



COMPLAINTS MANAGEMENT POLICY

1. POLICY PURPOSE

The role of Council is to provide open and accountable local government. An effective and transparent method of responding to complaints regarding its services, administrative actions, competitive neutrality, the conduct and performance of councillors and staff behavior and misconduct better enables council to undertake this role.

2. SCOPE

This policy has been established to provide a clear administrative method of handling and resolving of all complaints made by affected persons, about:

- a) Administrative actions as defined under section 268 (2) of the Act
 - The decisions or a failure to make a decision by Council, including a failure to provide a written statement of reasons for a decision;
 - An act, or failure to do an act by Council;
 - The formulation of a proposal or intention by council;
 - The making of a recommendation by council
- b) Competitive Neutrality
- c) Inappropriate conduct of a council officer or Councillor of a local government; or
- d) Misconduct of a Council Officer, or Councillor as defined under section 150L of the Act

This policy is intended to capture all complaints, there are certain processes in complaint management which are regulated by legislation and therefore separate policies or systems may apply, for example:

- Complaints that involve or may involve corrupt conduct by the Mayor Councillors and CEO are dealt with under the Complaint involving Public Officials Policy
- Public interest disclosures that are dealt with under the Public Interest Disclosure Act 2010 (Qld)
- Employee complaints that are dealt with under Councils Personal Grievance Policy
- Complaints about a development decision made under the *Planning Act 2016* or other statutory instrument and legislation;
- Complaints that are primarily contractual in nature and which do not involve alleged breaches of the Code of Conduct and are responded to in a contractual context;
- Complaints about access application decisions, which are dealt with under the *Right to Information Act 2009 (Qld)*

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Complaints that are made about the provisions of the *Human Rights Act 2019* (HRA) obligate Council to act and make decisions in a way that is

- a) Compatible with human rights and
- b) Give proper consideration to relevant human rights when making decisions.
- c) Including the right to receive and manage human right complaints.

3. POLICY OBJECTIVES

The intent of this policy is to:

- a) provide open and accountable local government
- b) an effective and transparent way of responding to complaints regarding Council services, administration actions, competitive neutrality, conduct and performance of Councillors and staff
- c) Including the right to receive and manage human rights complaints.

4. POLICY STATEMENT

Council will at all times endeavor to meet local government and community expectations through being an open and accountable organisation, dealing fairly and reasonably with customers and having well trained and supported staff.

The complaints process is to be readily accessible to and able to be understood by all people. Information about the complaints process is to be available on council's website, at its customer reception area, on rates notices and highlighted within the Annual Report and Corporate Plan.

Effective complaints management is fundamental to the provision of quality services that Council aims to provide and enables an instrument for obtaining feedback from customers and resolving disputes. Council recognizes that errors and mistakes can be made and all reasonable attempts will be made to rectify failures to ensure community confidence is maintained.

Council is committed to effectively handling complaints promptly and professionally and takes seriously all complaints via all methods of delivery including verbal and anonymous complaints.

All complaints received by Council will be considered on their merits and addressed in an equitable and unbiased manner through an established complaints process and the observation of the principles of the Australian standards (ISO AS 10002-2006) Customer Satisfaction – Guidelines for complaints handling in organisations.

Complainants will have access to the complaints management system free of charge and will not suffer any reprisal as a result of making a complaint.

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Complainants will be able to access support to make a complaint if and where necessary. Complaints may be categorized by the CEO for the purpose of prioritization, reporting, effective resolution and ensuring legislative compliance.

Where possible a complainant and a Council Officer should attempt to have the matter resolved to avoid the need for a formal complaint requiring investigation, e.g. by the aggrieved person working the issue through a Council Officer/Manager to obtain an outcome that is satisfactory to both parties.

Receipt of each complaint will be acknowledged in accordance with the Complaints Management procedure Guideline.

Complainants will be treated courteously and will be kept informed of the progress of the handling of their complaint, the timing of its handling and the outcome of their complaint.

When a complaint is made regarding a pending action or decision, by lodging a complaint, the matter will not automatically be suspended or put on hold.

All complaints will be treated with appropriate respect for the confidentiality and privacy of the complainant and officers involved. Publication of information relating to complaints about Council Officers will be limited to that prescribed by legislation.

For matters which are referred to an external agency for investigation, council will cooperate fully with the investigating authority charged with dealing with a complaint eg the Crime and Corruption Commission, Queensland Ombudsman.

Council maintains a commitment to continual improvement in its business process and relationships with customers. Continual improvement will be achieved through effective and accountable analysis, recording and reporting on complaints.

Where multiple complaints are received about the same or similar issue, an effective and efficient method of dealing with them will be determined.

Complaints about decisions of Councillors through the General meeting process will not be dealt with under this Policy. The complaint process is not a tool to bring Council business to a halt nor to delay or prevent Council from making decisions.

Council's staff who undertake roles in resolving or investigating complaints will receive training, the effectiveness of which will be reviewed at least as frequently as this Policy and associated Procedure Guidelines.

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A council staff member who attempts to informally resolve a complaint or who investigates a complaint must be senior to the person subject of the complaint (if the complaint is about an officer and senior to the person directly responsible for providing the service (if the complaint is about that service the only exception to this is for a complaint about the CEO in which case that matter will be referred to the Mayor in the first instance.

If there is any conflict between this Policy or associated Procedure Guideline, and the requirement of the Act or any other relevant legislation, the legislative requirement will take precedence.

5. PROCEDURE FOR COMPLAINTS

A formal procedure guideline has been developed to support the implementation of this policy. Council reserves the right to vary, replace or terminate this procedure from time to time.

6. RESPONSIBILITIES UNDER THIS POLICY

The Chief Executive Officer, Directors, Team Leaders and Complaints Officer (if separate position) are responsible for ensuring that this policy is understood and adhered to by all councilors and staff.

7. RELATED LEGISLATION

Local Government Act 2009
Local Government Regulation 2012
Crime and Corruption Act 2001
Public Interest Disclosures Act 2010
Right to Information Act 2009
Planning Act 2016
Human Rights Act 2019

8. REVISION HISTORY

Version	Adopted Date	Policy Title	Responsible Officer	Authorised By	Next Review Date
1	23 June 2020	Complaints Management Policy	Director of Corporate services	Chief Executive Officer	June 2024

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10. AUTHORISATION & RESOLUTION

This Policy bearing my initials was duly adopted by Council as McKinlay Shire Council Complaint Management Policy on the 23 June 2020 by Council Resolution xxx/1920. This shall hereby supersede all previous policies of the same intent.

Chief Executive Officer

____/____/____
Date

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL.

Officer responsible for review:	Director Corporate and Community Services
Current adoption:	June 2020
Previous Adoption:	N/A
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