

## **COUNCIL POLICY**

### Complaints Management Policy



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<b>POLICY TITLE:</b>	Complaints Management Policy
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<b>POLICY TYPE:</b>	Statutory
<b>APPROVING OFFICER:</b>	Council Adoption
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<b>TIME PERIOD OF REVIEW:</b>	5 Years
<b>DATE OF NEXT REVIEW:</b>	30 June 2025
<b>RESPONSIBLE DEPARTMENT:</b>	Governance
<b>LINK TO CORPORATE PLAN:</b>	Our Governance - Transparent, Accountable and Engaged Governance

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## **1. OBJECTIVE**

The role of Council is to provide open and accountable local government. An effective and transparent method of responding to complaints regarding its services, administrative actions, competitive neutrality, the conduct and performance of councillors and staff behaviour and misconduct better enables council to undertake this role.

## **2. PRINCIPLES**

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

## **3. SCOPE**

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

- a) Administrative actions, as defined under *section 268(2) of the Act*
  - The decisions or a failure to make a decision by Council, including a failure to provide a written statement of a reason for a decision;
  - An act, or failure to do an act;
  - The formulation of a proposal or intention; and
  - The making of a recommendation.
- b) Competitive Neutrality (under section 48 of the Act);

This Policy is not 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, for example:

- Complaints that involve, or may involve, corrupt conduct by the Mayor, Councillors and employees are dealt with under the *Crime and Corruption Act 2001*.
- Complaints concerning Councillor conduct are handled under the provisions of the *Local Government Act 2009* or Council's Policy on Councillor Inappropriate Behaviour Investigation Policy.
- Complaints concerning the Chief Executive Officer are handled under Council's Policy concerning Complaints involving Public Officials.
- Public interest disclosures that are dealt with under the *Public Interest Disclosure Act 2010 (Qld)*;
- Employee complaints that are dealt with under the Local Government Industry Award – State 2017 and Council's Personal Grievance Policy;
- Complaints about a development decision made under the *Sustainable Planning Act 2009* or other statutory instrument and legislation;

- Complaints that are primarily contractual in nature and which do not involve alleged breaches of the Code of Conduct, and are responded to in a contractual context;
- Complaints about access application decisions, which are dealt with under the *Right to Information Act 2009* or *Information Privacy Act 2009*

#### 4. DEFINITIONS

**Administrative Action Complaint** – is a defined term in the Local Government Act, meaning a complaint about an administrative action of council including the following: -

- 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 formulation of a proposal or intention;
- d) the making of a recommendation; and
- e) is made by an affected person.

**Affected Person** – is a defined term in the Local Government Act, and is: -

- a) a person who is apparently directly affected by an administrative action of Council;
- b) is adversely affected by a competitive advantage that the person alleges is enjoyed by the local government;
- c) alleges inappropriate conduct by a Councillor of a local government; or
- d) alleges misconduct of a councillor of a local government

**CEO** – The Chief Executive Officer, and includes the Acting Chief Executive Officer

**CCC** – Crime and Corruption Commission established under the *Crime and Corruption Act 2001*

**Competitive Neutrality Complaint** – is a defined term in the Local Government Act that relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle and is made by: -

Any person who:

- 1) competes with Council in relation to the business activity; and
- 2) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by council; or
- 3) wants to compete with council in relation to the business activity; and
- 4) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by council.

**Competitive Neutrality Principle** – may be applied by:

- a) commercialisation of a significant business activity; or
- b) full cost pricing of a significant business activity

**Complaint** – An expression of dissatisfaction orally or in writing, about the service, decisions or actions of the Council or its staff; or the conduct or performance of a Councillor of a local government. It is not an enquiry or service request, unless the person specifies that they wish to make a complaint.

**Complainant** – The affected person or organisation making a complaint.

**Complaints Officer** – A specific role within Council being an appropriately qualified person who is responsible for coordinating and reporting in relation to Council's Complaint Management Process. Generally, the complaints officer shall be the officer directly responsible for Council's Governance function, though the Chief Executive Officer may appoint another complaints officer subject to operational requirements, subject matter expertise and workload considerations.

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**Corrupt Conduct** – carries the same meaning as the term's definition per s15 of *Crime and Corruption Act 2001*

**Council** – Flinders Shire Council

**Council Officer** – Council Staff member including permanent, temporary, casual or contract employees

**Customer Request** – Is a request for Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.

**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.

**Preliminary Assessment** – An assessment of a complaint to decide whether the complaint –

- a) is about a frivolous matter or was made vexatiously; or
- b) is about inappropriate conduct, misconduct, official misconduct, corrupt conduct, or against matter including a general complaint against the local government; or
- c) is lacking substance

**The Act** – *Local Government Act 2009*

## **5. ROLES AND RESPONSIBILITIES**

The Chief Executive Officer, Directors, Managers and Complaints Officer are responsible for ensuring that this policy is understood and adhered to by all councillors and staff.

## **6. POLICY**

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.

The complaints process is to be readily accessible to and able to be understood by all people. Information about the complaints process is to be available on council's website, at its customer reception area, on rates notices and highlighted within the Annual Report and Corporate Plan.

Effective complaints management is fundamental to the provision of quality services that Council aims to provide and enables an instrument for obtaining feedback from customers and resolving disputes. 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.

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.

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 (ISO AS 10002-2018) Customer satisfaction – Guidelines for complaints handling in organisation.

Complainants will have access to the complaints management system free of charge and will not suffer any reprisal as a result of making a complaint.

Complainants will be able to access support to make a complaint if and where necessary.

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Complaints may be categorised by the CEO for the purpose of prioritisation, reporting, effective resolution, and ensuring legislative compliance.

Where possible, a complainant and a Council Officer should attempt to have the matter resolved to avoid the need for a formal complaint requiring investigation, e.g. by the aggrieved person working the issue through a Council Officer/Manager to obtain an outcome that is satisfactory to both parties.

Receipt of each complaint will be acknowledged in accordance with the Complaints Management Procedure Guideline.

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.

When a complaint is made regarding a pending action or decision, by lodging a complaint, the matter will not automatically be suspended or put on hold.

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.

For matters which are referred to an external agency for investigation, council will co-operate fully with the investigating authority charged with dealing with a complaint, e.g. the Crime and Corruption Commission, Queensland Ombudsman, Queensland Police Service, Office of the Independent Assessor.

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, recording and reporting on complaints.

Where multiple complaints are received about the same or similar issue, an effective and efficient method of dealing with them will be determined.

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 Procedure Guidelines.

If there is any conflict between this Policy or associated Procedure Guideline, and the requirement of the Act or any other relevant legislation, the legislative requirement will take precedence.

## **7. IMPLEMENTATION**

This Policy and the Procedure Guideline will be made available to all Council Officers and Councillors. Council reserves the right to vary, replace or terminate this Procedure from time to time.

## **8. 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*

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## **9. RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS ETC)**

- Administration Complaint Form
- Complaint Involving Public Officials Policy
- Councillor Inappropriate Behaviour Investigation Policy

## **10. ATTACHMENTS**

- Complaints Management Procedure

## **11. REVIEW TRIGGER**

This Policy is to be reviewed when legislation relating to local government complaint management processes is amended, or otherwise, at least every 5 years.

## **12. PRIVACY PROVISION**

Council respects and protects people's privacy and collects, stores, uses and discloses personal information responsibly and transparently when delivering Council services and business.

## **13. APPROVAL**

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