

1. Policy intent

Council is committed to managing complaints. The policy intent is to assist Council in:

- 1.1 facilitating the recognition of a customer's right to make complaints, comments or suggestions about the level and quality of services provided;
- 1.2 encouraging the submission of any complaints customers or staff may have with any of the services provided by Council;
- 1.3 providing an efficient, fair and accessible mechanism for resolving complaints;
- 1.4 ensuring that all complaints are heard and equitably resolved as soon as possible;
- 1.5 capturing data trends to assist Council in improving the quality of services;
- 1.6 providing customers with information about the complaint handling process
- 1.7 promoting a positive attitude towards customers and the commitment to resolving complaints.

2. Scope

This policy applies to the following types of complaints:

- 2.1 Administrative Action Complaints;
- 2.2 Competitive Neutrality Complaints;
- 2.3 Public Interest Disclosures;
- 2.4 Corrupt Conduct Complaints
- 2.5 Complaints about the public official (Chief Executive Officer) (s48A CCC Act)
- 2.6 Staff Grievance Complaints

A complaint may be made by an aggrieved person or another person within the scope of the *Crime and Corruption Act 2001* (CC Act) or *Public Interest Disclosure Act 2010* (PID Act).

3. Definitions

Aggrieved Person includes a person who is directly affected by a decision, act or omission of Council, or in the event.

Complaint includes administrative action complaints, public interest disclosure, a fraud or corruption complaint, complaints about the public official, public interest disclosure complaints and councillor complaint.

4. Background/supporting information

4.1 Relevant legislation

This policy is made for the purpose of the following relevant legislation:

- 4.1.1 *Local Government Act 2009* (the Act)
- 4.1.2 *Public Sector Ethics Act 1994*
- 4.1.3 *Information Privacy Act 2009*
- 4.1.4 *Crime and Corruption Act 2001*
- 4.1.5 *Public Interest Disclosure Act 2010*.

4.2 Related Policies and Procedures

- 4.2.1 Complaints Management Procedures
- 4.2.2 Competitive Neutrality Complaints Process
- 4.2.3 Public Interest Disclosure Plan and Procedures
- 4.2.4 Model Investigation Procedures (Councillor Complaints)

5. Policy statement

5.1 Principles

The principles of this policy are:

5.1.1 ***Be fair and objective***

- All complaints and compliments are considered impartially and objectively, based on available evidence.
- Evidence in a complaint case must be tested and evaluated for relevance, reliability and sufficiency.

5.1.2 ***Observe the Principles of Natural Justice (procedural fairness)***

- No person may decide a case in which they have a direct interest.
- Individuals whose rights and interests are directly affected are given the opportunity to put forward their case.

5.1.3 ***Support continuous improvement***

- Where applicable, what Council learns from investigating a complaint or compliment will be applied to improve service and systems.

5.1.4 ***Be open and accountable as allowed by privacy and legislative limitations***

- The progress of an investigation, and the decisions and outcomes are made available to the affected people in a timely manner.

5.1.5 ***Be accessible and simple to understand***

- Information about the complaints and compliments process is available, including avenues of appeal and review.
- Complaints and compliments can be made to Council in a variety of ways and assistance will be provided to people with language, access and communication difficulties.

5.1.6 ***Ensure courtesy and consideration for customers and Council officers***

- Courtesy and consideration is given to all concerned, including Council officers who are managing a complaint or the subject of a complaint.
- Identities of complainants and Council officers and complaint information will be kept confidential as allowed by legislation and natural justice.

5.1.7 ***Be cost effective***

- There is a cost for processing information because not all feedback is relevant. Council will use rate payer's money in the most cost effective way by allocating resources depending on the level of risk and the likelihood of achieving improvements.
- Complaints and compliments are assessed at intake. Expectations will be clarified. Where a customer's expectations seem unrealistic, the reasons for this will be explained.

5.2 Complaint Processing

It is recognised that the substance of a complaint may fall within one or more complaint frameworks. Council will process complaints under the most relevant and appropriate process or as required by the relevant legislation. The Chief Executive Officer will maintain procedures relating to different complaint frameworks.

