

<b>Policy Title:</b>	<b>COMPLAINTS MANAGEMENT POLICY</b>
<b>Policy Subject:</b>	Governance
<b>Policy Number:</b>	DOC#2991974v6 – CP007
<b>Directorate:</b>	Organisational Services
<b>Department:</b>	Governance and Customer Service
<b>Section:</b>	Governance and Planning
<b>Responsible Officers:</b>	Executive Manager Governance and Customer Service Investigations/ RTI Officer
<b>Authorised By:</b>	Chief Executive Officer
<b>Adopted Date:</b>	17/08/2016
<b>Review Date:</b>	22/05/2021
<b>Amended Date:</b>	22/05/2019
<b>Risk Assessment:</b>	Medium

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### 1. OBJECTIVE/ LEGAL AUTHORITY

To establish a Complaints Management Policy that ensures compliance with the provisions of the applicable Acts. The specific sections are as follows:

- Section 268 and Section 150AE of the *Local Government Act 2009 (the Act)*;
- Section 187 and 306 of the *Local Government Regulation 2012*;
- Section 187 and 306 *Local Government Regulation 2012*;
- Section 28 *Public Interest Disclosure Act (2010)*; and
- Section 48A of the *Crime and Corruption Act 2001*.

### 2. COMMITMENT

Fraser Coast Regional Council is committed to the provision of timely, efficient, consistent and quality services provided by polite and helpful officers that meet our customers' expectations. Council 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.

The complaints process has been instituted to ensure that any complaint is dealt with fairly, promptly, professionally, in confidence (subject to legal requirements) and in a manner respectful to the complainant.

The Council gives equal weight to complaints that are received anonymously.

### 3. NATURAL JUSTICE

To ensure that decision making is fair and reasonable, the principles of natural justice and procedural fairness will be applied to all investigations. These principles include:

- The right to a fair hearing and right of reply;
- The absence of bias;
- Decisions based on evidence reflecting the standard of proof; and
- The proper examination of all issues.

#### 4. POLICY

All complaints received by Council will be considered on their merits and addressed pursuant to any relevant legislation requirements and investigation in accordance with the relevant operational procedure and the application of the principles of procedural fairness. The following table identifies the authority levels for each type of complaint:

Complaint Type	Decision Authority	Internal Review Authority
<b>Elected Members</b> ( <i>Investigation into Complaints about Councillor Conduct Procedure</i> )		
Mayor	Department of Infrastructure, Local Government and Planning	n/a
Mayor – Post Dec 2018	Independent Assessor	external
Councillor	Mayor	n/a
Councillor – post Dec 2018	Independent Assessor	external
<b>Administrative Action</b> ( <i>Investigation into Administrative Action Procedure</i> )		
Administrative Action (Type 1)	Supervisor	<i>Escalated as type 2</i>
Administrative Action (Type 2)	Executive Manager	Director
Administrative Action (Type 3)	Chief Executive Officer	n/a
<b>Employee</b> ( <i>Investigation into Workplace Behaviour Procedure and Investigation into Workplace Health and Safety Complaints and Incidents Procedure</i> )		
Fraud	Chief Executive Officer	n/a
Safety (from Internal Source)	Safety	Chief Executive Officer
Staff Conduct (Chief Executive Officer)	Mayor	n/a
Staff Conduct (Chief Executive Officer that may involve corrupt conduct)	Refer to the <i>Complaints Against the Chief Executive Officer Policy</i>	
Staff Conduct (from Internal Source)	Human Resources	Chief Executive Officer
Staff / Safety (from External Source Type 1)	Executive Manager	Director
Staff / Safety (from External Source Type 2)	Human Resources/Safety	Chief Executive Officer
<b>Public Interest Disclosure</b> ( <i>Public Interest Disclosure Procedure</i> )		
Public Interest Disclosure (PID)	Chief Executive Officer	n/a
<b>Competitive Neutrality</b> ( <i>Investigation into Breaches of Competitive Neutrality Procedure</i> )		
Competitive Neutrality	Chief Executive Officer	n/a

#### 5. AUTHORITY

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

- The **Chief Executive Officer (CEO)** is committed to promoting an effective complaints resolution culture; ensuring fair, efficient and consistent investigations; monitored trend analysis for continual improvement and risk mitigation.
- The **Director of Organisational Services (DOS)** is committed to ensuring complaints are dealt with fairly, promptly, and professionally; complaints are analysed and recommendations implemented; and staff have ongoing training.
- The **Complaint Management Staff** demonstrate exemplary complaints handling ensuring complaints are assessed for seriousness, safety, complexity and urgency; and complainants are provided timely information consistent with procedures.
- **All Staff** understand and comply with complaint handling practices by providing information and assistance; acting professionally and respectfully; and applying recommendations or remedies as directed.

