also has regard to the *local government principles* as defined in section 4 of the *Local Government Act 2009*.

POLICY REFERENCE

Complaints Management Policy

SCOPE OF THE COMPLAINTS MANAGEMENT PROCESS

The complaints management process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The complaints management process does not apply to a complaint as follows:

- a) be made under Chapter 3 of the Act about competitive neutrality issues;
- b) about official misconduct that should be directed to the Crime and Corruption Commission;
- c) made under the *Public Interest Disclosure Act 2010*; and
- d) about conduct and performance of Councillors as prescribed in Chapter 6, Part 2, Division 6 of the *Local Government Act 2009*.

1. COMPLAINT HANDLING PROCEDURE

This procedure is pursuant to the following local government principles, thereby allowing Council the flexibility to adequately deal with complaints, having regard to the size of Council and its community population.

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees.

1.1 Complaints process

In the first instance, a complainant should contact the relevant service area of the Council, provide their rationale why they believe the decision to be wrong and request rectification of the decision. It may be apparent on the face of the complaint that an error has been made and that the administrative action in

question can be promptly remedied. An explanation of the Council's action or decision may be sufficient to satisfy the complainant in a particular case.

If a complaint has been resolved at the service level, the receiving Council Officer will record the relevant information within Council's InfoXpert system. The information to be recorded is to include, but not limited to, the issue, the outcome, the reasons for the decision and the decision maker's name.

If rectification is not forthcoming then the following steps describe the model adopted by Council for handling complaints:

- Step 1 – Intake and assessment
- Step 2 – Internal review and investigation
- Step 3 – Complaint finalisation
- Step 4 – External review

Step 1 – Intake and assessment

Upon receiving the complaint, the Council Officer will record the complaint details in the "Register of administrative action complaints", enter the date received, enter the date referred to the CEO for action and then forward the matter to the CEO.

CEO to review a complaint to determine:

- (a) whether or not it is captured by the Complaints Management Policy and Procedures; and
- (b) whether or not it warrants investigation.

If the complaint is to be investigated, the CEO, or delegate, to:

- (a) complete the 'Register of administrative action complaints';
- (b) categorise the complaint by its severity and allot a timeframe to the complaint for resolution (categorised as described in Table 1 below);
- (c) give the investigator/reviewing officer written instructions stipulating the date by which the investigation is to be completed; and
- (d) acknowledge receipt of the complaint with the following:
 - the estimated timeframes to resolve the complaint based on complaint categorisation as per Table 1 below; and
 - the referral officer and contact details; and
 - in which stage the complaint will be handled.

Table 1 – Complaint Categorisation

Complaint Type	Further Description	Categorisation	Resolution Procedure	Referral Officer / Agency
Unsatisfactory Council services	Council services do not meet complainant's standards / expectations	Administrative Action Complaint	GRC Complaints Management Procedure	CEO, or delegate
Decisions made by Council or employees	Other than where an objection or appeal process is available	Administrative Action Complaint	GRC Complaints Management Procedure	CEO, or delegate
	Where an objection or appeal process is available	3 rd party objection or appeal process	Referral to appropriate objection or appeal process	3 rd party
Conduct of Councillors and Mayor	By Mayor or Deputy Mayor	Inappropriate conduct of Mayor or Deputy Mayor	As per the <i>Local Government Act 2009</i>	CEO Director of Local Government Department
	At Council Meetings	Inappropriate conduct of Councillor		CEO Mayor
	Repeated offences	Inappropriate conduct of Councillor		CEO Director of Local Government Department
	By other Councillors	Inappropriate conduct of Councillor		CEO Mayor
Misconduct of Councillors	As defined in s176(3) of the <i>Local Government Act 2009</i>	Misconduct of Councillors	As per the <i>Local Government Act 2009</i>	CEO Director of Local Government Department
Official misconduct	Either by a Councillor or employee	As directed by the Crime and Corruption Commission	As per the <i>Local Government Act 2009</i>	CEO Crime and Corruption Commission
Improper conduct, behaviour or poor performance of Council officers	Complaints regarding the conduct or performance of Council employees	Human Resources matter	GRC Employee Code of Conduct	HR Manager
Employee grievances	Expressions of bitterness or anger at having received unfair treatment or feeling that something is unfair	Human Resources matter	GRC Employee Code of Conduct Enterprise Bargaining Agreement	HR Manager

