



Croydon Shire Council

Complaints Management Policy

Document Control

Responsible Officer:

Chief Executive Officer

CEO Signature:

Date:

19 January 2023

Category (tick):

- Policy** *Council resolution required*
- Procedure** *CEO approval required*
- Guideline** *CEO approval required*

Approval date	Head Policy #	Reference Number	Reason/Comment	Next review
10/01/2012			<i>New Policy</i>	
16/7/2020			Review to include <i>Human Rights Act 2019</i> and the assessment of complaints. Policy put into new template.	
19/1/2023	NA	POL STRAT 04	Review and new template	Jan 2025

1. Purpose

To establish a process for resolving complaints about the administrative actions of Council in accordance with section 268 of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

2. Scope

The Complaints Management Policy applies to all administrative action complaints and the way they are handled. In all steps of the complaints management process, including investigating findings or decisions, proper consideration will be given to requirements of the *Human Rights Act 2019* (Refer Appendix A). Individuals may make a human rights complaint. Under the Act Council must act and make decisions in a way that is compatible with human rights and properly consider human rights when making decisions. Individuals can complain to Council if they believe Council has breached their human rights (Refer Appendix B), and then to the Queensland Human Rights Commission (QHRC).

Examples of an administrative action include:

- a decision or failure to make a decision, including a failure to provide reasons for the decision in writing.
- making a recommendation.

The Complaints Management Policy does not apply to:

- complaints about the conduct or performance of councillors
- complaints about corruption
- public interest disclosures
- complaints covered by separate review or appeal processes, or identified under other legislation
- service requests (e.g. a pothole that needs patching, a stray dog, a broken water meter).

3. Objectives

The complaints management process is established to:

- make it easier for people to make a complaint
- make it easier for council to deal with complaints
- help council improve its services
- give the community confidence in council.

4. Legislation

- *Local Government Act 2009*, section 268
- *Local Government Regulation 2012*, section 306
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*

5. Definitions

Terms used in the complaints management process have the following meanings:

Administrative action complaint – is a complaint that:

- a) is about an administrative action of a local government, including the following,

- 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 a failure to do an act;
 - the formulation of a proposal or intention;
 - the making of a recommendation; and
- b) is made by an affected person.

Affected person – a person who is apparently directly affected by an administrative action of a local government.

CEO – the Chief Executive Officer of the Council.

Complainant – the affected person or organisation making a complaint.

Complaint – an expression of dissatisfaction by an affected person regarding a decision or other action of the Council.

Complaints Handling Framework – procedural steps adopted by the Council to deal with complaints under this policy.

Council – Croydon Shire Council.

Council officer – includes a permanent, temporary, casual or contract member on the Council's staff.

Business Unit Manager – a Council Manager who is generally responsible for various functions of the Council

Leadership Team (LT) – the CEO, Manager Works Services, Manager Finance Services and Manager Business Services

Complaints Management Process (CMP) – is a process for resolving complaints about administrative actions of the local government.

Request for service – a request for the Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.

The Act – Local Government Act 2009

System of recording complaints – the nominated Council system for recording of complaints.

6. Policy Statement

Croydon Shire Council acknowledges that people have a right to provide feedback, both positive and negative, on the services it provides and the decisions it makes. It also understands that there are occasions when people may wish to lodge a complaint. Council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

Council will make sure:

- anyone who is not happy about council can easily make a complaint.
- people are given help to make their complaint.
- people are not disadvantaged or treated unfairly after they make a complaint.

- each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- it deals with complaints quickly and fairly.
- council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices;
- people are told what council has decided about their complaint and the reasons for the decision.
- if people are still not happy, they are told how to appeal council's decision.
- complaints are recorded and reported on to help council provide better services.

Council commits to providing adequate resources and officers to deal with complaints and to record and analyse complaints data. Complaints will be dealt with in accordance with the Complaints Handling Framework (Appendix C). This supports the local government principles, section 4 of the *Local Government Act 2009*.

7. Responsibility of Officers

Leadership Team

The Leadership Team will:

- encourage excellence in customer service by Council officers;
- ensure that all Council officers are aware of and implement the complaints process in the manner intended by the Council;
- foster an environment where complaints management is the responsibility of all Council officers; and
- ensure any necessary staff training is provided, e.g. on the complaints process, conducting an investigation of a complaint, conflict management, customer service skills.

Business Unit Managers

Each Manager will ensure that:

- a) all Council officers under their management and control are aware of their role in customer service and responsibility for complaint management; and
- b) service standards are met.

Council Officers

All Council Officers:

- a) are required to observe the complaints process; and
- b) wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints process.

8. Evaluation and Review of the Complaints Management Process

Every year Council will conduct a review audit of the complaints management process.

The review audit will evaluate the performance of the complaints management process and will consider the following aspects, where necessary:

- Accessibility – whether the complaint process is readily available to members of the community and is user-friendly.
- Timeliness – whether timelines for responding to complaints have been met and, if not, remedial action proposed:

- Satisfaction – as evidenced by any complaint about the complaints process.
- Compliance – by considering reports on the operation of the complaints process.