## 6. TRIVIAL, FRIVOLOUS or VEXATIOUS COMPLAINTS

Every effort is made to respond to complaints, however, if a complaint is frivolous or vexatious, due to the subject of the complaint or because it repeats a complaint already made, Council reserves the right to not investigate the complaint.

This includes minor issues not considered high priorities which are unlikely to threaten public safety or cause financial loss to Council; and complaints from a complainant who persistently calls about minor matters, or abuses the complaints process causing unnecessary and costly consumption of Council's resources.

Council may decline to re-investigate a matter where the complainant refuses to accept the decision of the authorised decision maker or CEO and does not provide new grounds or evidence.

## 7. UNREASONABLE CONDUCT

Our commitment to complaint resolution is balanced with our commitment to a safe and healthy work environment. Council reserves the right to not investigate complaints where complainants engage in conduct that is unreasonable or creates substantial health, safety, or resource issues.

Examples of substantial health, safety, or resource issues include; where the complainant engages in persistent, excessive or unnecessary calls, attendances or emails; seeks additional reviews on matters previously resolved; demonstrates a lack of co-operation; refuses to identify the substance of the complaint; or is argumentative, irrational or aggressive.

## 8. PRIVACY PRINCIPLES

A complainant may want to know how Council is handling their complaint, how the investigation is proceeding, and the outcome. However; due to the privacy principles Council is unable to provide information that discloses personal information about the subject of an investigation, other individuals involved, or witnesses. If the complainant knows, or suspects they know, the identity of the subject of investigation any disclosure relating to the investigation would be a breach of the privacy principles.

The privacy principles which only permit disclosure of personal information where the individual has agreed to the disclosure; it is authorized by law or necessary for law enforcement functions; or it is necessary to prevent a serious risk to an individual or the public.

Specific privacy protections apply to disciplinary actions and misconduct (*Crime and Misconduct Act 2001 Qld*) or public interest disclosures (*Public Interest Disclosure Act 2010 Qld*).

## 9. ADMINISTRATIVE ACTION COMPLAINTS

An administrative action complaint (AAC) is a complaint about a decision or failure of a decision, an action or failure of an action, the formulation of a proposal or intent, or a recommendation by Council made by an affected person (*Local Government Act 2009*). To be an affected person you must be directly affected by the action of Council.

Service Requests are reports by members of the public regarding a compliance issue they are concerned about, a request for a service by the Council (ie: lopping of branches, collection of waste), or a request by a member of the public to clarify a decision made by a business area.

When a service request is not addressed, or inadequately addressed, the affected person can ask that the matter be escalated to an administrative action complaint.

## 10. ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT

Wherever possible, Council will aim to address a complaint at the first point of contact. If a complaint cannot be resolved at the first point of contact the following complaint management process will occur:

<b>1 Initial Review:</b>	The complainant will be referred for initial review to the responsible officer depending on the assessed type of the complaint ( <i>see Complaint Definitions</i> ).
<b>2 Internal Review:</b>	<p>If the complainant remains dissatisfied they may apply for an internal review process by a designated investigation officer.</p> <p>The reviewing investigation officer cannot have been involved in the original decision, must have no conflict of interest, and must be approved to undertake administrative action investigations.</p>
<b>3 External Review:</b>	If the complainant remains dissatisfied after the internal review, they will be advised of external review options such as The Queensland Ombudsman Office, the Queensland Civil and Administrative Tribunal, or the Courts.

## 11. ADMINISTRATIVE ACTION COMPLAINT HANDLING

On receipt of a complaint it is initially **assessed** in terms of the seriousness, safety implications, complexity and degree of urgency. It is also assessed to determine if grounds for refusal exist.

This assessment guides the **timeframes** for dealing with a complaint. Council endeavours to meet the following timeframes for dealing with a complaint:

- for urgent matters – within (15) business days;
- for non-urgent complaints that are not complex or where the complaint involves an internal review (30-45) business days;

- for complex complaints including those investigated under the internal review (45-60) business days.

