

General Policy

GENERAL COMPLAINTS MANAGEMENT POLICY

Intent In accordance with section 306 of the *Local Government Regulation 2012* Council must have a written policy and procedure which supports the complaints management process (CMP). The objectives of the CMP are to outline Council's commitment to the effective management of complaints.

Scope Applies to all administrative action complaints as identified under s268 of the *Local Government Act 2009* made to the local government.

An Administrative Action complaint is a complaint that –

- 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 failure to do an act;
 - iii. the formulation of a proposal or intention;
 - iv. the making of a recommendation.

Lodging a complaint for Council's consideration does not preclude the issue being investigated by another department or agency, such as the Queensland Ombudsman.

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This process is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: Human Resources & Organisational Change

**ORIGINALLY ADOPTED: 9/03/2006
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REVOKED/SUPERSEDED**



**John Andrejic
Chief Executive Officer**

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1. DEFINITIONS

“Administrative complaint” is a complaint that –

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 failure to do an act;
- (iii) The formulation of a proposal or intention;
- (iv) The making of a recommendation

Is made by an affected person

A customer request is not an administrative complaint but concerns about inaction in respect of a customer request shall constitute an administrative complaint.

“Employee Complaint” is a complaint regarding the manner in which a Council employee has behaved while conducting Council business or representing Council. An employee is a person who enters into a contract of employment or service with the Cairns Regional Council on a full-time, part-time, casual or temporary basis, or a volunteer, or a contractor and/or a person prescribed by regulation.

“Internal Review” is a review of a complaint by an authorised Complaints Officer as determined by the General Manager Human Resources and Organisational Change.

“Public Interest Disclosure” is a complaint about Council officers made under the *Public Interest Disclosure Act 2010* (formally whistle-blowers’ legislation). These are dealt with by the Council’s Ethical Standards Unit.

“Corrupt Conduct” under the *Crime and Corruption Act 2001*, corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person, or causing detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

Under the Crime and Corruption Act, corrupt conduct includes an attempt or a conspiracy to engage in the conduct, as well as neglect, failure or inaction that adversely affects a public agency or official in the ways described above.

Anyone who tries to corrupt a public sector officer can also be guilty of official misconduct if the matter involves a criminal offence.

“Frivolous, trivial or vexatious complaint” is a complaint which, at the discretion of the relevant General Manager, is considered to be minor, without merit, mischievous or without sufficient grounds and therefore not worthy of action.

“General enquiry” is a request for clarification, advice, information or further information about Council services, policies or procedures. Enquiries can usually be resolved in one-off communication.

“Historical Complaints” are any matter that is more than twelve (12) months old or has been dormant for more than 12 months.

2. PRINCIPLES

Council is committed to ensuring the following principles of good complaints management:

2.2 Visibility

Council is committed to ensuring that information about how and where to complain is available on the Council website at the following link

<http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

2.3 Accessibility

Council's CMP is easily accessible on Council's website at the following link

<http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

2.4 Responsiveness

Council is committed to ensuring that complainants are informed of the decision of Council and about the reasons for those decisions. Council will also ensure that complaints are responded to efficiently in line with customer expectations and relevant legislation.

2.5 Objectivity

Council is committed to addressing each complaint equitably, objectively, and in an unbiased manner while ensuring complainants are treated fairly. Council will remain impartial in investigation and will be objective in the evaluation of facts or evidence.

2.6 Confidentiality

Council will respect the privacy of each complainant and commits to their complaints being investigated in private. Personal information supplied will only be used for the purpose of addressing the complaint and protected from disclosure unless the complainant agrees to the release.

2.7 Customer-focused approach

Council values the opportunity that complaints offer in identifying areas of service that may need improvement, in responding to individual dissatisfaction and in strengthening the relationship between Council and the community.

2.8 Accountability

Council is committed to providing a framework for the process of resolving complaints about administrative action of Council to ensure transparency of investigation.

2.9 Continual Improvement

Council's complaints management process will facilitate the use of the information obtained from the process to improve overall service delivery. Reporting will be provided to management on complaint trends and monitor the effectiveness of Council's complaint management process.