Complaint Type	Further Description	Categorisation	Resolution Procedure	Referral Officer / Agency
Privacy Complaints	Complaints about inappropriate release of personal information	Privacy complaint	GRC Information Privacy Policy GRC Employee Code of Conduct	CEO
Competitive Neutrality Complaints	Complaints about failure to conduct a business activity in accordance with competitive neutrality principle	Competitive Neutrality Complaint	As per the <i>Local Government Act 2009</i>	CEO QCA

Once a complaint has been categorised, it will be referred to the appropriate officer and dealt under the corresponding procedure. In the event where a complaint is assessed as being a Service Request, the Officer receiving the complaint will have the request logged into Council system and treated as a service request.

If a complaint is received about the CEO, the CEO will delegate his/her responsibilities to Council (as per section 1.4 of this procedure). The Council will deal with the matter in accordance with this procedure. This includes referral to the Crime and Corruption Commission if the allegation is about official misconduct and the CEO has not already referred the matter.

To ensure the independence of the handling of any complaint about the CEO, the following additional steps are required:

- (a) The CEO will advise the Mayor about the complaint.
- (b) If the Mayor considers the complaint to be frivolous or vexatious, he/she will make a determination to that effect;
- (c) If the complaint is neither frivolous nor vexatious and it is not about official misconduct, or if it is about official misconduct, it has been referred back to Council to deal with by the Crime and Corruption Commission, the Mayor will appoint an independent person (external investigator) to investigate the allegations. The external investigator will be a person who is independent of Council and who has knowledge and experience sufficient to be capable of conducting the investigation;
- (d) The external investigator will report his/her findings to Council; and
- (e) Upon receipt of that report, the Mayor will make any decisions in relation to the report's findings and recommendations. The Mayor may consult with other Councillors during that process.

If a complaint is not to be investigated, the CEO to:

- (a) acknowledge receipt of the complaint;
- (b) advise the complainant that the complaint will not be investigated;
- (c) provide the complainant with the reasons for the decision; and
- (d) advise the complainant of any available avenues of appeal.

The procedure should also require that a complaints officer, when investigating a complaint, must be equal to or senior to the original decision-maker.

Step 2 – Internal review and investigation

An investigation by a complaints officer should include, but not be limited to:

- (a) ensure they act within their power and understand their role and terms of reference;
- (b) establish a list of people to be interviewed and any files or locations to be inspected;
- (c) conduct interviews and inspect sites and documents required;
- (d) gather and record information by eg. 'talking to both sides';
- (e) provide relevant information to those in the investigations;
- (f) observe any legal requirements involved in making decisions;
- (g) research and apply any relevant law;
- (h) evaluate the evidence and make findings;
- (i) identify factors that contributed to the complaint arising;
- (j) formulate recommendations;
- (k) progress update to be communicated to the complainant if complaint cannot be finalised in expected timeframe; and
- (l) prepare a report clearly summarising the matter and results of the investigation, setting out findings and recommendations, including remedies if deemed appropriate.

Step 3 – Complaint finalisation

Following a detailed investigation of a complaint by a complaints officer, written advice must be provided to the complainant detailing the outcome of the review and specifically addressing their concerns. A statement of reasons, amongst other things, would include the following:

- (a) the allegation;
- (b) identifying the applicable legislation and any relevant Council policy or procedure;
- (c) the findings of fact;
- (d) the analysis;
- (e) the decision;
- (f) the reasons for the decision;
- (g) rights for an external review through the Queensland Ombudsman or other relevant entity; and
- (h) the complaints officer's contact details.

