

**NUMBER:** S0014  
**ACT:** *Local Government Act 2009*  
**POLICY TITLE:** **Complaints Management Policy & Procedural Guideline**

**POLICY**

**1. PURPOSE AND SCOPE**

- 1.1 Under the *Local Government Act 2009* (the Act), local government must operate in an open, transparent and accountable manner. This Policy sets out the process Charters Towers Regional Council has implemented to deal effectively and efficiently with complaints about Council’s administrative actions and address systematic and service related problems.
- 1.2 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.

**2. COMMENCEMENT OF POLICY**

- 2.1 This Policy will commence from 21 June 2023.

**3. APPLICATION OF POLICY**

- 3.1 This Policy applies to all people acting for and on behalf of Council, including elected members, staff, consultants, contractors and volunteers.
- 3.2 This Policy has been established to provide a clear administrative method of handling and resolving of all complaints made by **affected persons** about:
- The decisions or a failure to make a decision, including a failure to provide a written statement of reasons for a decision by Council;
  - An act, or failure to do an act by Council;
  - The formulation of a proposal or intention by Council; and,
  - The making of a recommendation by Council.
- 3.3 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:**

<b>Complaint Type</b>	<b>Suggested Action</b>	<b>Resolution timeframe</b>
<b>Administrative Action</b>	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 Manager. Record in ECM.	Acknowledgement within 3 business days and a determination provided within 25 business days. This timeframe may be extended for complex matters.
<b>Appeal or request for review of penalty infringement notices (PIN)</b>	Complaints referred to the immediate Supervisor of the person who raised the PIN (e.g. Coordinator/Manager), who is then required to prepare a recommendation for the Executive Manager/Director of the Department.	Complaints are to be responded to before the matter is lodged with the State Penalties Enforcement Registry (SPER) (normally 30 days after PIN is issued).

## STATUTORY POLICY

	Dispense with the other normal internal review processes where possible, given that the complainant may elect to have the matter heard by the Magistrates Court if they are dissatisfied with the decision of the local government.	
<b>Competitive neutrality</b>	Dealt with under Council's Policy S0081 – Competitive Neutrality Complaints. Complaints will be referred to the Chief Executive Officer for review in accordance with the <i>Local Government Act 2009</i> .	Acknowledgement within 3 days and a determination provided within a reasonable timeframe.
<b>Corrupt Conduct alleging the involvement of the Chief Executive Officer</b>	Dealt with under Council's Policy S0064 – Dealing with a Complaint Involving 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 Executive Manager Human Resources.	Resolution time will be determined by the complexity of the matter referred.
<b>Councillor Misconduct</b>	Matters referred to the Executive Services Manager and a copy provided to the Chief Executive Officer (CEO). Complaints about the conduct (misconduct or inappropriate conduct) or performance of the Mayor or Councillors are dealt with in accordance with the <i>Local Government Act 2009</i> . Such complaints will be referred to the Office of the Independent Assessor (OIA). Records kept in ECM.	Follow due process, no time limited applied however matter should be resolved as soon as possible.
<b>Development Decisions</b>	Matters referred to the Manager Planning and Development and a copy to the Executive Manager Community Building. 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.
<b>Human Rights Complaints</b>	Complaints related to human rights are to be referred to the Chief Executive Officer and assessed against the <i>Human Rights Act 2019</i> .	45 business days, after which time the complainant can make a formal complaint to the Queensland Human Rights Commission directly.

## STATUTORY POLICY

<b>Information Privacy</b>	Breach of privacy can be referred directly to the Office of the Information Commissioner or Council's Governance Officer with a copy to the CEO.	Resolution time will be determined by the complexity of the matter referred.
<b>Officer Conduct (not Official Misconduct) – including code of conduct and grievance type matters</b>	Matters referred to the Executive Manager Human Resources and a copy provided to the Chief Executive Officer (CEO). Dealt with under the relevant Council Directives and Policies (including Code of Conduct). Recorded in employee records where applicable and ECM.	Unlimited but as soon as possible.
<b>Official Misconduct</b>	Complaints directed to the CEO 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 (CCC) for review. The CCC will determine if Council is to investigate or the CCC. Records kept in ECM.	Resolution time will be determined by the complexity of the matter referred.
<b>Matters covered by a separate statutory prescribed review process</b>	Dealt with in accordance with the relevant legislation. For example reviewable matters under a Local Law will be dealt with under the Local Law, rates and charges disputes are to be dealt with in accordance with the <i>Local Government Act 2009</i> , prescribed processes for animal management are to be dealt with under the <i>Animal Management (Cats and Dogs) Act 2008</i> .	
<b>Public Interest Disclosures (Public interest information about serious wrongdoing (corruption or danger))</b>	Dealt with under Council's Policy S0035 – Public Interest Disclosures, the <i>Crime and Corruption Act 2001</i> and the <i>Public Interest Disclosure Act 2010</i> . Register maintained by the Office of the Chief Executive Officer (OCEO).	Resolution time will be determined by the complexity of the matter referred.
<b>Right to Information (RTI)</b>	Request for Internal Review of RTI Application access decisions are to be directed to the Governance Officer 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.