The complaints process will be amended in terms of any adopted recommendation arising from the review.

9. Communication

Council will take appropriate steps to publicise the complaints management process. Council will place this document on its website and include training on the complaints management process in the induction process for new employees and in other appropriate staff training forums.

System of Recording Complaints

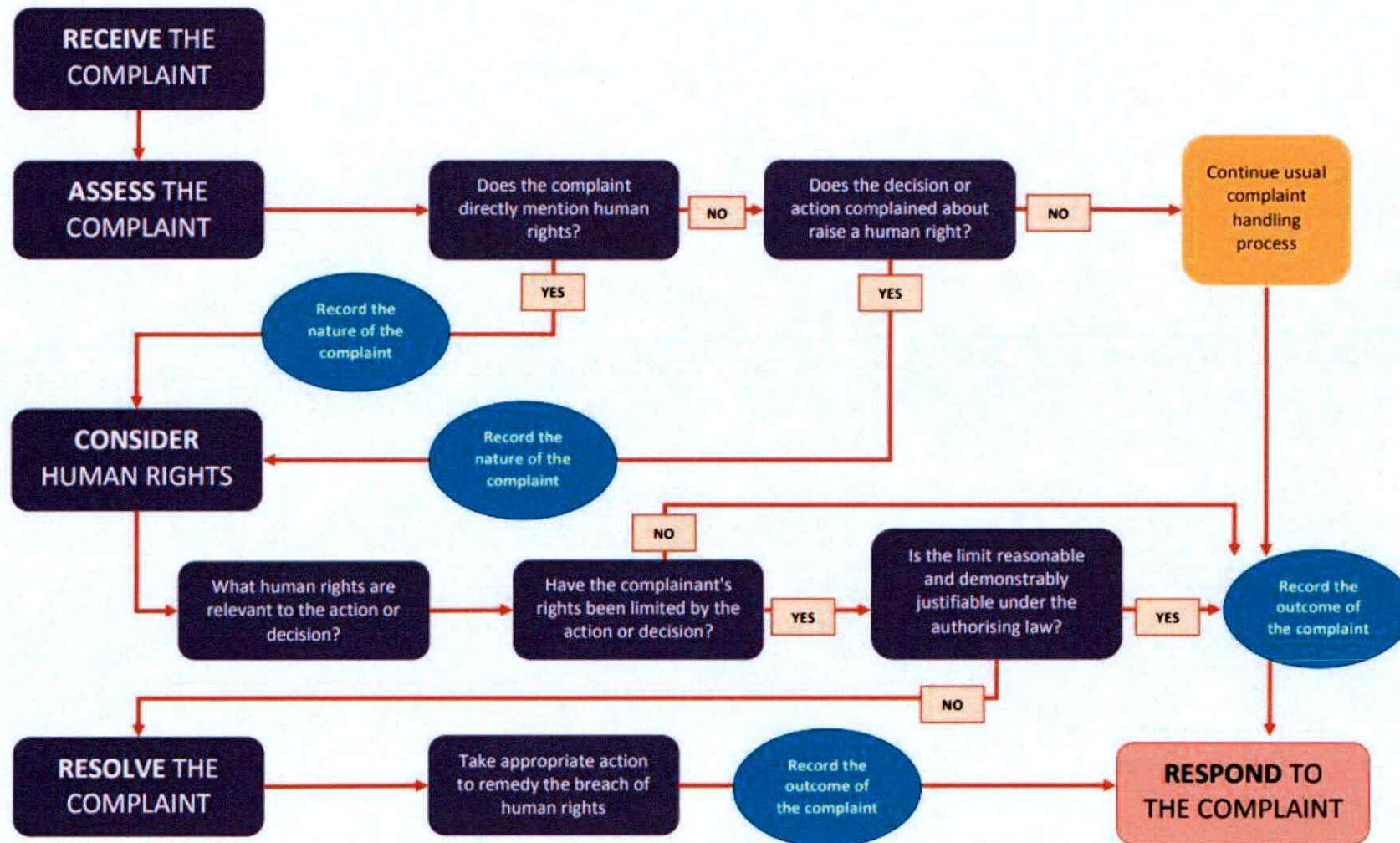
The CEO will ensure that the necessary documentation and processes for the nominated system of recording complaints is kept updated and held as an appendix to this policy.

10. Related Documents

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process.