3. LODGING A COMPLAINT

A complaint can be made:

In Person to a Customer Service Officer located at one of Council's offices
(see <http://www.cairns.qld.gov.au/home/contact-us>)

By Telephone (07) 4044 3044

Facsimile: (07) 4044 3022

Mail Chief Executive Officer
Cairns Regional Council
119-145 Spence Street, Cairns QLD 4870

Email: complaints@cairns.qld.gov.au

Online a complaint form is available on the Council website
<http://www.cairns.qld.gov.au/home/contact-us-online/official-complaint>

To assist a complainant in formulating their complaints Council has developed a Complaints Form which can be found as Attachment 1. Council has also formulated a Complaints Factsheet along with FAQ which can be found on the complaints page at <http://www.cairns.qld.gov.au/home/contact-us/admincomplaint>

A complainant who makes a verbal complaint is strongly encouraged to commit the complaint to writing to ensure that it is clearly understood by the officer investigating it.

3.2 Assistance and Visibility

Assistance will be provided to any person requesting it. This may include a Council officer hearing the complaint verbally and compiling notes on behalf of the customer, or directly assisting the customer to lodge the complaint. The aim is to clarify the issue and the outcome(s) sought (although this is no guarantee that the desired outcomes are realistically achievable).

3.3 Handling Anonymous Complaints

Anonymous complaints or feedback are accepted by Council. These complaints will be assessed to determine what action is appropriate, but it is important to note that the anonymity of the complaint may impact this assessment. Therefore when the complaint cannot be actioned without further information the complaint will not be processed.

If a person wishes to lodge a verbal complaint but not provide identifying details, they should be advised that:

- Council does not victimise a person who makes a complaint.
- They may be directed to the General Manager or Manager responsible for the operational area.
- Unless there is sufficient detail about the complaint, it will be difficult for Council to fully and effectively consider the issue.
- No feedback can be provided to an anonymous complaint.
- Complainants will not suffer any reprisals from Council or its officers for making a complaint.

4. COMPLAINANT RIGHTS

A complainant is entitled to:

- An acknowledgement of council's receipt of the complaint (unless made anonymously)
- A prompt response to the complaint;
- Be kept informed of the progress and outcome of the complaint;
- Confidentiality of personal details (insofar as this is possible within the law);
- A thorough and objective investigation or review of a complaint.

4.2 Information Privacy

Council is committed to protecting your privacy. Council understands and appreciates that complainants are concerned about their privacy and the confidentiality and security of any information that may be provided to Council.

Any personal information a complainant chooses to provide will only be used for the purpose of which it was provided and will not be disclosed to other persons or organisations without your prior consent or if required by law.

4.3 Communication

Council is committed to making every attempt to respond to correspondence within five (5) working days and matters requiring a substantive response should be completed within twenty (20) working days.

Where delays are anticipated, the complainant will be contacted and provided with details of the person handling the matter and advised that every effort will be made to keep them informed of progress in the matter.

5. PROCESS

Council has opted for a staged administrative action complaints management process to allow for an efficient and effective resolution of complaints. The process allows for:

- Preliminary investigation by a staff member
- Internal review by a Complaint Officer
- External review by the appropriate external authority (i.e. Office of the Queensland Ombudsman)

The CEO, or a delegated officer, can make the decision to escalate a complaint matter where, due to the complexity, age or other reason, there are strong grounds for this decision. The flowchart at attachment 2 diagrammatically represents the process.

The Complaints Management Policy will be reviewed annually to ensure effectiveness.

5.1 Preliminary Investigation

All complaints lodged electronically will receive an acknowledgment by Council; in most instances the complainant will receive a notification from Council's Customer Service Centre.

Acknowledgement of the complaint will be made in writing (letter or email) or by telephone, according to the preference expressed by the complainant within five (5) business days from receipt of the complaint.

The investigation should identify the root cause of the complaint and possible remedy suggestions to avoid future occurrence. The Council Officer should provide advice of the decision, including the reasons for the decision, and any remedies, to the complainant as soon as practicable after the completion of the investigation.

The outcome of the investigation will be provided to the complainant in writing within a maximum of twenty (20) business days from receipt of the complaint. This

correspondence will provide escalation options should the complainant remain dissatisfied with the outcome of the investigation.

5.2 Internal Review

The Internal Review function provides a mechanism where if you are not satisfied that the complaint has been resolved by the Department, you may lodge a request for an Internal Review.

Written acknowledgement of the request for internal review will be provided within five (5) business days of receipt of complaint. The Complaints Officer will then review the history of the matter, including any findings from the Preliminary Investigation and any responses and information provided by the complainant.