Eg. An Administrative Action Complaint may also be the subject of an allegation of corrupt conduct. This may also include reporting obligations where the person subject of the complaint is a Councillor.

5.3 Objectives

The objectives of this policy are to ensure that Council:

- 5.3.1 process customer complaints in a professional and cost-effective way;
- 5.3.2 provide aggrieved persons with an avenue of review;
- 5.3.3 preserve the integrity of the organisation;
- 5.3.4 provide the community with confidence in Council's processes;
- 5.3.5 use data capture through customer complaints to monitor and improve service to the community.

5.4 Confidentiality and information collection

- 5.1 Personal information will be managed in accordance with the *Information Privacy Act 2009* and Council's Privacy and Confidentiality Policy.
- 5.2 Information Privacy Principles include:
 - a. Personal information will only be collected and used for a lawful purpose directly related to a function or activity of Council.
 - b. Personal information must be secured.
 - c. Disclosure of personal information is limited. Confidential information must not be released unless cleared by the appropriate authority or required by legislation.
 - d. Upon request, individuals must be informed about their personal information and the purpose it is used for.

5.5 Compliments and general feedback

Unless requested by the customer, information about compliments and general feedback will not be classified as confidential. Nevertheless, customers' personal information will be managed as per the information Privacy Principles.

5.6 Complaints

- 5.6.1 Complaint information and the identities of the parties to a complaint are respected at all times. Complaint information will only be accessed by officers and/or Councillors of Council on a need-to-know basis.
- 5.6.2 Council's ability to keep information confidential may be limited depending on the seriousness of the suspected misconduct, Right to Information legislation and other legal

processes. In some circumstances it may be necessary for all or part of the complaint information to be given to:

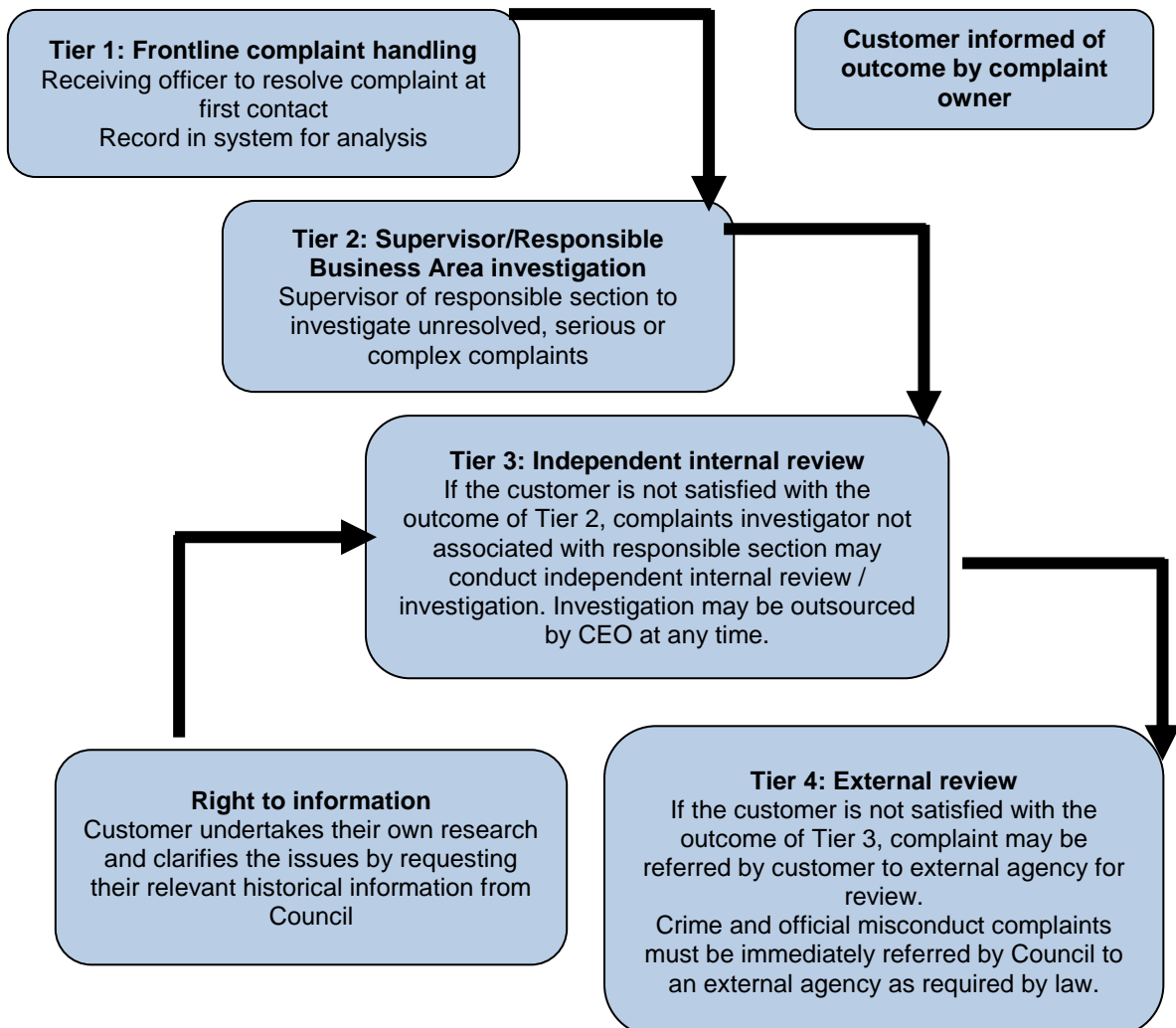
- a. the person who is the subject of the complaint (subject officer);
- b. an external investigator;
- c. the Queensland Ombudsman, Crime and Corruption Commission, Queensland Police and other authorised agencies as required; and
- d. Council's solicitor or insurance broker and/or underwriter where legal or insurance advice is required.