If, on the other hand, there are grounds to uphold a complaint, for whatever reason, the statement must outline the proposed remedies and timeframes for their implementation.

Step 4 – External review

When a complainant remains dissatisfied with the investigative outcome the CEO will advise the complainant of their external review rights by the Queensland Ombudsman or other relevant entity.

It should be clearly noted that a customer request or request for service is not an administrative action in terms of the Act. However, if Council fails to act on such requests or its rectification actions considered inappropriate then its actions or its failure to act is an administrative action as defined in the Act.

Complaints must be dealt with quickly and efficiently and every effort must be made by Council officers to achieve this outcome.

1.2 Lodging a complaint

A person may make a complaint in any of the following ways:

- (a) verbally, preferably in person to a Council officer;
- (b) in writing (by letter or facsimile) and addressed to:
Chief Executive Officer
Goondiwindi Regional Council
LMB 7
INGLEWOOD QLD 4387;
- (c) by telephone: (07) 4671 7400
- (d) by facsimile: (07) 4671 7433
- (e) by email to mail@grc.qld.gov.au
- (f) In writing using the complaints form available on Council's website or at one of Council's Customer Service Centres.
- (g) by or through an agent.

All complaints are to be referred to the CEO for appropriate action and recording into the complaints register. Every effort for assistance will be provided by Council officers in how to make a complaint and the process to be followed. In the first instance, complaints must be acknowledged in writing within seven (7) days.

Council will endeavour to ensure that persons with a disability or special needs are offered every opportunity and assistance in accessing Council's complaints processes. Reasonable assistance will be provided to any complainant upon request (e.g. interpreter services, services for people with hearing or speech impairments or other disabilities).

Council will make its complaints management process readily available to all employees and members of the public, through a number of mechanisms including:

- incorporating appropriate training into Council's induction process;
- training Customer Service Officers and Investigating Officers on Public Interest Disclosures and the lodgement of complaints;
- including details of processes for employees to lodge complaints on Council's intranet;
- making this policy and procedure available for inspection during Council's office hours at Council's Customer Service Centres; and
- making this policy and procedure available on Council's website and intranet.

1.3 Anonymous Complaints

Affected persons are able to make a complaint anonymously either in writing, via email or by telephone. If a complainant does decide to complain anonymously, the need to provide sufficient information for the matter to be investigated is critical. If made anonymously, it will not be possible for Council to clarify or request further information from the complainant. Further, it will not be possible to advise the complainant of Council's decision and the reasons for that decision in relation to the complaint.

Council manages all complaints following strict privacy guidelines and complainants can be assured that their personal details will not be disclosed to outside agencies without your permission.

1.4 Complaints Officer

All complaints are referred to the CEO who will assess the nature of the complaint and determine whether the complaint is to be investigated. Complaints will be reviewed as follows:

- (a) Complaints about the conduct of Council Officers are to be reviewed by the CEO;
- (b) Complaints about the conduct of the CEO are to be reviewed by the Council (as outlined in section 1.1 of this procedure);
- (c) Complaints about decisions of Council, made by resolution, are assessed in accordance with section 1.1 of this procedure. The complaint is to be assessed and if warranted allocated to an investigator to gather the facts. The investigator will report his/her findings to Council for consideration.

1.5 Criteria for refusing to investigate a complaint

Complaints must be assessed so that they are fully understood followed by an assessment as to whether it will be investigated. Criteria for this process are as follows:

- (a) what the complainant wants as an outcome as it may be possible to amicably and informally resolve the matter quickly and without detailed investigation;
- (b) whether the resources required to deal with the matter would be disproportionate to the complaint's significance and likely outcome;
- (c) what remedies would be available;
- (d) if the complaint has previously been dealt with under the Complaints Management procedure; and
- (e) sufficient direct interest.