**4. DEFINITIONS**

Administrative Action Complaint	Defined at s268 of the <i>Local Government Act 2009</i> .
Affected Person	A person who: <ul style="list-style-type: none"> <li>a) is apparently directly affected by an administrative action of a local government;</li> <li>b) is adversely affected by a competitive advantage that the person alleges is enjoyed by the local government;</li> <li>c) alleges inappropriate conduct by a councillor of a local government.; or</li> <li>d) alleges misconduct of a councillor of a local government.</li> </ul>
Assigned Officer	Council officer assigned to conduct the initial assessment and investigation of a complaint.
Authorised Officer	Council officer assigned as the decision maker in a complaint.
CEO	Chief Executive Officer of Council
CCC	Crime and Corruption Commission established under the <i>Crime and Corruption Act 2001</i> .
Competitive Neutrality Complaint	The failure of a local government to conduct a business activity in accordance with the competitive neutrality principle.
Complaint	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's response.
Complainant	The affected person or organisation making a complaint.
Complaints Officer	A specific role within the Office of the CEO, for an experienced and appropriately qualified person who is responsible for coordinating and reporting in relation to Council's complaint management process. Generally, the Governance Officer.
Corrupt Conduct	Defined by section 15 of the <i>Crime and Corruption Act 2001</i> .  Without limiting the definition, corrupt conduct is conduct that involves any of the following — <ul style="list-style-type: none"> <li>(a) abuse of public office;</li> <li>(b) bribery, including bribery relating to an election;</li> <li>(c) extortion;</li> <li>(d) obtaining or offering a secret commission;</li> <li>(e) fraud;</li> <li>(f) stealing;</li> <li>(g) forgery;</li> <li>(h) perverting the course of justice;</li> <li>(i) an offence relating to an electoral donation;</li> <li>(j) loss of revenue of the State;</li> <li>(k) sedition;</li> <li>(l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;</li> <li>(m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;</li> <li>(n) illegal drug trafficking;</li> <li>(o) illegal gambling.</li> </ul>
Council	Charters Towers Regional Council

Council Officer	Council staff member including permanent, temporary, casual or contract employees.
Customer Request	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.
Director	A Council Director who is generally responsible for various functions of Council and who reports directly to the CEO.
Executive Leadership Team (ELT)	The senior management body, consisting of the CEO, Directors and Executive Managers.
Executive Manager	A Council Executive Manager who is generally responsible for various functions of Council and who reports directly to the CEO.
Human Rights	See the <i>Human Rights Act 2019</i> and available information at <a href="https://www.forgov.qld.gov.au/humanrights">https://www.forgov.qld.gov.au/humanrights</a> for the types of complaints that are applicable under this legislation.
Inappropriate Conduct	Defined by section 150K of the <i>Local Government Act 2009</i> .
Misconduct	Defined by section 150L of the <i>Local Government Act 2009</i> .
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 another matter including an administrative action against the local government; or (c) is lacking in substance.
the Act	<i>Local Government Act 2009</i> .

## 5. POLICY PROVISIONS

- 5.1 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.
- 5.2 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 to be available on Council's website, intranet and highlighted within the Annual Report. A hard copy may be obtained from Council's Administration Centre if required.
- 5.3 Effective complaints management is fundamental to the provision of quality services that Council aims to provide and enables 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.
- 5.4 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.
- 5.5 All complainants will be afforded natural justice through the provision of procedural fairness, the implementation of fair and proper procedure used when making a decision.
- 5.6 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 10002:2022 Guidelines for complaint management in organisations.

