

Administrative Action Complaints Management

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Business Unit	Governance and Assurance	Document ID	12782175

1. Objectives

The objectives of this Corporate Procedure are:

1. to outline Council's process when ethically, fairly, transparently, and compliantly managing and resolving complaints;
2. satisfy legislative obligations pursuant to section 268 of 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 corporate procedure applies to the management of the following complaints:

- Administrative Action Complaints; and
- Worker behaviour and conduct.

Matters raised relating to other forms of complaints, including action requests are managed according to their particular associated complaint management processes.

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 corporate procedure.

3. Responsibility

The Principal Specialist Governance and Assurance are responsible for ensuring this Corporate Procedure is understood and adhered to.

4. Procedure

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 Council or a Worker. When responding to these communications it should be done in line with the Customer Charter

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Commitments.

Council has adopted a three tier complaint handling model:

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

4.1. COMPLAINT MANAGEMENT PROCESSES

Complaint processes shall promote:

- Natural justice;
- Timeliness;
- Tracking and monitoring; and
- Feedback and resolution.

4.2. UNREASONABLE COMPLAINANT CONDUCT

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.

Nothing in this procedure limits the capacity and legal requirement of Council to take appropriate action where the circumstance requires.

4.2.1. Unreasonable Persistent

Conduct will be considered unreasonably persistent where the complainant actions include the following:

- Refusal to accept the final decision;
- Persisting with issues despite advice to the contrary;
- Making excessive calls, sending excessive emails; and/or
- Supplying excessive volumes of documents.

4.2.2. Unreasonable Demands

Unreasonable demands include insisting on outcomes that are unattainable, changing the objectives of the process or demanding to have a matter dealt with in a particular way. Examples include:

- Demanding more reviews that provided for in this corporate procedure
- Demanding a different outcome without demonstrating the error in the original decision
- Demanding the decision maker change their decision regardless of evidence

4.2.3. Unreasonable Lack of Cooperation

Where a complainant fails to engage with the Council, provides disorganised, excessive or irrelevant information, an unwillingness to consider other viewpoints or refuses to define the issues or concerns Council may consider the conduct unreasonable on the basis of lack of cooperation.

4.2.4. Unreasonable Arguments

The conduct of a complainant may be considered under this section where:

- Arguments include irrational cause and effective;
- The complainant holds conspiracy theories unsupported by evidence; or
- Illogically interpreting facts or laws.

4.2.5. Unreasonable Behaviour

This behaviour includes any of the following:

- Aggression;
- Extreme anger;
- Threats; or
- Other violent conduct.

Examples include making threats of self-harm, threats against the complaint decision maker or third parties or making baseless attacks on the intentions, motivations, ethics or conduct of complaint handlers or the use of abusive language.

In conjunction with the *Exclusion from Council Facilities Corporate Procedure* all Workers have the authority to:

1. Request a person cease the unacceptable behaviour; and if necessary,
2. Impose a one day exclusion from any Council facilities.

A Manager or General Manager has the authority to exclude a person from Council facilities for up to 3 months and the CEO can authorise exclusion for any period including permanently.

4.2.6. Dealing with Unreasonable Complainant Conduct

Council Workers who engage with complainants must ensure the following strategies are followed when dealing with unreasonable complainant conduct:

1. Protect health and safety;
2. Ensure reasonableness and fairness; and
3. Improve effectiveness and efficiency.

Upon conclusion of an engagement with an Unreasonable Complainant a Worker must contact their direct supervisor to escalate the matter to Governance and the CEO.

It is strongly recommended that a file note is made as soon as possible after the incident and where appropriate a record in the WHS system is also made.

4.3. LEVEL 1 INITIAL COMPLAINT HANDLING

A complaint at this stage will be handled by the relevant business unit and follow the seven customer complaint management stages:

1. Stage 1 - Receipt
2. Stage 2 - Assistance
3. Stage 3 - Acknowledgement
4. Stage 4 - Assessment
5. Stage 5 - Response
6. Stage 6 - Reporting
7. Stage 7 - Learning and Improvement

Frontline complaints are outside the scope of corporate procedure and

4.3.1. Stage 1 - Receipt

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.

Administrative action complaints may also be made verbally to an on-duty Council Administrative Officer, other than complaints of a complex or detailed nature which may require detailed investigation and analysis of the facts presented. These complaints must be made in writing or as outlined in 4.3.2.

Persons who display unreasonable complainant conduct may be required to submit their concerns to Council in writing.

Anonymous complaints will be accepted however such anonymity may inhibit Council obtaining further particulars regarding the subject matter or providing feedback to the complainant.

Upon receipt of the complaint it will be recorded in compliance with the *Record Keeping Act* and the *Record Keeping Council Policy* and provided to both Governance and the relevant business unit for progression through the stages.

4.3.2. Stage 2 - Assistance

Council acknowledges that some complainants may find the lodgement of a complaint difficult due to the diverse needs, abilities and personal circumstances of the community. Where requested, Council will provide appropriate assistance to persons with language or physical disabilities which inhibit their capacity to formally lodge a complaint.

Council understands that not all complainants will be able to provide their complaint in writing and may wish to lodge the complaint verbally. This must be done to an on-duty Council Administrative Officer however the mechanism of the lodgement can be altered depending on the particular circumstances.

As outlined above, if the matter is of a complex or detailed nature which may require detailed investigation and analysis of the facts presented, Council will initially request the details in writing.

Where a customer requests lodgement of a verbal complaint the Administrative Officer will provide all reasonable assistance the complainant to complete a complaint form. This may include completing the form on their behalf, reading the form to them, providing them a copy of the policy and this corporate procedure or provide details of another agency that may be able to provide interpretation or translation services.

