

COMPLAINTS MANAGEMENT SYSTEM GUIDELINE



INTRODUCTION

This guideline outlines the process by which Council receives, manages and responds to administrative action complaints.

Administrative action complaints encompass all complaints made to Council about administrative actions of Council.

This model of operation will assist Council to resolve matters in an efficient manner and at the local level where possible. Monitoring complaints in this way will also allow Council to follow trends, identify opportunities and operate in a continual business improvement environment.

DEFINITIONS

Unless otherwise stated, references to 'Council' in this guideline refer to the administrative arm of Cassowary Coast Regional Council, not the elected body.

A **Complaint** is an expression of dissatisfaction, orally or in writing, about the service, decisions or actions of the Council or its staff. An enquiry or service request is not a complaint unless the person making the enquiry or service request specifies that they wish to make a complaint or a previous service request (CRs) have had no or little response over an extended period of time.

Administrative action complaint – is a complaint made about an administrative action of Council, which includes operational decisions, actions, proposals and intentions as well as operational recommendations made by Council Officers. This also includes failure to make a decision or take an action about a matter, or failure to provide a written statement for a decision.

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

Appropriately authorised Council officer – a Council officer who has the authority to make a determination regarding the outcome of a complaint. The authorised officer will always be at a level higher than the subjects of the complaint. In the case of a complaint against the CEO, the matter will be managed by the Mayor.

Complainant – a person or organisation who makes a complaint or expression of dissatisfaction.

Complaints Officer – a specific role within Council for an experienced and appropriately qualified person who is responsible for coordinating and reporting in relation to Council's complaint management process. This position is typically located within the Governance program of Council.

Council officer – includes a permanent, temporary, casual or contract member of Council's staff.

Customer – a person or organisation that uses Council's products or services.

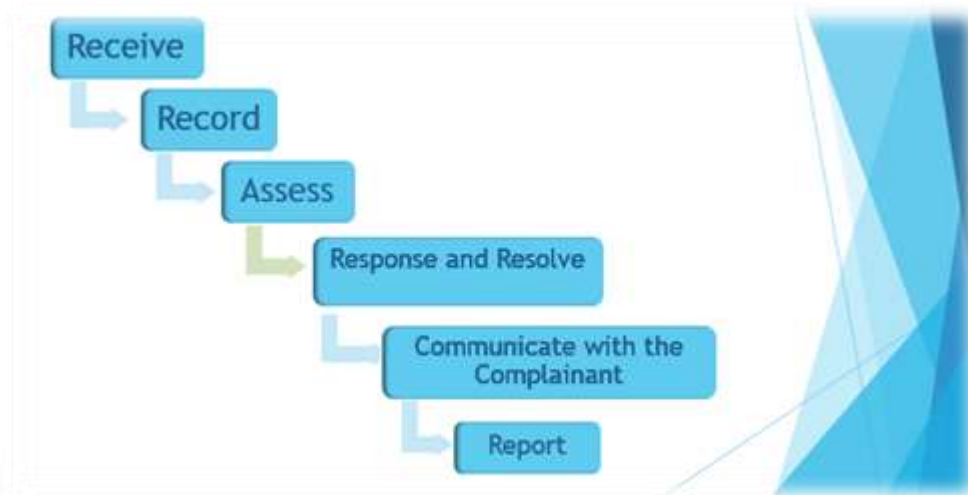
Human Rights - see the *Human Rights Act 2019* and available information at <https://www.forgov.qld.gov.au/humanrights> for the types of complaints that are applicable under this legislation.

Natural justice – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

Penalty Infringement Notice (PIN) - A penalty unit is the basis for determining the penalty value associated with offences under Queensland state laws, local government laws and Penalty Infringement Notices (PINs) issued under these laws.

