

Council Policy

Complaint Management

Policy Reference Number	CP00019	Adoption Date	28/08/2024
Portfolio	Council Sustainability	Next Review Date	28/08/2027
Business Unit	Governance and Assurance	Document ID	10974992

1. Purpose / Objective

The objectives of this Policy are to:

1. establish Council's commitment to ethically, fairly, transparently, and compliantly manage and resolve complaints;
2. satisfy legislative obligations by establishing a complaints management process for resolving complaints pursuant to the *Local Government Act 2009*;
3. facilitate the recognition of a customer's right to complain, comment or make suggestions about the decisions made by Council; and
4. promote a positive customer focused approach to complaint management.

2. Scope

This Policy applies to complaints received from Complainants about:

- Administrative actions of Council;
- Competitive neutrality; and
- Workers behaviour and conduct as it applies .

This Policy does not apply to Other Complaints as outlined in section [4.2](#) of this policy.

This Policy applies to all Workers.

3. Responsibility

The Principal Specialist Governance and Assurance is responsible for ensuring this policy is understood and adhered to.

The Complaint Officer is responsible for reviewing, investigating and responding to the complainant in relation to their complaint.

4. Policy Statement

Council is committed to managing all complaints:

- In a timely, efficient, effective, economical, fair and objective way;
- With confidentiality and due respect; and
- In accordance with the requirements of the following:
 - *Local Government Act 2009*;
 - *Local Government Regulation 2012*;
 - *Human Rights Act 2019*;
 - *Information Privacy Act 2009*;
 - the Administrative Action Complaint Management Corporate Procedure;
 - The Competitive Neutrality Corporate Procedure;
 - Insurance Policies and Claims Administrative Policy; and
 - AS10022:2022 Guidelines for complaint management in organisations.

Council will endeavour to provide services and to conduct its operations in accordance with community expectations, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about any decision, action or inaction by the Council or a Council officer.

In support of its Corporate Values and the Local Government Principles, Council:

- Is committed to managing complaints in a responsive, efficient, effective, fair and economical way;
- Acknowledges the right of the public and its staff to complain when dissatisfied with a service, and encourages feedback from customers, clients, staff and the public generally;
- Expects staff to be 'complaints friendly' and not defensive or negative about feedback and complaints; and
- Recognises that properly handled and analysed complaints and feedback help Council to improve its business processes. (Time spent on good management of complaints is therefore an investment in better service to the public);
- Accepts that there is significant public interest in Council responding appropriately to complaints about its decisions and actions. (As a public agency, Council is expected to act fairly and reasonably in making decisions that affect individuals or the community, as well as being accountable for its decisions).

4.1. COMPLAINT MODEL

Council will follow a three tier complaint handling model in relation to Complaints.

1. Level 1 - Initial Complaint Handling;
2. Level 2 - Internal Review; and
3. Level 3 - External Review.

If a Complainant is seeking a review of a PIN or Insurance claim only Level 1 review will be available. Should the complainant be unhappy with the decision they can elect for the matter to be heard in Court.

Claims for Damage against Council will be handled in accordance with the Insurance Policies and Claims Administrative Policy.

Council will accept anonymous complaints however, the complaint may not be able to be fully investigated if contact information has not been provided.

Council will strive to ensure that:

- Its complaints processes enable anyone affected by and dissatisfied with a decision, action or inaction of the Council or a Council officer to easily and simply lodge a complaint;
- Persons wishing to lodge a complaint are provided with information on the Complaints Process and, if necessary, assistance to make their complaint;
- Complaints are accepted in a professional and respectful manner and valid feedback is welcomed;
- Each complaint is assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- Complaints are responded to within appropriate timeframes;
- Complainants are advised of any statutory or other right of review if they are not satisfied that their complaint has been satisfactorily resolved;
- Complainants will not suffer any reprisal from Council or a Council officer for making a complaint; and
- Complaints are properly monitored with a view to continuous improvement of Council's performance and service standards.

4.2. OTHER COMPLAINTS

Complaints received that would otherwise have been dealt with under this policy, that are identified as having similarities of a kind that would require investigation under other relevant legislation, will not be handled in accordance with this policy.

Complaints managed under other relevant legislative processes including human rights complaints, Councillor complaints, privacy complaints, corrupt conduct, public interest disclosures, internal employee grievances or contractual disputes will be investigated and responded to in accordance with their relevant policies, guidelines and procedures.

Frontline complaints that are resolved immediately or requests for service, where Council have not been provided an opportunity to respond will not be considered as part of this policy. These will not be reported as part of the Council's annual report process.

