



# Complaints Management Policy

<b>ADOPTION DATE:</b>	<b>JULY 2019</b>
<b>REVISION DATE:</b>	<b>JUNE 2020</b>
<b>DIVISION:</b>	<b>GOVERNANCE</b>
<b>RESPONSIBLE OFFICER:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
Note: P – Primary Author, S – Secondary Author	

## 1. Authority

- Local Government Act 2009
- Local Government Regulation 2012
- Council's Code of Conduct
- Information Privacy Act 2009

## 2. Objective

This policy has been established to provide a clear process for the handling and resolving of Administrative Action Complaints and Privacy Complaints made against the Council.

## 3. Scope

This policy applies to all Council employees and councillors.

This policy applies specifically to administrative action complaints, as defined below, however Council's Complaints Management Process may be used for all types of complaints. This policy provides guidance for submitting, receiving, handling, investigating, resolving and recording complaints. It covers internal and external complaints against staff and elected members about minor breaches of the Council's Code of Conduct.

## 4. Exemptions

The complaints Management Policy does not cover:

- Requests for service and maintenance;
- Any work related to grievance of another officer or employee;
- Trivial, frivolous or vexatious complaints
- Complaints to which a statutory review process exists; and or / ,
- Official misconduct which should be directed to the CCC (Crime and Corruption Commission Queensland)

## 5. Definition

**Complaint** is an expression of dissatisfaction by a person regarding:

- a decision or other action of the Council; or,
- an alleged minor breach

A complaint is not the same as a request for service, a request for information or inquiry seeking clarification of an issue.

**The Council** refers Lockhart River Aboriginal Shire Council

**Frivolous matter** is a matter which is viewed as trivial, lacking in substance, annoying or designed to cause embarrassment to the subject of the complaint, which is unworthy of serious attention.

**Vexatious complaint** is a complaint intended to, or perceived to intend to cause distress, embarrassment, or to harass the subject of the complaint.

**Minor breach** is a minor breach by a Council of Council's Code of Conduct for Councillors.

**Complaint form** a template provided to the public by Council upon which complaint may be documented.

## 6. Policy Statement

Complaints received by Lockhart River Aboriginal Shire Council will be dealt with fairly and promptly and the lessons learnt used constructively to continuously improve the quality of services provided by the organisation to the people of the Shire.

When addressing complaints, the Council is committed to the following principles:-

### **Compliance**

*The handling of complaints must comply with all the relevant legislation (including but not limited to the Local Government Act, Public Interest Disclaimer Act, the Council's Code of Conduct and policies)*

### **Impartiality**

*Complaints will be dealt with on their merit*

### **Accountability**

*The actions taken to investigate and resolve formal complaints must be recorded and available for scrutiny.*

### **Transparency**

*A summary of complaints by type, number and outcome will be published in the Annual Report.*

### **Responsiveness**

*Complaints will be dealt with at the lowest level in the organisation compatible with a satisfactory outcome. Complaints will be dealt with promptly.*

### **Confidentiality**

*The Council will aim for a level of confidentiality consistent with maintain the privacy and dignity of both complainant and the person complained against, whilst still allowing any necessary investigations to take place.*

## National Justice

*The complaints management process complies with the principles of natural justice so that all parties directly affected by the complaint have an opportunity to present their views and the process is conducted without bias.*

## 7. Responsibility

This policy applies to all Council employees and all Councillors of the Council.

Making a complaint

All complaints must be made in writing using the Council approved complaint form and addressed to the CEO.

By lodging the complaint in writing, this will assist the Council in understanding the nature of the complaint and any outcome sought by the complainant.

