



Complaints Management

Council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement

Category	Governance	Policy number: ORG017
Related forms, policies and procedures	<ul style="list-style-type: none"> • Complaints Management Procedure • Administrative Action Complaints Procedure • Code of Conduct for Council Employees • Information Privacy and Confidentiality Policy • Public Interest Disclosure Policy • Grievance Handling Procedure • Councillor Code of Conduct • Australian Standards AS/NS 10002:2014 Quality Management – Customer Satisfaction – • Guidelines for complaints handling and ISO 10002:2014 Customer Satisfaction 	
Key words	Complaint, conduct, customer	
Relevant legislation	<ul style="list-style-type: none"> • <i>Local Government Act 2009</i> • <i>Local Government Regulation 2012</i> • <i>Human Rights Act 2019</i> 	
References and resources	Crime and Corruption Commission Office of the Independent Assessor Integrity Commissioner Qld Ombudsman Office of the Information Commissioner Department of State Development, Infrastructure, Local Government & Planning	

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Approved by	Council Resolution GE0034	11 October 2018
Approved by	Council Resolution 1275	26 May 2016
Approved by	Council Resolution 1559	14 July 2011

1. Purpose

Under the *Local Government Act 2009*, local governments must operate in an open, transparent and accountable manner. This Policy sets out the process Cassowary Coast Regional Council has implemented to deal effectively and efficiently with complaints about councils' administrative actions and address systemic and service related problems.

This policy supports Council's priority to deliver inclusive and ethical governance for the community. This includes clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the 'local government principles' as set out in Chapter 1, Section 4 of the Act.

The Cassowary Coast Regional Council acknowledges the right of customers to provide feedback, both positive and negative, on the services it provides and the decisions it makes. It also understands that there are occasions when people may wish to lodge a complaint. Our council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

2. Scope

All Councillors and Council employees, contractors or consultants must comply with this policy and are responsible for giving effect to it.

This policy has been established to provide a clear administrative method of handling and resolving of all complaints made by affected persons, including administrative action complaints about:

- The decisions or a failure to make a decision by Council
- An act, or failure to do an act by Council
- The formulation of a proposal or intention by Council
- The making of a recommendation by Council, and

Whilst this policy is intended to capture all complaints, there are certain processes in complaint management which are regulated by legislation and therefore separate policies or systems may apply in the handling of the various complaint types, for example—

Table 1:

Complaint Type	Suggested Action	Resolution timeframe
Administrative Action	Refer to the Complaints Officer (Governance) in the first instance. It will then be referred on to the appropriate person within Council for investigation prior to review by Director. Record in iCasework.	Acknowledgment within 3 days and a determination provided within 25 business days
Public Interest Disclosures (Public interest information about serious wrongdoing (corruption or danger))	Dealt with under the Council's <u>Public Interest Disclosures Policy, Guidelines and Procedure</u> , the <u>Public Interest Disclosure</u> , the <u>Crime and Corruption Act 2001 (Qld)</u> and the <u>Public Interest Disclosure Act 2010 (Qld)</u> Register maintained by Governance.	Resolution time will be determined by the complexity of the matter referred.
Competitive neutrality	These complaints will be referred to the Chief Executive Officer for review in accordance with the <u>Local Government Act 2009</u>	Acknowledgment within 3 days and a determination provided within 25 business days
Officer Conduct (Not Official Misconduct) – including code of conduct and grievance type matters	Such matters to be referred to the Office of the CEO, relevant Supervisor/Manager to respond (with People and Culture consultation) and copy provided to People & Culture. Dealt with under the relevant Council Directives and Policies. Recorded in employee records where applicable and Council's Knowledge Management System.	Unlimited but as soon as possible.
Corrupt Conduct alleging the involvement of the Chief Executive Officer	Council's Policy ORG008 titled Complaints about the Public Official: Section 48A of the <u>Crime and Corruption Act 2001</u> deals with corrupt conduct complaints that involve or may involve the CEO. The nominated person to refer these complaints to is the Chair of the Audit Committee	Resolution time will be determined by the complexity of the matter referred.
Official Misconduct	Complaints directed to the Chief Executive Officer in the first instance who, following determination that the matter is one of official misconduct will then refer the matter to the Crime and Corruption Commission for review. The CCC will determine if Council to investigate or the CCC. Register held by Governance.	Resolution time will be determined by the complexity of the matter referred.
Councillor Misconduct	Complaints about the conduct (misconduct or inappropriate conduct) or performance of the Mayor or Councillors are dealt with in	Follow due process, no time limit applied however to be resolved as soon as possible

	accordance with <i>Local Government Act 2009</i> . Such complaints will be referred to the Office of the Independent Assessor. Register held by Governance Team.	
Right to Information	Request for Internal Review of RTI Application access decisions are to be directed to the Governance Team to process in accordance with the <i>Right to Information Act 2009</i> or directly to the Office of the Information Commissioner. Interference imposed on the RTI delegate in making a determination is an offence under the Act.	25 Business days
Information Privacy	Breach of Privacy can be referred directly to the Office of the Information Commissioner or Council's Chief Executive Officer.	Resolution time will be determined by the complexity of the matter referred.
Development Decisions	Complaints related to development decisions are assessed against the <i>Planning Act 2016</i> , by the dispute resolution committee and/or the Planning and Environment Court.	Resolution time will be determined by the complexity of the matter referred.