- 5.7 Complainants will have access to the Complaint Policy and Procedural Guideline and submission form available via Council's website and will not suffer any reprisal as a result of making a complaint.
- 5.8 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.
- 5.9 Where possible, a complainant and a Council officer should attempt to have the matter resolved by open, frank and evidenced based 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.
- 5.10 Receipt of each complaint will be acknowledged in accordance with the *Complaints Management Procedural Guideline* (Appendix 1).
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 Council will co-operate fully with the investigating authority charged with dealing with a complaint, e.g. the Crime and Corruption Commission, Queensland Ombudsman or other legislative body.
- 5.15 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.
- 5.16 Where multiple complaints are received about the same or similar issue, this could indicate poor customer service or other systematic problem. Council should quickly and effectively review such complaints to determine any rectification action required.
- 5.17 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 or part of the onboarding process for new employees.
- 5.18 A Council officer 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 matter will be referred to the Mayor, Executive Manager Human Resources or external investigator.
- 5.19 A Council officer will be excluded from the investigation process if the officer has had prior involvement in the matter, or has a perceived or actual conflict of interest.
- 5.20 Council's systems, this Policy and associated Procedural Guideline will be reviewed periodically to maintain best practice.
- 5.21 If there is any conflict between this Policy or associated Procedural Guideline, and the requirements of the Act or any other relevant legislation, the legislative requirements will take precedence.

## 6. VARIATIONS

CTRC reserves the right to vary, replace or terminate this Policy from time to time.

**Associated Legislation**

- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Interest Disclosure Act 2010*
- *Right to Information Act 2009*

**Associated Documents**

- HR-P-001 Employee Code of Conduct
- HR-P-004 Grievance Policy
- STRAT0056 Code of Conduct for Councillors
- S0063 Investigating Complaints of Inappropriate Councillor Conduct Policy
- STRAT0065 Managing Unreasonable Customer Conduct
- S0064 Dealing with a Complaint Involving the Public Official
- S0035 Public Interest Disclosure Policy
- S0081 Competitive Neutrality Complaints Policy

**DOCUMENT REVIEW:**

The document is to be reviewed upon changes to relevant legislation, or every two years if no changes have been required to be enacted.

Document Adopted: Council Meeting 21 June 2023  
Resolution Number: 3668

Document Contact: Governance Officer

Document Authorised: Chief Executive Officer

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APPENDIX 1:  
**Complaints Management Procedural Guideline**

**1. PURPOSE AND SCOPE**

- 1.1 The purpose of this Procedural Guideline is to formalise the Council processes in relation to the receipt, actioning and reporting of complaints. It is designed to meet the requirements of the *Local Government Act 2009* (the Act) and supporting Regulation.

**2. PROCEDURE**

- 2.1 There are six steps in the management of complaints:

1. Receive
2. Record
3. Assess
4. Respond and Resolve
5. Communicate with the Complainant
6. Report

**3. Receive**

3.1 *Lodging a complaint*

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

- telephone Council's Customer Service Team on 07 4761 5300;
- send an email to either [mail@charterstowers.qld.gov.au](mailto:mail@charterstowers.qld.gov.au) or [complaints@charterstowers.qld.gov.au](mailto:complaints@charterstowers.qld.gov.au);
- visit our Administration Centre at 12 Mosman Street, Charters Towers Qld 4820;
- write to Council at PO Box 189, Charters Towers Qld 4820;
- via Council's website – ([Complaints Management – Charters Towers Regional Council](#));
- lodge via an external agency who refers the matter to Council.

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); and
- the complainant's desired outcome.

- 3.2 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 10002:2022 Guidelines for complaint management in organisations.

- 3.3 Council will actively manage the expectations of complainants. This includes advising complainants about –
- a) the complaint process;
  - b) the expected timeframes for its actions;
  - c) the complainant's likely involvement in the process; and
  - d) the possible or likely outcome of their complaint, where practicable.

3.4 *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.



**3.5 *Anonymous Complaints***

Council will accept anonymous administrative action complaints, however will communicate 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 not be possible for Council to update the complainant on the investigation or outcome of the complaint.

**3.6 *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 Magistrates Court if they are dissatisfied with the decision of Council about their complaint.

However, where a complaint 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.

**3.7 *Sovereign Citizen Complaints***

Council will accept administrative action complaints from all citizens. However, Council is required to act in accordance with legislation passed by the Commonwealth and Queensland Parliaments and the principles of Common Law. As such, complaints that specifically ask Council to recognise or act outside of this legislation or to make decisions that are not in accordance with legislation, are not able capable of any productive investigation.

**4. Record**

4.1 Council officers who receive information that may constitute a complaint will register the information into ECM with a classification of 'Customer Complaint' and refer the information to the Complaints Officer for review, advice and where appropriate, referral.

