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 the process by which Council records, manages and resolves administration action complaints and Council’s commitment to the effective management of complaints.

Scope
Applies to all Cairns Regional Council staff responsible for administrative action complaints as identified under section 268 of the Local Government Act 2009 made to Council.

PROVISIONS

An Administrative Action complaint is a complaint that –

Is about an administrative action of a local government made by an affected person, including the following for example –

- a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- an act, or failure to do an act;
- the formulation of a proposal or intention;
- 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

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John Andrejic
Chief Executive Officer
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1. DEFINITIONS

"An administrative action complaint" is a complaint that –

Is about an administrative action of a local government made by an affected person, 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

An affected person is a person who is, or is likely to be, directly affected by an administrative action of Council.

A complaint is an expression of dissatisfaction made to or about Council, our services, workers (including employees, contractors and agency staff) or our handling of another complaint. A service request is not a complaint.

Administrative action complaints include:

- complaints regarding how a previous request has been handled by Cairns Regional Council (CRC).
- complaints about the way a response has been provided by CRC.
- complaints about a decision of Council.
- a failure to complete a request for service or provide a decision in the designated timeframes.

What is not an administrative action complaint:

- requests for information / service.
- reports of damaged or faulty infrastructure such as potholes or hazards, fallen branches, burst water pipes etc.
- a suggestion or proposed service improvement.
- requests for further clarification.
- a follow up or further request for service that has not been completed by CRC but is still within the timeframes advised to the customer.
- petitions.
- comments or submissions received during formal consultation or community engagement.
- complaints about Councillor conduct.

"Complainant responsibilities" you are responsible for:

- Providing us with a clear idea of the problem and the solution you want
- Giving us all the relevant information you have (or know about) at the beginning
- Telling us new facts or letting us know you no longer want our help
- Cooperating with us
- Treating us with respect.

"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 2001*, 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.

"Council's responsibilities" Council are responsible for:
- handling your complaint professionally, efficiently and fairly
- keeping you informed of our progress
- giving you reasons for our decisions
- treating you with respect.

"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.

"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 Complaint" is any matter that is more than twelve (12) months old or has been dormant for more than twelve (12) months.

"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 handled by Council’s Ethical Standards Unit.

"Unreasonable complainant conduct" any behaviour by a current or former complainant, which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to the complaint. It is not limited to telephone communications or face-to-face interactions it can occur over the internet or on social media websites, in a public location or in written correspondence.

2. **PRINCIPLES**
Council is committed to ensuring the following principles of good complaints management:

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

2.2 Accessibility
Council’s CMP is easily accessible on Council’s website at the following link
2.3 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 and in a nominal timeframe in line with customer expectations and relevant legislation.

2.4 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.

2.5 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 or unless authorised or required by law.

2.6 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.

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

2.8 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](http://www.cairns.qld.gov.au/home/contact-us))
- By Telephone: 1300 69 22 47
- Mail: Chief Executive Officer
  Cairns Regional Council
  PO BOX 359 Cairns QLD 4870
- Email: [complaints@cairns.qld.gov.au](mailto:complaints@cairns.qld.gov.au)

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's which can be found on the complaints page at [http://www.cairns.qld.gov.au/home/contact-us/admincomplaint](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 investigating officer.
3.1 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 there is no guarantee that the desired outcomes are realistically achievable).

3.2 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
- Complaints 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.

3.3 Complaints by Third Parties
A complaint will be accepted from a third party acting on behalf of an affected person. To verify this fact, Council will contact the third party requesting satisfactory evidence of authority prior to taking any action. A complaint lodged by an applicant on behalf of an affected person will be responded directly to the affected person (and not the applicant), unless a letter of authority is provided indicating the applicant is acting on behalf of the affected person. If a complaint is lodged on behalf of a complainant by a professional advisor, for example a solicitor corresponding on firm’s letterhead or email, verification is required to confirm that they are acting on behalf of a complainant and Council will respond directly to the advisor.

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;
- Being 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.

4.1 Recording a Complaint
All complaints are to be recorded in Council’s customer reference system (CRM). Many administrative action complaints that are received may be an escalation of a previous request for service that has already been designated a customer reference number.
4.2 Information Privacy
Council takes very seriously its obligations and responsibilities contained within the privacy principles of the Information Privacy Act 2009.

Details of any complaint, the identity of a complainant and other parties to the complaint, the investigation and decisions made in relation to the complaint are kept confidential. However, there may be occasions where disclosure of some or all of these details to another party is required by law.

4.3 Communication
Council is committed to making every attempt to respond to correspondence within five (5) business 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 in 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 acknowledgement.

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. The standard time to process a complaint is 20 business days and does not include weekends or notified public holidays. In some circumstances this period will be extended depending on the complexity of the investigation.
5.2 Internal Review
The Internal Review function provides a mechanism where if the complainant is not satisfied with the outcome of the complaint, they 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 the outcome / 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 quarterly basis containing details of the complaints received and resolved, and analysis including trends and recommendations for improvement.
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 investigating, 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: ________________________________
Details of the Complaint:
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 for the complaint (why you feel the decision was wrong), and any history on the matter that you feel is relevant.

#4605870 v1
What do you think Council should do to resolve your complaint? (Please keep your response factual, achievable and realistic).

SECTION D Acknowledgement

All the information provided above is true and correct to the best of my knowledge.

Signature: ____________________________ Name: ____________________________ Date: ____________________________

SECTION E Office Use Only

Action Officer: ____________________________ Position: ____________________________ Date: ____________________________

Complaint lodged: 

☐ Telephone  ☐ In person  ☐ In writing

Note: ___________________________________________________________

DMS #: _________________________________________________________
Attachment 2 – Complaints Process
Frontline Complaint Handling

Customer contacts Council with complaint

- Verbal Complaint (by phone, in person)
- In writing or via online form

Saved into Document Management System (DMS)

- Lodged in Customer Request Management System (CRM)

Council Officer acknowledge receipt of complaint

Officer obtains necessary information to assess validity of complaints

Officer resolves valid complaint

Complainant advised of outcome of complaint

Complaint Finalised - Yes

Complainant Satisfied with outcome - No

Complainant advised of option to seek internal review

Internal Review

Complainant requests Internal Review

Complaints Officer acknowledge receipt of internal review

Complaints Officer obtains necessary information to assess complaint

Complaints Officer resolves valid complaint

Complainant advised of outcome of complaint

Complaint Finalised - Yes

Complainant Satisfied with outcome - No

Complainant advised of option to seek external review

External Review

Complainant contacts Independent Agency for review
Attachment 3 – External Agencies

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