



# BOULIA SHIRE COUNCIL

## Complaints Management Policy and Process

<b>Category:</b>	Policy
<b>Policy Number:</b>	127
<b>Document Version:</b>	Version 3
<b>Obsolete Version:</b>	3 <sup>rd</sup> July 2020
<b>Keyword Classification:</b>	Complaints Management
<b>Summary:</b>	This policy provides guidance on the process of handling administrative action complaints
<b>Adoption Date:</b>	18 <sup>th</sup> August 2023
<b>Resolution:</b>	2023/8.9
<b>Due for Revision:</b>	Every three years or as impacted by legislation
<b>Revision date:</b>	18 <sup>th</sup> August 2026
<b>Date revoked:</b>	n/a
<b>Related documents:</b>	Policy 128 - Public Interest Disclosure Policy and Procedure
<b>Responsible Section:</b>	Executive
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Legislation and reference documents:</b>	Crime and Corruption Act 2001 Human Rights Act 2019 Industrial Relations Act 2016 Information Privacy Act 2009 Public Interest Disclosure Act 2010 Public Sector Ethics Act 1994 Public Sector Act 2022 Code of Conduct for the Queensland Public Service Discipline Guideline (Directive 05/23) Appeals Directive (Directive 04/23) Individual employee grievances (Directive 11/20) AS 10002:2022 Guidelines for complaint management in organizations Queensland Government human rights resources Local Government Act 2009 Local Government Regulation 2012

## **POLICY:**

Bouliia Shire Council is committed to providing a level of customer service that does not attract complaints however, acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint.

Council is therefore equally committed to providing an effective resolution to all complaints received and undertakes to make sure that complaints about administrative actions of Council or Council employees will be resolved in a fair, efficient, consistent and timely manner, strengthened by principles of natural justice and procedural fairness.

Section 268 of the *Local Government Act 2009* (LG Act), requires Council to establish a Complaints Management Process for resolving administrative action complaints and this process must include elements contained in Section 187 of the *Local Government Regulation 2012*.

## **POLICY OBJECTIVE**

The Complaints Management Policy and Process provides the framework for the effective management of complaints received by Bouliia Shire Council.

The objectives of this policy are:

- To capture and record all complaints;
- To provide a clear administrative process for the management of complaints received from affected persons from receipt to resolution;
- To provide an effective, efficient, sustainable, consistent and transparent process for the management of complaints in accordance with legislative requirements and with regard to the framework of natural justice and procedural fairness;
- To facilitate the use of information obtained from the Complaints Management Process to improve customer service and service delivery;
- To build the capacity of staff to effectively manage complaints in an environment of continuous improvement;

The complaints process has been instituted to ensure that, to the greatest practical extent, any complaint is dealt with fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant. To this end, the Council will endeavour to ensure that:

- People with particular needs are assisted – for example people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices.
- Complainants will not suffer any reprisal from Council or its officers for making a complaint.
- Complaints are responded to as quickly as possible and in accordance with the timeframes set out in the complaints process.

- Complaints are properly monitored with a view to continuous improvement of the Council's business processes.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any statutory right of review and, if they request, be provided with details of any further review mechanism that is available.

Council will use the complaint management process to deliver excellence in customer service, encourage open and honest communication and encourage continuous improvement. The process is aimed at improving the community's confidence in Council's complaints management system and enforcing Council's reputation of being accountable, open and transparent.

## SCOPE

This policy applies to all employees of the Council and non employees including contractors, consultants, volunteers, Councillors and any other person or entity who may provide the Council with services on a paid or voluntary basis and deals with administrative action complaints only. Section 268(2) of the LG Act, defines an administrative action complaint as a complaint that –

- (a) is about an administrative action of a local government, including the following, for example -
  - (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
  - (ii) an act, or a failure to do an act;
  - (iii) the formulation of a proposal or intention;
  - (iv) the making of a recommendation; and
- (b) is made by an affected person.

Section 268(3) defines an affected person as a person who is apparently directly affected by an administrative action of a local government.

This policy does not apply to:

- General Customer requests (for example a complaint about a barking dog), a suggestion or proposed service improvement, a follow up or further request for a service that has not been completed by Council but is still in the timeframes advised to the customer, reports of damage or faulty infrastructure such as roads or fallen branches.
- Complaints about a resolution of Council. Such matters may be referred by a complainant to the elected members.
- Complaints regarding National Competition Policy or competitive neutrality issues.
- Complaints made under the *Public Interest Disclosure Act 2010*.
- A complaint about corrupt conduct that should be directed to the Crime and Corruption Commission;
- Complaints about the conduct and performance of Councillors.