4.3.3. Stage 3 - Acknowledgement

Council will provide an acknowledgement back to the complainant as outlined in this corporate procedure. For clarity Governance and Assurance will provide the acknowledgement on behalf of the business unit. All further correspondence during this level will be the responsibility of the relevant business unit.

An acknowledgement will be provided to the Complainant in the same manner in which the complaint was made unless stipulated in the correspondence. In most instances this will be via email. The correspondence should include the following:

- Acknowledgement of the complaint
- Reference number (where applicable)
- The complaint details and any interpretations or assumptions Council has made.
- Contact details of the decision maker
- The Council process including relevant timeframes.

Templated emails and letters have been created to provide guidance on these matters.

Timeframes will be in accordance with the legislation however if silent an acknowledgement will be provided within 3 business days of the receipt of the complaint.

An anonymous complaint may not be acknowledged and no further correspondence will be entered into.

4.3.4. Stage 4 - Assessment

An initial assessment will be conducted by Governance and Assurance in conjunction with the issuance of the acknowledgement. However, it is the responsibility of the relevant business unit to perform an initial assessment and triage the work in accordance with the policies and procedures of Council. Communication with the Complainant should be maintained throughout the assessment stage.

Complaints focused predominantly on the conduct of an employee will be sent to Human Resources in the first instance. If the conduct is substantiated it will follow the usual Disciplinary Policy.

Where the works are not in the scope/action of Council a referral should be made to the appropriate department and the complainant notified. This should include reasons and details of the referral.

Complaint Officers should exercise their relevant delegation as Complaints Officers and perform investigations into the complaint made. Evidence and information should be gathered in accordance with the policy and AS 10002:2022 Guidelines for complaint management in organizations.

All records made should be kept in accordance with the *Public Records Act 2012*.

4.3.5. Stage 5 - Response

At the completion of all complaint assessments and investigations Council will provide the complainants with an outcome of their complaint. Templates have been developed to assist in the structure and detail of such correspondence.

Noting that the personal information contained within the complaint will be managed in accordance with the *Information Privacy Act* 2012. This may result in Council's inability to provide certain information regarding the outcome.

4.3.6. Stage 6 - Reporting

Governance will perform regular analysis of the complaint data including any identified trending throughout the organisation. Reporting will be made to the CEO and Audit and Risk Committee on a regular basis.

In accordance with the obligations under the annual report Governance will also provide the relevant data for all Administrative Action Complaints including the following mandatory fields.

1. All AAC received in the financial year;
2. All AAC not yet finalised; and
3. Any AAC from the previous financial years that have not yet been completed.

4.3.7. Stage 7 - Learning and Improvement

Council accepts that continuous improvement is an essential part of the Complaints Management Framework and will strive to learn from and improve the process wherever possible. Where a trend is identified the relevant General Manager will undertake further analysis to determine any growth opportunity available to Council.

4.4. LEVEL 2 INTERNAL REVIEW

Please note: This level of review will not be available to those who are seeking a review regarding a PIN.

A Complainant dissatisfied with the outcome of their complaint under Stage 1 (above) may request a review of the decision. The Complainant must provide their reasons why the Council should review the decision and any evidence of their position. Failure to provide such detail may curtail the investigation.

Review requests will be referred to Council's Governance section for detailed investigation and report to the Chief Executive Officer who will then make a Level 2 decision.

Council's Governance section may curtail investigation of complaints where they deem:

- the complaint is trivial, frivolous or vexatious;
- the complaint has been made by a person with no direct interest in the matter;
- the complaint is a matter which has not been pursued by seeking a more reasonable remedy; or
- investigation would be an unnecessary or unjustifiable use of resources.

Within 10 days of receiving a Level 2 complaint, Council's Governance section will provide the complainant with an acknowledgement notice advising when it is anticipated that a review decision will be provided. That proposed decision date will be within 60 days of acknowledgement.

Following completion of the review, the Decision Maker will provide the complainant with:

- advice of their decision;
- reasons for that decision; and
- advice of the complainant's right to make a Level 3 Appeal.

4.5. STAGE 3 - EXTERNAL REVIEW

A person dissatisfied with a decision made under the Level 2 review process may submit an appeal to the Queensland Ombudsman (Ombudsman). The Information on how to contact the Queensland Ombudsman will be provided to the complainant with the Level 2 response. The Ombudsman will liaise with both the complainant and the Council.

Council undertakes to participate in these reviews in an open and transparent manner with a growth mindset.

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.

Business activity: of a local government, means trading in goods and services 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.

Under the **competitive neutrality principle**, 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.

Complainant: means the affected person as defined above.

Council officer: includes a volunteer or contractor working for Council.

Customer Service Centre: means the following locations:

- Beaudesert - 82 Brisbane Street, Beaudesert
- Boonah - 70 High Street, Boonah
- Tamborine Mountain - 30/32 Main Street, Tamborine Mountain

Day: means working day.

PIN: means Penalty Infringement Notice

Unreasonable complainant conduct: is conduct as described in *Managing Unreasonable Complainant Conduct Practice Manual* published by the Queensland Ombudsman and includes behaviour by vexatious and unusually persistent complainants.

Worker: means any full time, part time, casual and fixed term employees of Council including Elected Members. Labour hire, contractors, work experience placements and volunteers.

6. Related Documents

Complaints Management Council Policy

Local Government Act 2009

Local Government Regulation 2012

Managing Unreasonable Complainant Conduct Practice Manual published by the Queensland Ombudsman

Queensland Public Service Customer Complaint Management Guideline published by the Queensland Ombudsman

7. Version Information

Version No	Adoption Date	Key Changes	Approved by
1	28.08.2024	New Procedure, Ordinary Meeting Item 11.10	CEO
2			