



## **COUNCIL POLICY**

<b>POLICY TITLE:</b>	<b>Complaints Management Policy</b>
<b>POLICY NUMBER:</b>	<b>076</b>
<b>INFOXPRT REF:</b>	<b>104109</b>
<b>DATE OF ADOPTION:</b>	<b>21 July 2020</b>
<b>TIME PERIOD OF REVIEW:</b>	<b>1 Year</b>
<b>DATE OF NEXT REVIEW:</b>	<b>December 2023</b>

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### **1. OBJECTIVE**

To formalise the Council process in relation to the receiving, actioning and reporting of complaints.

This policy also sets out procedures for resolving administrative action complaints as required by section 268 of the Local Government Act 2009 and section 306 of the Local Government Regulation 2012.

### **2. SCOPE**

This policy applies to the community and all staff who wish to lodge an official complaint.

This policy applies to all administrative action complaints and the way they are handled.

An “administrative action complaint” has the meaning given to that term under the *Local Government Act 2009*.

Examples of an administrative action include:

- a decision or failure to make a decision, including a failure to provide reasons for the decision in writing;
- making a recommendation.

An administrative action complaint includes complaints that are:

- fixed quickly;
- made verbally;
- made anonymously.

An affected person is someone who appears to be directly affected by an administrative action

of Council.

### 3. RECEIVING A COMPLAINT

When a complaint is first received a Service Request Form is to be completed and forwarded to the relevant officer. If the complainant feels they did not receive the expected outcome or do not agree with the outcome, they may make an official complaint in line with this policy.

Council will accept anonymous complaints, but 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. If an anonymous complaint does not contain sufficient detail, Council may not be able to assess the complaint.

**Verbal complaints** – Verbal complaints can be received over the phone or in person. If possible, complaints should be resolved at this first point of contact. If the complaint has been resolved at the first point of contact, there is no need to record the complaint. If not, the Officer receiving the complaint should endeavour to:

- Obtain the complainant's name and contact details
- Document basic details of their complaint (when, where, what and who it involved); and
- Identify the complainant's desired outcome
- The complainant must complete and sign the complaints form. If over the phone the employee may sign on their behalf with a note "over the phone".

**Written complaints** – If a complaint has been received via email, Council will endeavour to notify the complainant within 24 hours that the complaint has been received will endeavour to notify the complainant within 24 hours that the complaint has been received. A complaints form will be provided for them to complete and return to Council.

If the complaint has been received by letter, Council must attach it to the complaints form. This can be enough evidence for a signature by the complainant.

**Referral by External Agencies** – All correspondence received from external agencies such as Queensland Ombudsman, Department of State Development, Infrastructure and Planning or the Crime and Corruption Commission is to be reviewed by the Chief Executive Officer (CEO).

Once reviewed the CEO will forward the complaint onto relevant staff to action the complaint.

Council will ensure administrative action complaints are treated with sensitivity and take into account any special needs of the complainant.

Council may refuse to deal with a complaint if the complaint is considered to be frivolous or vexatious. If a complaint is identified as such it will be managed in accordance with this policy. For the purpose of this paragraph:

- (a) **A frivolous complaint** means a complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.
- (b) **A vexatious complaint** means a complaint which is considered to be pursued without merit and intends to cause inconvenience, harassment or expense to Council and/or employees.

### 4. ASSESSMENT OF COMPLAINT

The initial assessment is to be completed within three (3) business days from receipt of the complaint. The relevant Officer will coordinate the collection of sufficient information in regard

to the complaint to allow an assessment of the matter to be made. This will occur in consultation with the Director 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.

Consideration should always be given to contacting the Complainant, preferably by telephone or written correspondence (as evidence), to seek further clarity about their complaint and their desired outcome.

Matters involving suspected corrupt conduct must be reported to the Crime and Corruption Commission (CCC) in accordance with the Crime and Corruption Act 2001.

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.

## **5. RECORDING A COMPLAINT**

Once a complaints form has been lodged, the Officer receiving the complaint will forward it onto the Records Officer.

The Records Officer will record the complaint in the Complaints Register and then forward it onto the relevant officer.

The relevant officer will document any information available and follow up on the complaint until concluded. It is essential that every action and decision made regarding the complaint is recorded in the complaints database.

When the complaint process has concluded, the information is forwarded onto the Records Department to add to the Records Management system.

## **6. RESPOND AND RESOLVE**

When a complaints form has been received, the relevant Officer will endeavour to notify the complainant by writing within three (3) business days of receipt of the complaints form.

The relevant Officer will endeavor to send a follow up letter or notice of completed complaint within ten (10) business days from the date the complaint was received by Council and any further information or clarity requested by the Officer in accordance with item 4 of this Policy.

If the complaint cannot be solved within the ten-day period, Council will advise the complainant of an estimated timeframe in writing.

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.

## **7. 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 CEO or their delegate.

The complainant must request the review within fourteen (14) days of receipt of correspondence advising the outcome.

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.

The Complainant should be advised of the outcome of the review in a similar format to Section 6.

A person may at any time refer their matter of concern to an external agency (for example, the Queensland Ombudsman or the Crime and Corruption Commission), including if they are dissatisfied with the outcome of any complaint process review.

## **8. RESPONSIBILITIES OF COUNCILLORS**

If a Councillor receives a complaint from a community member, the Councillor must advise the complainant to speak with either Council's Administration or with the CEO.

## **9. EXTERNAL REPORTING**

Council's annual report will contain information about Council's administrative action complaints as required by section 187 of the Local Government Regulation 2012.

## **10. HUMAN RIGHTS**

Where Council receives a complaint that is a human rights complaint within the meaning of the Human Rights Act 2019, Council will apply the Human Rights Act 2019 to its assessment of that complaint.

## **11. ASSOCIATED POLICIES / FORMS**

Complaints Form located in H Drive – Forms.  
Richmond Shire Council Website

## **12. REFERENCES**

*Human Rights Act 2019*  
*Local Government Act 2009*  
*Local Government Regulation 2012*

## **13. APPROVAL**

Adopted at the 17 January 2023 Council Meeting.