## **LODGING A COMPLAINT**

The Complaints Management Policy and Process will be readily accessible to and able to be understood by all people, including those with special needs. Information about the complaints process is available on Council's website and at the Council Administration Office.

Complaints may be lodged using the online complaints form or a formal complaints form which can be obtained from the Council Administration Office. All complaints are to be submitted in writing. Completed forms can be submitted:

By mail to	Chief Executive Officer Boulia Shire Council 18 Herbert Street Boulia QLD 4829
Email to	admin@boulia.qld.gov.au
In person at	Boulia Shire Council Administration Office Herbert Street Boulia QLD 4829

## **KEY PRINCIPLES - COMPLAINTS MANAGEMENT PROCESS**

Wherever possible, Council will aim to resolve a customer's complaint at the customer's first point of contact with Council. Should this not be achievable, the following process will serve as a guide on how the complaint will be processed.

### **Consideration of human rights**

Council decisions and actions can impact upon an individual's human rights, in either a positive or negative way. The Council will consider human rights in all decision-making and action and will only limit human rights in certain circumstances and after careful consideration.

### **Visibility**

Information about how and where to complain to the Council will be well publicised for customers, employees and other interested parties (e.g. through the Council's website and in contracts).

### **Accessibility**

- The complaints management process will be easily accessible to all complainants through readily accessible information about the process and flexibility on the process for making complaints (e.g. complainants may make complaints by telephone, mail, email or online).
- The complaints management process and supporting information (such as procedures) will be easy to understand and use.
- Complainants will have access to the complaint's management process free of charge.
- Complaints made anonymously, or through an authorised agent, will be recognised and assessed in the same manner as any other complaint.

- Reasonable assistance to make complaints will be provided to complainants with special needs so that no complainants are disadvantaged.
- All reasonable steps must be taken to ensure that a complainant is not subject to reprisal.

## **Responsiveness**

- Complaints will be acknowledged promptly.
- Complaints should be informally resolved at the first point of contact wherever possible, at the lowest level possible (e.g. frontline staff or manager level).
- Each complaint will be acknowledged and recorded within Council's Register of Complaints and the complainant provided with a complaint number and finalised as quickly as possible.
- Where a complaint cannot be resolved within 10 business days, the Receiving Officer will negotiate with the complainant a timeframe for the resolution of the complaint.
- All complaints will be treated with appropriate respect for the confidentiality and privacy of the complainant, subject of the complaint and officers involved. Publication of information relating to complaints about Council Officers will be limited to that prescribed by legislation.
- Complainants will be kept informed of the progress of the handling of their complaint, the timing of its handling and the outcome of their complaint (subject to the principles of the *Information Privacy Act 2009*).

## **Assessment and Action**

All complaints will be assessed without undue delay and investigated with regard to the framework of natural justice and procedural fairness where appropriate.

The investigation and assessment of a complaint may take some time dependent on its complexity and severity.

Anonymous complaints will be recorded and assessed in accordance with this Complaints Management Process. Where a complaint cannot be actioned without further information or if the complaint is determined as being frivolous or vexatious, the decision to take no further action and the reasons for the decisions will be recorded with the complaint.

Council will co-operate fully with any investigating authority charged with dealing with a complaint, e.g. the Queensland Ombudsman or Crime and Corruption Commission.

## **Confidentiality**

Complaints will be managed in a manner that protects privacy and confidentiality to the extent possible under the law and subject to requirements of natural justice.

## Feedback

Subject to the provisions of the *Information Privacy Act 2009* complainants will:

- be advised of the outcome of their complaint as soon as possible after a decision is made;
- be given reasons for any decision made;
- be advised of their right to a review of the decision utilising either or both, internal or external avenues

## Continual improvement

Complaints and complaints management trends will be analysed periodically to assist Council to identify and understand trends and business improvement opportunities.

Council's systems, this policy, the associated guidelines and legislative requirements will be reviewed periodically to maintain best practice. Complaints that give rise to a possible business improvement will be communicated to the relevant section Manager.

Council will periodically review reports generated from the complaints management system to:

- determine the effectiveness of the policy and associated guidelines;
- assess the application of the policy and associated guidelines;
- analyse trends to identify and recommend improvements to processes, staff training and policy and procedures.

If there is any conflict between this policy, the requirements of the *Local Government Act 2009* or any other relevant legislation, the legislative requirements will take precedence.

## TYPES OF COMPLAINTS

The Council has obligations to deal with various types of complaints. The relevant procedure or legislation governing the management of the complaint, are shown below. Note that complaints may fall within one or more of the following types.