The Complaints Officer and reviewing party, in consultation with the General Manager will review the Internal Review report and any recommendations.

At the completion of the Internal Review, the Complaints Officer will prepare a response. Within the response council will provide the relevant external escalation options should the complainant remain dissatisfied with the outcome of the investigation.

5.3 External Review

Should a complainant still remain dissatisfied with how Council handled a complaint, a request for external review can be lodged with an external complaint entity such as the Queensland Ombudsman, other Agency or the Courts. External Referral Agencies can be found in Attachment 3.

6. REPORTING

In accordance with Section 187 of the *Local Government Regulation 2012* Council's Annual Report for each financial year will provide the number of administrative action complaints made to Cairns Regional Council during the financial year including the number resolved and the number not resolved.

Further reports are also provided to Council's Executive Team on a monthly basis containing details of the complaints received and resolved and analysis including trends and recommendations for improvement.

Attachment 1 – Complaints Form



Complaint Form

119-145 Spence Street Cairns Q 4870
Phone: (07) 4044 33044 Fax: (07) 4044 3022
complaints@cairns.qld.gov.au

Please note: This form should **ONLY** be used to lodge a complaint and **NOT** a request for service.

IMPORTANT NOTICE

Cairns Regional Council is collecting your personal information for the purposes of assessing your complaint and to ensure that Council is able to remain in contact with you regarding the status of your complaint. Your personal information will only be accessed by employees and/or Councillors of Cairns Regional Council. Some of this information may be given to an external investigator for the purposes of investigation, the person complained about where the rules of natural justice requires, the Queensland Ombudsman in the event that a review of Council's decision is requested, Council's solicitor or insurance broker and/or underwriter where legal or insurance advice is required, the Crime and Corruption Commission and Queensland Police Service in the event that the matter involves criminal conduct or official misconduct and other authorised government agencies as required to process your complaint. Subject to the above disclosures, your personal information will not be given to any other agency unless you have given us permission or we are authorised or required by law to do so.

SECTION A Customer Details

Title: Mr. Mrs. Ms. Miss. Other

Surname: _____ First Name: _____

SECTION B Contact Details

Address: _____

Suburb: _____ Postcode: _____

Phone (h): _____ Phone (w): _____

Phone (m): _____ Fax: _____

Email Address: _____

Preferred Contact Method: Telephone Mobile Letter Email

SECTION C Complaint Details

Have you previously lodged a complaint with Council regarding this matter? Yes No

If YES, what date was the complaint made: _____ / _____ / _____

Have you been notified of progress, or the outcome? Yes No

If NO, have you previously lodged details of your complaint with any other agency authority? Yes No

If YES, to whom: _____

When did it happen? _____

Where did it happen? _____

Who was involved? _____

Please provide details of your complaint below. Any relevant supporting information which may be of assistance when assessing your complaint should also be attached.

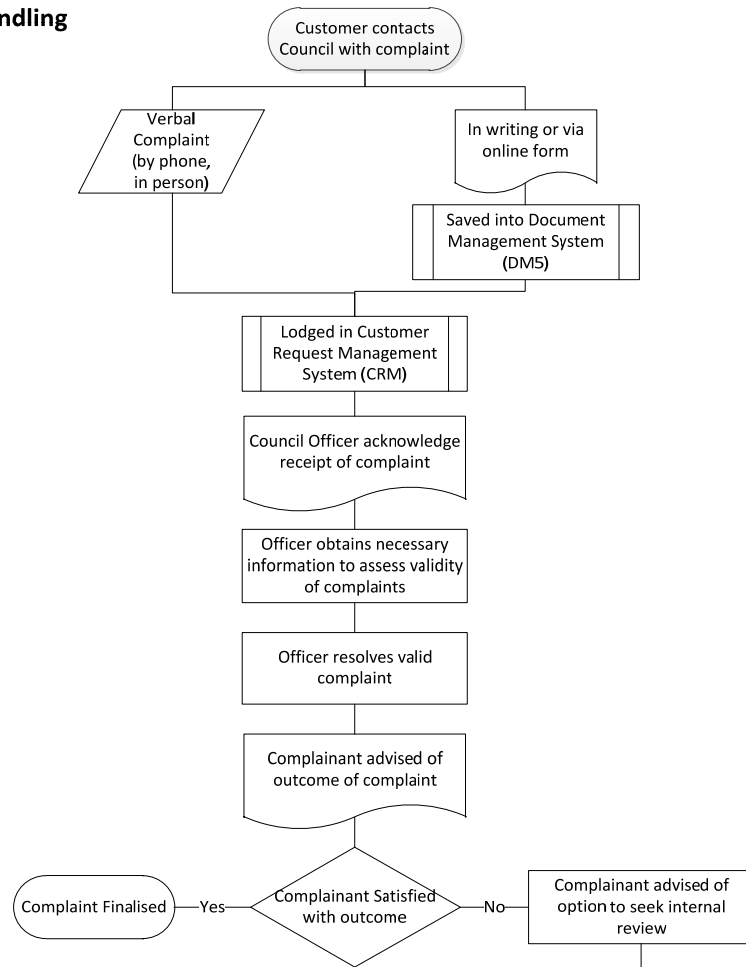
Please include details such as grounds of the complaint (why the action/decision was wrong), and any detriment suffered (how you were effected).