4.2 The Complaints Officer will record the information in the complaints register and then take responsibility for the coordination of the complaint handling process until the process is concluded, if the complaint is deemed to be an administrative action complaint. Such action will include, but not be limited to, recording the information, assignment of appropriate investigating officer, seeking comment and feedback from other officers if required, advice and updates to complainant if required.

4.3 It is essential that every action and decision made regarding the complaint is recorded against the complaint in ECM. This will ensure access to all relevant complaint information is maintained and available if required in the future for an internal or external review. Recording of this information is the responsibility of the investigating officer.

4.4 The Complaints Officer will contact the Complainant within three (3) business days, either by phone, email or letter to confirm details of the complaint, unless this is not possible (as in the case of an anonymous complaint) or in circumstances where the matter is deemed not to be a complaint or it is possible to resolve it quickly. In the latter case, the Complainant will be sent correspondence explaining Council's actions or decisions regarding their complaint.

4.5 Any requirements for an extension of time must also be communicated to the complainant and recorded in ECM against the complaint.

**5. Assess**

5.1 The Complaints Officer may coordinate, or assist the investigating officer, to collect sufficient information about a complaint so that an assessment of the matter may be made. This should normally occur in consultation with the Manager of the relevant area, unless there is a specific reason why such consultation cannot occur (such as when the complaint may involve those people). It may be possible to action the matter immediately.

5.2 Information obtained at this stage should include:

- the specifics of the complaint (who, what, when);
- the Complainant's desired outcome; and,
- 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.

5.3 Formal acknowledgement of complaint should be sent within three (3) business days from receipt.

5.4 **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.**

5.5 The complainant's human rights should 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

5.6 A person (including employees) who believe their human rights have been breached should complain first to Council. If the person is not satisfied with the response after 45 business days, the person can complain to the Queensland Human Rights Commission.

- 5.7 Once sufficient information has been obtained, the relevant Director, Executive Manager or Manager, with the assistance of the Complaints Officer, should assess whether the matter is a complaint and if it is, then determine an appropriate response.
- 5.8 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 clean up 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)
- comments submitted during formal consultation or negotiations processes or responses to community surveys.

- *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?*

Table 1 in the Complaints Policy 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 Department, 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.

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.

- 5.9 Any matters that are assessed as not being complaints (such as service requests) should be referred back to the relevant department to be dealt with as per Council's usual process for dealing with such issues, ensuring that the target time frames for responding to a service request can still be met. These do not need to be recorded on Council's Complaints Register.

## 6. Respond and Resolve

- 6.1 This stage is to be completed within 25 business days from receipt of the complaint. Extensions to this timeframe may be granted in circumstances where the matter is complex or has an extensive history that requires additional research. Requests for extensions must be in writing and the reasons for the request must be stated.

6.2 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 to take 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; and,
- submit to an Authorised Officer for approval as a decision maker.

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.

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.

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.

#### *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.

## **7. Communicate with the Complainant**

- 7.1 An acknowledgement of the complaint will be sent to the complainant within three (3) business days of receiving the complaint. This will normally be done by the Complaints Officer and will provide contact details of the investigating officer.
- 7.2 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; and
  - complainant's options to have the matter reviewed (see Section 8 below), or referred to an external agency for independent review if the complainant does not agree with the outcome.

## **8. Review process**

- 8.1 If the Complainant is dissatisfied with the outcome of the complaint process or the process itself, they can request a review by the Chief Executive Officer or delegate.
- 8.2 The complainant should request the review within 14 days of receipt of correspondence advising the outcome. Requests received outside this timeframe, will be reviewed at Council's reasonable discretion.
- 8.3 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 CEO.
- 8.4 The Complainant should be advised of the outcome of the review in a similar format to Section 6.

## **9. Report**

- 9.1 A complaint should be formally finalised and closed at the end of the process, with the complete file saved to ECM. 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.
- 9.2 The Complaints Officer will report the following on a quarterly basis to the Chief Executive Officer or other identified person or committee:
- number of administrative action complaints received
  - number of administrative action complaints resolved
  - number of administrative action complaints remaining unresolved from the previous financial year.

## **10. Evaluation and Review**

- 10.1 The Complaints Officer will conduct a regular review of the effectiveness of the Complaints Management Policy and Procedural Guideline.
- 10.2 The review will evaluate the performance of the Procedural 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; and
  - effectiveness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.

## STATUTORY POLICY

### Complaint Procedure