PROCEDURE

There are six steps required in the management of administrative action complaints—



1. Receive

Lodging a complaint

Customers may make an administrative action complaint in any of the following ways:-

- telephone Council's Customer Service Team on 1300 763 903 or (07) 4030 2222
- send an email to enquiries@ccrc.qld.gov.au ;
- visit one of our two Council offices:
 - o 70 Rankin Street, Innisfail
 - o 38-40 Bryant Street, Tully
- write to Council at PO Box 887, Innisfail, Qld 4860
- go online to Website - www.cassowarycoast.qld.gov.au ('Our Council' – 'Making a Complaint')

The officer receiving or recording the complaint on behalf of a complainant should, where possible, obtain at least the following details:

- name and contact details of the complainant
- basic details of their complaint (when, where, what and who it involves)
- their desired outcome
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Assistance

Council will ensure administrative action complaints are received with sensitivity and take into account any special needs of the complainant, such as interpreter services, hearing or vision impairment, illiteracy etc.

Anonymous complaints

Council will accept anonymous administrative action complaints and 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. Without appropriate contact information of the complainant, it will only be possible for Council to advise the Complainant as to Council's process in addressing the matter, not the outcome.

Penalty Infringement Notices (PINs)

Requests for a review of parking fines and other PIN notices will be responded to before the matter is lodged with the State Penalties Enforcement Registry (normally 30 days after the PIN is issued).

To streamline the review of the administrative action complaint as it relates to PINs Council will dispose with other normal internal review processes where possible, given that the complainant may elect to have the matter heard by the Magistrate's court if they are dissatisfied with the decision of the Council about their complaint.

However, where a complainant raises concerns regarding the process used in issuing a PIN, it may be sound practice to offer an internal review. This provides an option to resolve the matter quickly, rather than through the Magistrates Court.

2. Record

Council officers who receive information that *may* constitute a complaint, will refer the information to the Complaints Officer for review, advice and where appropriate, referral. The Complaints Officer will take responsibility for the coordination of the complaint handling process from receipt to conclusion if the complaint is deemed to be an Administrative Action Complaint.

Such action will include but not limited to recording the information, assignment of appropriate investigating officer, seeking comment and feedback from other officers, advice and updates to complainant, assignment of appropriate priority level and preparation of determination of complaint, ie Statement of Reasons.

It is essential that every action and decision made regarding the complaint investigation is recorded in the iCasework Complaints System. This will ensure access to all relevant complaint information is maintained and available if required in the future. Particularly necessary when called upon to address requests for internal and external complaint reviews of previous complaints.

Each Case file, once complete is also recorded in Council's Records Management System and is accessible to authorised officers only as required.

A record will be kept of all contact with the Complainant including acknowledging receipt of the complaint by email letter generated from the complaints system directly. This to occur within three (3) business days from receipt of complaint, with the final determination letter, also generated from the complaints system, to be provided within twenty-five (25) business days from receipt of the complaint.

Any requirements for an extension of time, must also be communicated in writing to the complainant. Every action, request and receipt of information is automatically recorded within the complaints system.

Each complaint case file has a full recorded audited tracking system which will show who has viewed a case, edited a case file and made a comment, received a request for information and the time and date etc.

3. Assess

The Complaints Officer will coordinate the collection of sufficient information about a complaint so that an assessment of the matter may be made. This may occur in consultation with the Director and/or Manager of the relevant area where the matter is deemed complex, unless there is a specific reason why such consultation cannot occur (such as when the complaint may involve those people).

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 the particulars of their complaint and their desired outcome if there is any doubt.

Matters involving suspected official misconduct should be referred immediately to the Chief Executive Officer without any further action being taken. If however, the complaint is about suspected corrupt conduct, the matter should be referred to the Crime and Corruption Commission.

Don't make false complaints – You may be prosecuted under the Crime and Corruption Act 2001 if you make a complaint or provide information to the CCC recklessly or knowing it to be untrue. Such complaints are serious because they waste public resources and unfairly damage reputations.