Type of complaint	Complaint governed by
<b>Human rights complaint</b>	<ul style="list-style-type: none"><li>• Human rights complaint procedure</li><li>• <i>Human Rights Act 2019</i></li></ul>
<b>Customer complaint</b>	<ul style="list-style-type: none"><li>• Customer complaint procedure</li><li>• Public Sector Act 2022, Part 9</li></ul>
<b>Employee complaint</b>	<ul style="list-style-type: none"><li>• Managing employee complaints procedure</li><li>• Directive relating to managing employee complaints</li><li>• Directive relating to appeals</li><li>• Discipline guideline</li></ul>

<b>Privacy complaint</b>	<ul style="list-style-type: none"> <li>• Privacy complaint procedure</li> <li>• <i>Information Privacy Act 2009</i></li> </ul>
<b>Complaint about the Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>• Complaints about the CEO</li> <li>• <i>Crime and Corruption Act 2001</i></li> </ul>
<b>Complaint comprising allegation/s about (or including information giving rise to a reasonable suspicion of) corrupt conduct</b>	<ul style="list-style-type: none"> <li>• Corrupt conduct procedure</li> <li>• <i>Crime and Corruption Act 2001</i></li> <li>• The complaint may be referred to the Crime and Corruption Commission (CCC) for investigation or investigated by the department and reported to the CCC if required under the <i>Crime and Corruption Act 2001</i></li> </ul>
<b>Complaint assessed as a public interest disclosure (PID) in accordance with the <i>Public Interest Disclosure Act 2010</i></b>	<ul style="list-style-type: none"> <li>• PID procedure</li> <li>• Public Interest Disclosure Act 2010</li> </ul>

## RESPONSIBILITIES AND ACCOUNTABILITIES

<b>Role</b>	<b>Responsibilities</b>
<b>All employees</b>	<ul style="list-style-type: none"> <li>• Be familiar with the Council's complaints management policy and procedures and assist people to access the complaints process</li> <li>• Receive and action complaints in accordance with this policy and applicable procedure and seek advice from the Ethics unit if in doubt</li> <li>• Respond to constructive feedback as an opportunity to improve</li> <li>• Proactively report conduct of employees that is inconsistent with the public service values and Code of Conduct, including information giving rise to a reasonable suspicion of corrupt conduct, to the CEO</li> </ul>
<b>Managers and supervisors</b>	<ul style="list-style-type: none"> <li>• Ensure employees under their supervision are aware of the Council's complaints management policy and procedures and can assist people to access the complaints process</li> <li>• Encourage, demonstrate and model ethical conduct in their teams/units</li> <li>• Proactively identify workplace issues and inappropriate employee conduct and performance</li> <li>• Cultivate a work environment where employees and customers are empowered to give feedback</li> <li>• Promote a workplace culture where customer feedback and complaints are taken seriously and inform continuous improvement</li> </ul>
<b>Delegate</b>	<ul style="list-style-type: none"> <li>• Exercise delegated powers in accordance with all relevant statutory provisions, policy, directives and principles of procedural fairness</li> </ul>



<b>Ethics</b>	<ul style="list-style-type: none"> <li>• Act as a central referral and coordination point for the employees, customers and the public on the requirements of this policy and associated procedures</li> <li>• Promote requirements of this policy and associated procedures and implement appropriate awareness initiatives for employees</li> <li>• Review, monitor, and report on complaints to ensure they are appropriately managed</li> <li>• Receive, assess, refer and/or case manage, monitor and report on complaints in accordance with this policy and applicable procedures, to ensure complaints are appropriately managed within the department</li> <li>• Analyse, evaluate and audit complaints and their outcomes in order to support quality improvements</li> </ul>
<b>Director of Corporate Services (DCS)</b>	<ul style="list-style-type: none"> <li>• Act as the department's liaison officer to refer complaints and information giving rise to a reasonable suspicion of corrupt conduct to the CCC (as appropriate)</li> <li>• Actively case manage complaints where appropriate</li> <li>• Coordinate management of cases involving public interest disclosures (PIDs)</li> <li>• Monitor and report on complaints to ensure they are appropriately managed</li> <li>• Manage the discipline process</li> </ul>
<b>Human Resources (HR)</b>	<ul style="list-style-type: none"> <li>• Act as a referral and coordination point for employee complaints</li> <li>• Case manage employee complaints (in consultation with the DCS and CEO)</li> <li>• Ensure any discipline process activities are recorded appropriately</li> </ul>
<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"> <li>• Ensure the department has established and implemented systems for dealing with complaints (including customer complaints)</li> <li>• Ensure systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action in relation to a PID.</li> </ul>