In instances where it is not possible to achieve these timeframes the CEO, or his delegated officers, can extend the timeframes. The complainant will be advised in writing of this extension decision. Within 10 business days the investigation officer will send an **acknowledgement** noting the date the complaint and any other material was received. This acknowledgement will also **define the elements** of the complaint, outline the **complaint process**, provide a **reference**, identify that the investigator may seek **further information**, and supply **contact details** of the investigation officer.

Seeking further information from the complainant can be by informal means such as telephone, e-mail or face-to-face discussion. The complaints officer will record a fair summary of any conversation and include this in the investigation plan.

If the investigation officer, assesses the complaint can be resolved informally they will discuss the issue with the relevant Council officer with a view to resolving the complaint without a formal investigation process.

At the conclusion of an investigation the complainant will be provided written advice outlining the **steps taken** to investigate their complaint, **decisions and reasons** advising if their complaint was sustained or unsustained, and any **recommendations or remedies**. This written advice will also provide information about the **review and appeals** process.

## 12. COMPLAINT DEFINITIONS

### Administrative Action Complaints – AA (Type 1):

- Simple AA complaint where a member of the public disagrees with a decision or an action, and can be resolved by providing context on the decision or by additional actions by the business area.

### Administrative Action Complaints - AA (Type 2):

- An AA complaint about a technical action or decision of Council that is within the authority of the Executive Manager or Director to resolve. (*Investigation into Administrative Action Procedure*)

### Administrative Action Complaints - AA (Type 3):

- An AA complaint about a complex technical action, controversial decision of Council, an unresolved complaint previously directed to an Executive Manager or Director, or a complaint deemed serious that requires resolution by the CEO. (*Investigation into Administrative Action Procedure*)

### Competitive Neutrality Complaint:

- A complaint that Council has failed to conduct its business according to competitive neutrality principles and thereby gained a net advantage over competitors. (*Investigation into Breaches of Competitive Neutrality*)

### Complaints Councillors Conduct:

- Complaints about Councillor's behaviour that is inappropriate, misconduct or corrupt conduct as defined in the LGA. (*Investigation into Complaints about Councillor Conduct*)

**Fraud Complaints:**

- A complaint about intentional deception to facilitate or conceal misappropriation of assets. Includes corruption, breach of trust or confidentiality, and efforts to achieve personal gain. (*Investigation into Workplace Behaviour*)

**Public Interest Disclosures:**

- Complaints by the public or staff regarding the substantial and specific danger to the health and safety of a person with a disability, substantial or specific danger to the environment, and reprisal. Disclosures by staff about official misconduct, maladministration, and substantial misuse of public. (*Public Interest Disclosure Procedure*)

**Safety Complaints (Internal):**

- A complaint about non-compliance with legislated workplace health and safety standards and practices. (*Investigation into Workplace Health and Safety Complaints and Incidents*)

**Staff Complaint (Chief Executive Officer):**

- A complaint that involves the conduct or performance of the Chief Executive Officer which is referred to the Mayor for assessment and action.

**Staff Complaint (External Source) (Type 1)**

- A complaint by the public about the behaviour of staff that can be resolved by performance management by the Executive Manager. Includes Safety complaint (Type 1), about the negligent performance of health and safety responsibilities.

**Staff Complaint (External Source) (Type 2)**

- A complaint by the public about the behaviour of staff that requires independent investigation. Includes Safety complaint (Type 2) about the negligent performance of health and safety responsibilities by a staff member. (*Investigation into Workplace Behaviour*)

**Staff Complaint (Internal Source):**

- A complaint that involves staff breaches of the Code of Conduct or workplace law; including sexual or other harassment; integrity and enhancing public confidence; diligence in performance of duty, economy and efficient use of Council assets. (*Investigation into Workplace Behaviour*)

**13. EXTERNAL REVIEWS**

Throughout the investigation process the complainant is advised of their rights, including the right to external review. External review options include:

The Queensland Ombudsman Office;  
Office of the Information Commissioner Queensland;  
The Queensland Civil and Administrative Tribunal;  
Crime and Corruption Commission;  
Fair Work Ombudsman;  
Anti-Discrimination Commissioner Queensland; or  
the Courts.

**14. OPERATIONAL PROCEDURES**

The following operational procedures support the application of this policy and work together to achieve the outcomes of the complaints management framework:

- *Investigation into Administrative Action*
- *Investigation into Workplace Behaviour*
- *Public Interest Disclosure Procedures*
- *Investigation into Workplace Health and Safety Complaints and Incidents*
- *Investigation into Complaints about Councillor Conduct*
- *Investigation into Breaches of Competitive Neutrality*