3. Definitions and principles

A Complaint - For the purpose of this Policy, a complaint is an expression of dissatisfaction, orally or in writing, about the service, decisions or actions of the Council or its staff. It is not an enquiry or service request, unless the person specifies that they wish to make a complaint due to previous inaction or dissatisfaction with council response.

4. Procedure

- 4.1 Council will at all times endeavour to meet local government and community expectations through being an open and accountable organisation, dealing fairly and reasonably with customers and having well trained and supported staff.
- 4.2 The complaints process is to be readily accessible to and able to be understood by all people including those with special needs. Information about the complaints process is available on Council's website under 'Making a complaint', or can be obtained at Council's customer service centres, on rate notices and highlighted within the Annual Report.
- 4.3 Effective complaints management is fundamental to the provision of quality services that Council aims to provide and enable a mechanism for obtaining feedback from customers and resolving disputes. To this end, Council recognises that errors and mistakes can be made and all reasonable attempts will be made to rectify failures to ensure community confidence is maintained.

- 4.4 Council is committed to effectively handling complaints promptly and professionally and takes seriously all complaints via all methods of delivery, including verbal and anonymous complaints.
- 4.5 All complaints received by Council will be considered on their merits and addressed in an equitable and unbiased manner through an established complaints process and the observation of the principles of the *Australian Standards AS/NS 10002:2014 Quality Management – Customer Satisfaction – Guidelines for complaints handling and ISO 10002:2014 Customer Satisfaction*.
- 4.6 Complainants will have access to the complaint management system available via Council's Website and will not suffer any reprisal as a result of making a complaint.
- 4.7 Complainants will be able to access support to make a complaint if required.
- 4.8 Complaints may be categorised by the CEO for the purpose of prioritisation, reporting, effective resolution, and ensuring legislative compliance as set out in Table 1 above.
- 4.9 Where possible, a complainant and Council should attempt to have the matter resolved by open and frank discussion with a view to achieving an outcome that is satisfactory to both parties and therefore avoiding the need to enter into a formal complaint resolution process.
- 4.10 Receipt of each complaint will be acknowledged in accordance with the Complaints Management Process Guidelines.
- 4.11 Complainants will be treated courteously; and will be kept informed of the progress of the handling of their complaint, the timing of its handling and the outcome of their complaint.
- 4.12 All complaints will be treated with appropriate respect for the confidentiality and privacy of the complainant and officers involved. Publication of information relating to complaints about Council officers will be limited to that prescribed by legislation.
- 4.13 Council will co-operate fully with any investigating authority charged with dealing with a complaint, e.g. the Crime and Corruption Commission, Queensland Ombudsman or other legislative body.
- 4.14 Council maintains a commitment to continual improvement in its business process and relationships with customers. Continual improvement will be achieved through effective and accountable analysis and review, recording and reporting on complaints.

- 4.15 Where multiple complaints are received about the same or similar issue, this could indicate poor customer service or other systemic problem. Council should quickly and effectively review such complaints to determine any rectification action required.
- 4.16 Complaints about decisions of Councillors through the General Meeting process will not be dealt with under this policy. The complaint process is not a tool to bring Council business to a halt nor to delay or prevent Council from making decisions.
- 4.17 Council staff who undertake roles in resolving or investigating complaints will receive training, the effectiveness of which will be reviewed at least as frequently as this policy and associated guideline.
- 4.18 A Council staff member who attempts to informally resolve a complaint or who investigates a complaint must be senior to the person subject of the complaint (if the complaint is about an officer) and senior to the person directly responsible for providing the service (if the complaint is about that service). The only exception to this is for a complaint made about the CEO, in which case the CEO will delegate the responsibility to resolve or investigate the complaint to a director, manager of Council or external investigator.
- 4.19 Council's systems, this policy and associated guideline will be reviewed periodically to maintain best practice.
- 4.20 If there is any conflict between this policy or associated guideline and the requirements' of the Act or any other relevant legislation, the legislative requirements will take precedence.

ADMINISTRATIVE ACTION COMPLAINT PROCEDURE