4.3. UNREASONABLE COMPLAINANT CONDUCT

Workers, Councillors, complainants, and all other members of the public have a right to dignity, physical and mental safety and respect. Council understands that a complainant may be unhappy or dissatisfied with a decision or service Council has provided however the Council also has an obligation to ensure the safety of all involved.

A small number of complainants can act quite unreasonably in seeking to have their concerns addressed by Council. Where the actions of a Complainant are identified below, Council will consider that conduct unreasonable:

1. Unreasonable Persistence;
2. Unreasonable Demands;
3. Unreasonable Lack of Cooperation;
4. Unreasonable argument; and
5. Unreasonable behaviours.

If the conduct is considered unreasonable the complaint may still be addressed however the Council may also decide to restrict the Complainants access to Council services and or place the person on a communications plan. Note nothing in this policy limits the capacity and legal requirement of Council to take appropriate action where the circumstance requires.

4.4. REPORTING

Complaints may be lodged with Council either:

- by email: mail@scenicrim.qld.gov.au ;
- by fax: 07 5540 5103;
- in person to Council Service Centres;
- in writing to:
 - Chief Executive Officer
 - Scenic Rim Regional Council
 - PO Box 25, BEAUDESERT QLD 4285.

Council understands that complainants may wish to provide their complaint verbally and in line with the accessibility guiding principles Council will proactively assist a complainant where possible.

Complaints made through social media will be considered general commentary and not considered complaints. Should an individual raise a concern through social media they will be encouraged to contact Council via the methods above.

4.4.1. Annual Report

Council will report all Administrative Action Complaints in the Annual Report. Any early resolution front line complaint handling will not be included as part of this reporting.

5. Definitions

Administrative action complaint is 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.

Affected person means a person as follows:

- (a) for an *administrative action complaint* - a person who is apparently directly affected by an administrative action of a local government.
- (b) for an *workers behaviour and conduct complaint* - a person not employed by Council who is apparently directly affected by the actions of the particular worker.
- (c) for a competitive neutrality complaint a person who:
 - (i) competes with the local government in relation to the business activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
 - (iii) a person who:

1. wants to compete with the local government in relation to the business activity; and
2. claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.

Competitive neutrality complaint is a complaint that:

- (a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and
- (b) is made by an affected person.

Competitive neutrality principle means an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.

Complaint means an expression of dissatisfaction made to or about Council, relates to the products, services, workers or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complaint Officer means the person appointed to investigate a complaint made under this policy and any Worker who accesses the recognised Complaint Management System.

Complainant means the affected person as defined above.

PIN means Penalty Infringement Notice

Sovereign Citizens means an individual who rejects legitimate government authority including local government. Sometimes also referred to as freemen, non-resident aliens or travelling vessels.

Unreasonable complainant conduct means any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process as outlined in Australian Standard 10002:2022. Examples of unreasonable complainant conduct can include unreasonable persistence; unreasonable demands; unreasonable lack of cooperation; unreasonable arguments; and unreasonable behaviour.

Worker/s means Council employees (including those engaged via an Individual Employment Agreement or for a maximum term), contractors and sub-contractors (including employees of contractors and sub-contractors), employees of labour hire companies, apprentices and trainees, work experience students, and volunteers at Council.

6. Related Legislation/Documents

Administrative Action Complaints Management Corporate Procedure

AS10022:2022 Guidelines for Complaint Management in Organisations

Competitive Neutrality Complaints Management Corporate Procedure

Judicial Review Act 1991

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Council Policy

This Policy supports the Scenic Rim Regional Council Corporate Plan 2026, in particular theme - Open and Responsive Government

7. Version Information

Version No	Date	Key Changes	Approved by
1	21/06/2011	14/06/2011 Corporate Community Services Item 1.5 Proposed Policy 21/06/2011 Ordinary Meeting Item 5	Scenic Rim Regional Council
2	28/01/2014	14/06/2011 Corporate Community Services Item 1.5 Proposed Policy 21/06/2011 Ordinary meeting Item 5	Scenic Rim Regional Council
3	09/12/2014	01/12/2014 Corporate & Community Services Committee Item No. 3.1; 09/12/2014 Ordinary Meeting Item No. 6	Scenic Rim Regional Council
4	26/11/2018	20/11/2018 Corporate Community Services Item 3.3; Redrafted into new policy template and adoption of new guideline 26/11/2018 Ordinary meeting Item No. 6	Scenic Rim Regional Council
5	26/08/2024	Ordinary Meeting Item No.11.10; Review and amended to address external audit findings.	Scenic Rim Regional Council