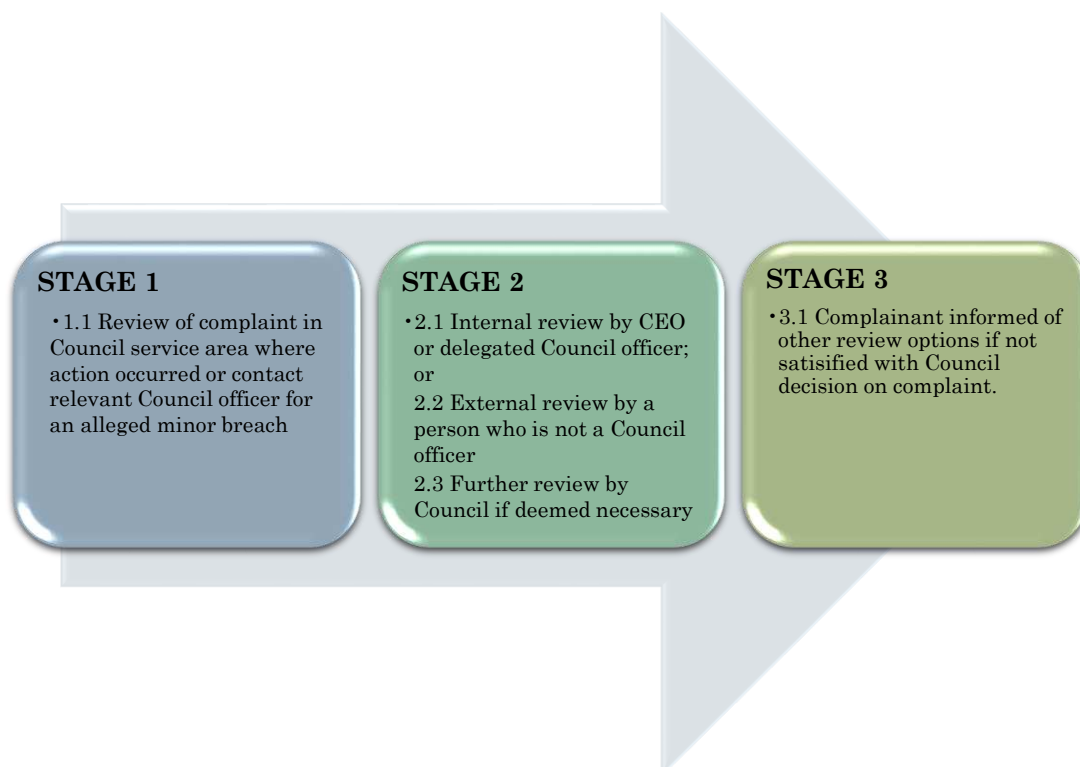
A complaint lodged on behalf of a person by a professional advisor; e.g. solicitor or accountant, will be responded to that advisor.

A complaint lodged by a person as an agent for an affected person, will be responded to directly to the affected person and not to the agent unless a letter of authority instructs otherwise.

Where complaints relate to individual officers or Councillors, regard will be given to the Employees Code of Conduct or Councillors Code of Conduct.

If the complaint contains allegations of criminal, corrupt or serious improper conduct, it will be referred to the CEO for consideration, including whether it should be referred to the relevant authority.

### Complaint handling framework



## **8. Internal and External Review**

An investigation may be taken either by way of internal review or external review.

### **Internal Review**

An internal review of a complaint will be conducted where the action in question was undertaken by a Council officer. The review will be conducted by the CEO.

### **External Review**

An external review of a complaint will be conducted where the action in question was undertaken according to how the Act requires such action be taken.

## **9. Recording a Complaint**

All written complaints will be recorded in a Register of Complaints maintained by the CEO. A summary of complaints by type, number and outcomes will be published in the Council Annual Report.

## **10. Types of Complaints**

Complaints are categorised into:-

- General complaints
- Conduct complaints

A complaint should not be confused with a “request for service”

## **11. Processing of Complaints**

Upon receipt of the complaint, an acknowledgement letter will be sent to the complainant.