The complainants human rights should also be considered at this time, rights protected under the *Human Rights Act 2019* are:-

- Recognition and equality before the law
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Peaceful assembly and freedom of association
- Taking part in public life
- Property rights
- Privacy and reputation
- Protection of families and children
- Cultural rights—generally
- Cultural rights—Aboriginal peoples and Torres Strait Islander peoples
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Fair hearing
- Rights in criminal proceedings
- Children in the criminal process
- Right not to be tried or punished more than once

- Retrospective criminal laws
- Right to education
- Right to health services

A person (including internal employees) who believes their human rights have been breached should complain first to the Council.

If the person is not satisfied with the response after 45 business days, the person can complain to the Queensland Human Rights Commission

Once sufficient information has been obtained, the relevant Director and/or Manager, with the assistance of the Complaints Officer (and any other person deemed necessary), should assess whether the matter is a genuine complaint on review of the facts and if it is, the matter should proceed through the Administrative Complaints system.

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 cleanup 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 table outlines some complaint types and suggested referral or 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.

The following is a guide to the different types of complaints and the suggested actions to be taken—

Note: in some cases Council has a legislative obligation to deal with a certain type of complaint in a particular way e.g. Official Misconduct, Public Interest Disclosures etc.

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. Recorded 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 <i>Public Interest Disclosures Policy, Guidelines and Procedure</i> , <i>Public Interest Disclosure</i> , the <i>Crime and Corruption Act 2001 (Qld)</i> and the <i>Public Interest Disclosure Act 2010 (Qld)</i> 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 <i>Local Government Act 2009</i>	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 P&C consultation) and copy provided to People and 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 <i>Crime and Corruption Act 2001</i> 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 and then referred 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 as outlined in the <i>Local Government Act 2009</i> . Such complaints will now be referred to the Office of the Independent Assessor. Register held by Governance.	Follow due process, no time limit applied however to be resolved as soon as possible

Complaint Type	Suggested Action	Resolution timeframe
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.	20 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.
Human Rights	Human Rights complaints may be referred to the Queensland Human Rights Commission after assessment and response by Council has been considered.	45 Business days

Note: Any matters that are assessed as not being a complaint (such as service requests) should be referred back to the Customer Service Team to be dealt with as per Council's usual process for dealing with such matters.

4. Respond and Resolve

This stage is to be completed within 25 business days from receipt of the complaint. Extensions to this timeframe may only be granted by the CEO or his/her delegate. Requests 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 are 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 had 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. Council may even develop a standard response in such cases, however caution should be exercised and each complaint should be assessed appropriately in the first instance.

- 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 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 Complainant's details are changed successfully. In this case the complaint is valid but the situation can be rectified immediately.

- Investigation

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

Investigations will be conducted in a fair, objective and timely manner 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 of relevant information.

The outcome of the investigation will determine an appropriate response, for example—

- Make no finding
- Take no action
- Preventative action where risks identified
- Recommend changes to practices, policies and/or procedures
- Staff training or education
- Admit mistake, correct and apologise.

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.

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

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, addressing all aspects of the complaint;
- complainants options to have the matter reviewed (see Section 6 below) or refer it to an external agency (e.g. the Queensland Ombudsman) if they do not agree with the outcome.

5. 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 appropriate Director, or his/her delegate (except where the Director is the subject of the complaint or otherwise has a conflict of interest, in which case the CEO or his/her delegate will be responsible for the review).

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 Director or CEO.

The Complainant should be advised of the outcome of the review in a similar format to that stated in Section 4 above.

6. Report

A complaint should be formally finalised and closed at the end of the process. 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.

The Complaints Officer will report the following data on a regular basis to the Chief Executive Officer and the Executive Management Team—

- number of administrative action complaints received
- number of administrative action complaints resolved
- number of administrative action complaints remaining unresolved from the previous financial year.

EVALUATION AND REVIEW

Council's Governance Lead will conduct a regular review of the effectiveness of the Complaints Management System Policy and the underlying Complaints Management System Guideline.

The review will evaluate the performance of the guideline and may consider the following aspects:

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

Chief Executive Officer Approval

Date 14.10.2021