5.6.3 Bearing in mind that natural justice is a pre-eminent principle of this policy, Council's ability to keep the identity of complainants confidential is limited in circumstances where the identity must be given to the subject officer to afford them the right to refute the allegations.

6. Complaints management process

6.1 Overview

6.1.1 Council has adopted a four-tiered approach to complaint management as it is most efficient to resolve complaints at the frontline where possible. All complaints are logged in the system for analysis so that the cause of recurrent problems can be addressed.



- 6.1.2 Customers may wish to refer complaints directly to the Queensland Ombudsman or the Crime and Corruption Commission. These agencies often request an independent internal investigation (Tier 3) to be completed by Council prior to undertaking their own investigation.

6.2 Timelines for complaints

Complaints will be responded to as quickly as possible depending on an assessment of the following factors:

- 6.2.1 The urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- 6.2.2 The likelihood that the complaint can be quickly resolved;
- 6.2.3 The complexity of the complaint issues; and
- 6.2.4 Whether the complaint requires internal or external review.

6.3 How to make a complaint or compliment

- 6.3.1 In accordance with the *Ombudsman Act 2001* a complaint about an administrative action of Council must be made within one year after the date the complainant first had notice of the administrative action.

- 6.3.2 Complaints may be made:

- a. In person to a Customer Service Officer located at one of Council's Customer Service Centres;
- b. By telephone to a Customer Service Officer at Council's general service number: 1300 362 242;
- c. In writing by letter to:
Chief Executive Officer
Tablelands Regional Council
PO Box 573
Atherton QLD 4883
- d. By email to: info@trc.qld.gov.au; or
- e. Online via Council's feedback form at <http://www.trc.qld.gov.au/have-my-say>.

- 6.3.3 Council reserves the right to decline to investigate an oral complaint until the complaint is put in writing. An oral complaint may be requested to be made in writing if the complaint is complex, serious, or the information received verbally is confusing or lacking in essential detail.

6.4 Lodging an anonymous complaint or compliment

- 6.4.1 Council acknowledges that in certain circumstances a person may prefer to remain anonymous when providing feedback. This may limit Council's ability to obtain essential information and to provide natural justice. Nevertheless, Council respects the right to anonymity and will consider all feedback based on the information provided.

- 6.4.2 Complaints about civil nuisances (such as barking dogs) will not be accepted from anonymous sources.