Further to item (e) above although the CEO may refuse to investigate a complaint if he or she reasonably considers that the complainant does not have sufficient direct interest in the administrative action, it is important to note that this is a discretionary power which may or may not be exercised. Therefore, the CEO may, depending on the particular circumstances, decide to accept a complaint for investigation despite the complainant not having a sufficient direct interest in the matter.

1.6 Investigating a complaint

The investigation of a complaint must be undertaken by the complaints officer in an independent, impartial and objective manner. When conducting an investigation the complaints officer will adhere to the following principles:

- (a) Procedural fairness/natural justice;
- (b) The civil standard of proof (balance of probabilities) is to apply;
- (c) Confidentiality must be maintained to the extent the law permits;
- (d) Lawfulness of a particular action is not necessarily decisive of the issue in dispute. The complaints officer will also assess whether the action was unfair, unreasonable or wrong.

The complaints officer must also follow the four stages of the investigative process as outlined in section 1.1 of this procedure.

1.7 Timeframes

With regard to sending written acknowledgements to complainants, such letters will be sent within five (5) business days of receipt of the written complaint and will advise the general complaint number and the name of the person who may be contacted about the handling of the complaint. This timeframe may be extended in unusual circumstances, e.g. if a large number of complaints are received about the same matter. If this occurs, written acknowledgements will be sent as soon as is practicable and will include an explanation for the delay.

It shall be the intention of all who handle complaints to deal with the matters without any undue delay. It is important that any person responsible for managing the handling of a complaint takes responsibility for keeping the complainant informed of the progress of the matter, explaining and managing the timelines for each stage of the process.

If necessary, the complaints officer should contact the complainant to negotiate an extension of time if standard timeframes cannot be met. Contact should be made as soon as possible (i.e. as soon as the officer becomes aware of the fact the timeframe is not likely to be achieved, or before the expiry of the timeframe).

1.8 Measurement of Success

The effectiveness of the complaints process may be reflected in feedback from customer satisfaction surveys and monitored in a number of ways, including the following performance indicators, trends in the numbers, types and resolution of complaints:

Complaint	Telephone	Face-to-Face	Written	Performance Indicators
Provide acknowledgement	At time of contact	At time of contact	Within 5 business days	100% of complaints acknowledged within timeframe
Inform of progress	Complainant advised of progress every 20 business days, until resolved			100% of complaints followed up within timeframe

Finalise outcome of investigation	Investigation finalised (i.e. that the complaint has been substantiated or not) within 20 business days of receipt	80% of complaints resolved within timeframe
Finalise outcome of investigation	Investigation finalised (i.e. that the complaint has been substantiated or not) within 40 business days of receipt	100% of complaints resolved within timeframe
	Note: The outcome does not include the taking of possible disciplinary action. This is a separate process and a separate timeframe will apply.	
Stakeholders advised of outcome	Complainant and any external agency advised of outcome within 7 days of the decision	100% of stakeholders advised of outcome within timeframe

1.9 External review

Advice to a complainant should include reference to other external review entities, in the event they seek further review. Council will make every effort to cooperate with external review.

1.10 Monitoring and reporting

The complaint management process will be reviewed and evaluated in accordance with set timeframes as specified in the policy and procedure.

In addition to making changes to procedures and practices where appropriate, Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

Public reporting of the handling of complaints will be through the Annual Report in accordance with the requirements of the Act.

2. RELATED POLICY/PROCEDURE/DOCUMENTATION

Complaints Management Policy

3. REFERENCES

Queensland Ombudsman's Office www.ombudsman.qld.gov.au

4. DEFINITIONS

Terms used in this procedure have the following meanings:

Crime and Corruption Commission – the Commission continued in existence under the *Crime and Corruption Act 2001*.

Customer request – means a Council process that records and monitors public feedback, suggestions and problems with there being a formal procedure for appropriate action.

Request for service – a request from a person seeking a service normally provided by Council whether it be free or on a cost-recovery basis.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.