#4605670 v1

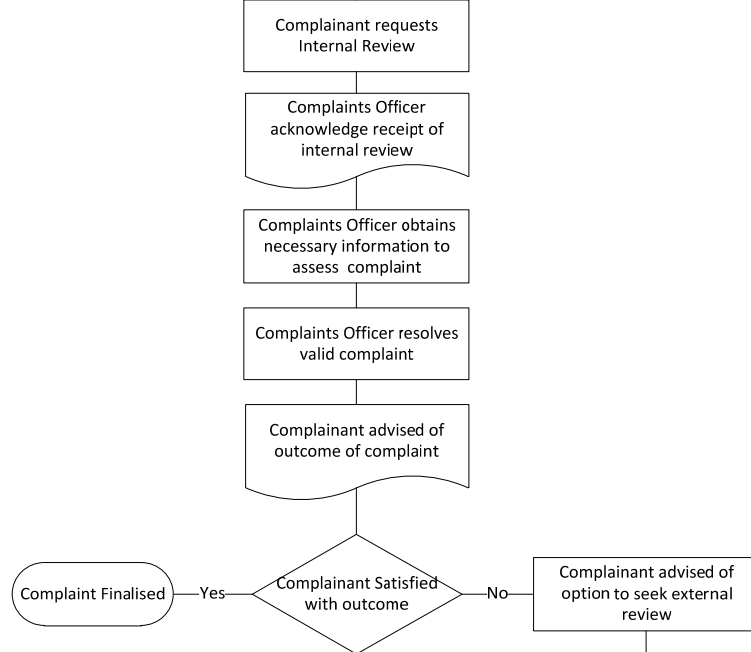
#1149849v9

Attachment 2 – Complaints Process

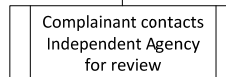
Frontline Complaint Handling



Internal Review



External Review



Attachment 3 – External Agency’s

Queensland Ombudsman

The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

Phone: (07) 3005 7000 or
1800 068 908 (Toll Free)
Fax: (07) 3005 7067
Email: ombudsman@ombudsman.qld.gov.au
Postal: GPO Box 3314 Brisbane QLD 4001

Crime and Corruption Commission (CCC)

The CCC investigates both crime and corruption, has oversight of both the police and the public sector, and protects witnesses.

Phone: (07) 3360 606 or
1800 061 611 (Toll Free)
Fax: (07) 3360 6333
Email: mailbox@ccc.qld.gov.au
Postal: GPO Box 3123 Brisbane QLD 4001
Online Contact Form: <http://www.ccc.qld.gov.au/about-the-ccc/contact-form>

Queensland Civil & Administrative Tribunal (QCAT)

QCAT is an independent tribunal. They actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive.

Phone: 1300 753 228 (Toll Free)
Fax: (07) 3221 9156
Email: enquiries@qcat.qld.gov.au
Postal: GPO Box 3123 Brisbane QLD 4001

Office of the Information Privacy Commissioner Queensland (OIC)

The OIC is Queensland’s independent statutory body established under the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* to promote access to government-held information, and to protect people’s personal information held by the public sector.

Phone: (07) 3234 7373
Fax: (07) 3405 1122
Email: enquiries@oic.qld.gov.au
Postal: PO Box 10143 Adelaide Street Brisbane QLD 4000