6.5 Standing to make a complaint

- 6.5.1 For the purposes of an administrative action complaint, a complaint may only be made by a person who is apparently *directly affected* by an action of Council (an aggrieved person) or by someone acting lawfully on their behalf.

- 6.5.2 Standing and obligations to make complaints regarding Public Interest Disclosures or fraud and corruption complaints are prescribed under the CCC Act and PID acts respectively.

6.6 Access to complaints information

- 6.6.1 Information that is the subject of a complaint will not be made available administratively where it may affect the rights or interests of another party. This information may be made available will be governed by the *Right to Information Act 2009* and *Information Privacy Act 2009*.
- 6.6.2 Where matters are of the public interest (including Public Interest Disclosure complaints) Council will maintain a log (Public Disclosure Log) with the outcome of complaint matters which may be made publicly available in accordance with the *Public Interest Disclosure Act 2010*.

6.7 Unreasonable customer conduct

Council will establish procedures for the purpose of assessing unreasonable customer conduct and establish a system of case management. If complainants conduct themselves in an unreasonable manner, Council may set limits or conditions on the handling of their complaint. Where such a decision is made the reasons for this are recorded and explained to the affected person.

6.8 Communication of this policy

All Council staff will receive training on how to handle complaints. The policy will be published on Council's website.

6.9 Reporting

- 6.9.1 The delegated officer will provide regular reports on complaints to Council and management as part of its continuous improvement program.
- 6.9.2 The following information about formally accepted administrative error and competitive neutrality complaints will be provided in Council's annual report in accordance with relevant legislative requirements:
- a. Council's commitment to dealing fairly with complaints;
 - b. a statement about how Council has implemented its complaints management process, including an assessment of its performance in resolving complaints;
 - c. the number of complaints made in the financial year;
 - d. the number of complaints resolved in the financial year;
 - e. the number of complaints not resolved in the financial year; and
 - f. the number of complaints not resolved in the financial year that were made in the previous financial year.

6.10 Reporting the outcome of a complaint investigation to customers

- 6.10.1 The officer investigating a complaint will provide advice to the subject officer and the complainant (or their authorised agent) regarding Council's decisions about a complaint, including reasons for the decision and any proposed remedies as soon as practicable after the completion of the investigation.
- 6.10.2 The advice should also include the review options available to the customer.

7. Crime and official misconduct complaints

In accordance with the *Crime and Corruption Act 2001* where a public officer reasonably suspects that a complaint, information or a matter involves, or may involve corrupt conduct, the public official must notify the commission. Where the complaint relates to the public official, the complaint should be directed to the nominated person prescribed in this policy.

7.1 Nominated Person

7.1.1 Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- a. General Managers (as identified in Council's organisation structure) as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the Crime and Corruption Act; or
- b. The Coordinator Legal and Governance.

7.1.2 Where there is more than one nominated person:

- a. The Coordinator Legal and Governance will be the nominated person in the event that the complaint is regarding person holding an appointment in or an employee of Council;
- b. General Managers will be the nominated persons in the event that the complaint is regarding the public official;
- c. the nominated persons will — with or without consulting the CCC or the Mayor— decide who will be the nominated person for a particular complaint; and
- d. the nominated person for that particular complaint will inform the CCC and the Mayor that they are the nominated person for the particular complaint.

7.1.3 Once Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person.

7.2 Complaints about the public official

7.2.1 If a complaint may involve an allegation of corrupt conduct of the public official of Council, the complaint may be reported to:

- a. the nominated person; or
- b. a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

7.2.2 If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

7.2.3 If the nominated person reasonably suspects the complaint may involve corrupt conduct of the public official, they are to:

- a. notify the CCC of the complaint, and
- b. deal with the complaint, subject to the CCC's monitoring role, when:
 - i. directions issued under s40 apply to the complaint, if any; or
 - ii. pursuant to s46, the CCC refers the complaint to the nominated person to deal with.