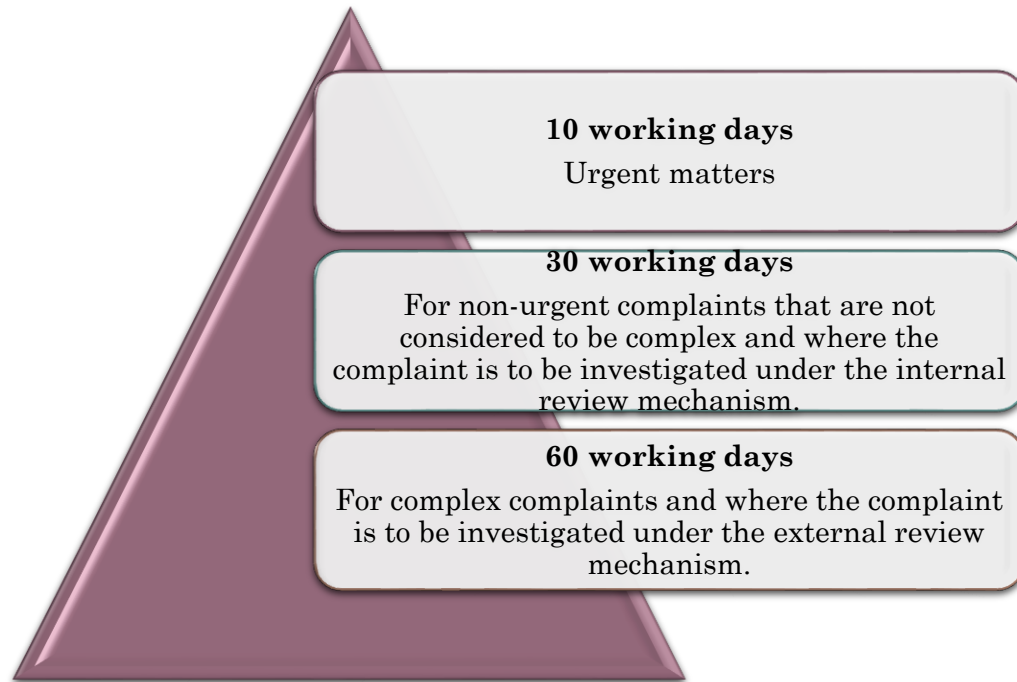
CEO may decide another officer may handle the complaint.

A timeframe for dealing with a complaint will depend on assessment of the following factors by the CEO.

- Urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved.
- The likelihood that the complaint can be quickly resolved.
- The complexity of the complaint issue(s)
- Whether the complaint requires internal review or external review.

## 12. Timeframes

In general terms, the Council will endeavour to meet the following timeframe for dealing with a complaint.



## 13. Investigation and resolution process

Discussion or mediation on any complaint can be taken with a view to resolution. Any outcome reached should be recorded on file at the time it is agreed with the complainant.

If because of the seriousness of the issue or the impact of the complaint means an extensive examination of the complaint is appropriate, the following aspects should be covered as necessary.

- Identifying the nature of the complaint and issue, for investigation by clarifying with the complainant.
- Understanding relevant legislation and policy.

## 14. Remedies

The types of remedies that are appropriate to consider on the original complaint, or on an internal review request are:

- Admission of fault
- Explanation
- Apology
- Change of decision
- Repair / rework / replacement
- Technical assistance or
- Waiver of debt.

## 15. Recording and tracking of complaints

Every three months, commencing from the effective date of the policy and procedures, the CEO as the Council Complaints Officer will complete a report on all complaints received and handled.

Each report will set out the number of complaints received, a brief description of the outcome and details of any service delivery or business improvements effectively flowing from consideration of the complaints.

The CEO will assess the report to see if any systemic problem has been identified or there is any trend to the complaints received and will consider it any further if other action should be taken to change service delivery or improve business activities, services, systems and staff skills.

The CEO will discuss the report with the Council together with any comments relevant to the reports received.

Policy implemented by Chief Executive Officer
Policy commences immediately on adoption by Council
Policy applies to all employees of the Council.

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