7.2.4 If the public official reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the public official must:

- a. report the complaint to the nominated person as soon as practicable and may also notify the CCC; and

- b. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

7.2.5 Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- a. the nominated person is to deal with the complaint; and
- b. the public official is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

7.3 Resourcing the public official or the nominated person

7.3.1 If pursuant to ss40 or 46, the public official or nominated person has responsibility to deal with the complaint:

- a. Council will ensure that sufficient resources are available to the public official or nominated person to enable them to deal with the complaint appropriately, and
- b. the public official or nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - i. authorisation under a law of the Commonwealth or the State, or
 - ii. the consent of the public official or nominated person responsible for dealing with the complaint
- c. the public official or nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - i. purposes of the CC Act
 - ii. the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with; and
 - iii. Council's statutory, policy and procedural framework.

7.3.2 If the nominated person has responsibility to deal with the complaint, they:

- a. are delegated the same authority, functions and powers as the public official to direct and control staff of Council as if the nominated person is the public official/CEO of Council for the purpose of dealing with the complaint only
- b. are delegated the same authority, functions and powers as the public official/CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint.
- c. do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Mayor or Council or the public official, to the nominated person; and

7.3.3 If the public official has responsibility to deal with the complaint, they must:

- a. disclose the complaint to the Mayor
- b. deal with the complaint; and
- c. before finally dealing with the complaint, report to the Mayor about:
 - i. the action taken or not taken;
 - ii. the reasons the public official considers the action to be appropriate in the circumstances; and
 - iii. the results of the action taken that are known at the time of the report.

7.4 Liaising with the CCC

- 7.4.1 The public official is to keep the CCC and the nominated person/s (if any) informed of:
- a. the contact details for the public official and the nominated person/s (if there is a nominated person);
 - b. any proposed changes to this policy.

7.5 Consultation with the CCC

The public official will consult with the CCC when preparing any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the public official.

7.6 Definitions for Part 6

Terms used in this Part are defined as follows:

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	should include a direct telephone number, email address and postal address to enable confidential communications
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
public official	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>

8. Complaints about Councillors

Complaints about Councillors will be dealt with accordance with the *Local Government Act 2009*.

9. Public Interest Disclosure complaints

Council recognises the important role Councillors, Council employees and members of the public can play in the identification of cases of maladministration, misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.

9.1 PID Act objectives

- 9.1.1 In accordance with the objectives of the PID Act, it is Council policy to:
- a. promote the public interest by facilitating Public Interest Disclosures of wrongdoing in the public sector; and
 - b. ensure that PIDs are properly made, assessed, and when appropriate, properly investigated and dealt with; and
 - c. ensure that appropriate consideration is given to the interests of persons who are the subject of a PID; and
 - d. afford protection from reprisals to persons making PIDs.
- 9.1.2 Council recognises the sensitivities which can be associated with PIDs and the need to maintain public confidence in its process for managing PIDs. To that end Council will:
- a. ensure that PIDs are managed appropriately in accordance with the requirements of the PID Act
 - b. maintain confidentiality of PIDs received prosecute any person who provides a false or misleading statement or information to Council with the intention of it being processed as a PID prosecute and/or take disciplinary action against any Councillor or Council employee who takes or attempts to take a reprisal action ensure that the proper records of PIDs received are maintained, and that the confidentiality of all records created during the investigation and reporting of PIDs is preserved

9.2 Making a PID

- 9.2.1 A person may make a PID to a proper authority in any manner, including anonymously.
- 9.2.2 Council is the proper authority to make a PID about the conduct of its public officers or matters it is empowered to investigate.
- 9.2.3 Any Council employee or elected official must facilitate the report of a PID, however, concerned persons are encouraged to make a PID directly to Council's CEO, or if the matter is about the CEO to the Mayor.
- 9.2.4 The complaints management procedure applies to making and managing PIDs with additional actions to be implemented as appropriate by the PID recipient to ensure compliance with this policy.

10. Responsibility

Council is responsible for the adoption, amendment and repeal of the Policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the Policy.

11. Review

It is the responsibility of the Coordinator Legal & Governance to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

This Policy is to remain in force until otherwise amended/repealed by resolution of Council.

This Policy repeals the former Tablelands Regional Council Policy titled "External Complaints and Compliments Policy" adopted 15 May 2014.

JUSTIN COMMONS
CHIEF EXECUTIVE OFFICER