APPENDIX A

Complaints Handling Flowchart



APPENDIX B

Human Rights Triggers

Consider this human right...	...when complaints involve:
<p>Recognition and equality before the law Section 15</p>	<ul style="list-style-type: none"> • A service delivered to some groups and not others. • A policy, program or service with the potential to have a disproportionate impact on a group or individuals who have a particular attribute (for example, elderly people, people with a disability, or people who are not fluent in English). • Eligibility criteria for programs, entitlements or plans (for example, payment plans under the State Penalty Enforcement Register). • A policy, program or service that engages any of the other protected human rights in a discriminatory way. For example, a policy aimed at people living in relationships should, where relevant, apply equally to married couples, de facto couples, and same-sex couples.
<p>Right to life Section 16</p>	<ul style="list-style-type: none"> • A decision that deals with withdrawal or withholding of life sustaining treatment. • The use of force by law enforcement officers, including the use of weapons. • A policy that deals with the use of deadly force (for example, the law relating to self-defence).
<p>Protection from torture and cruel, inhuman or degrading treatment Section 17</p>	<ul style="list-style-type: none"> • How people are treated at sites where an agency is responsible for their care (e.g. public hospitals, mental health services or facilities, prisons, state schools, state operated aged care services). • A policy, program or decision about medical treatment for people without their consent (e.g. under mental health or guardianship law). • A decision affecting the physical or mental well-being of a person in a way that may cause serious physical or mental pain or suffering, or humiliate the person. • A policy, program or decision that involves a person being searched (including intrusive searches).
<p>Freedom from forced work Section 18</p>	<ul style="list-style-type: none"> • A policy or program that involves people doing work or providing services under threat of a penalty. • Any policy, program or service that allows an agency to employ or direct people to perform work in a vital industry or during a state of emergency (for example, requiring military service).
<p>Freedom of movement Section 19</p>	<ul style="list-style-type: none"> • A policy, program or decision that restricts movement or where a person can live. • A policy or program that restricts people's movement based on national security considerations.

Consider this human right...	...when complaints involve:
	<ul style="list-style-type: none"> • A policy, program or decision that monitors a person's movements. • A policy, program or decision that limits movement in public spaces. • Imposing planning controls, such as by zoning residential locations away from commercial, industrial or agricultural areas.
Freedom of thought, conscience, religion and belief Section 20	<ul style="list-style-type: none"> • A policy, program or decision that promotes, restricts or interferes with a particular religion or set of beliefs. • A policy or statutory provision that requires people to disclose their religion or beliefs. • A policy, program or service that regulates conduct in a way that affects a person's worship, observance, practice or teaching of their religion or belief (for example, a dress code that does not accommodate religious dress). • A policy, program or service where conditions of receiving a benefit or accessing a service prevent a person from adhering to their religion or belief. • A policy or decision that restricts people under state control from observing their religion (e.g. prisoners).
Freedom of expression Section 21	<ul style="list-style-type: none"> • A policy that requires prior approval before a person can express themselves (for example, to hold a protest or busk in a particular area). • A policy that regulates the contents of speech, publication, broadcast, display or promotion, or regulates offensive speech. • A policy, program or service that imposes a dress code (for example, a dress code that prohibits staff from wearing t-shirts displaying political messages) • A policy or decision that restricts or censors media coverage (for example, on the reporting of judicial proceedings).
Peaceful assembly and freedom of association Section 22	<ul style="list-style-type: none"> • A policy, program or decision that restricts people from having public or private gatherings (for example, restricting areas or times for demonstrations, pickets or public events). • A policy or decision that requires a person to belong to a professional body or workplace association (a requirement for compulsory membership of a professional body has not generally violated this right, particularly if the association is responsible for professional regulation). • A policy, program or service that treats people differently because they are a member of a group or association. • A policy, program or service that prohibits membership in a group or association with certain persons (for example, in a criminal justice context).
Taking part in public life Section 23	<ul style="list-style-type: none"> • A policy or decision that limits participation in elections. • A policy or statutory provision that sets eligibility requirements for the public service and public office.

Consider this human right...	...when complaints involve:
Property rights Section 24	<ul style="list-style-type: none"> • A policy or statutory provision that sets processes and procedures for voting. • A policy allowing a person's property to be acquired, seized or forfeited under civil or criminal law (for example, confiscations proceedings). • A policy or decision allowing an agency to access private property. • A policy decision that implements Government control over its own property (for example, resumption of land).
Privacy and reputation Section 25	<ul style="list-style-type: none"> • A policy, program or decision that involves surveillance of people for any purpose (for example, CCTV). • A policy, program or service that collects and/or publishes personal information (for example, results of surveillance, medical tests, electoral roll). • A policy, program or service that regulates a person's name, private sexual behaviour, sexual orientation, or gender identity. • A policy, program or service that regulates storage, security, retention and access to personal information. • A policy that requires mandatory reporting of injuries or illnesses. • A policy or decision that interferes with or inspects mail and other communications, or prevents or monitors correspondence between categories of people. • A policy, program or service that requires mandatory disclosure or reporting of information (including disclosure of convictions). • A policy that establishes powers of entry and search (including personally invasive powers, such as strip searches). • A requirement for compulsory physical examination or intervention (for example, DNA, blood, breath or urine testing).
Protection of families and children Section 26	<ul style="list-style-type: none"> • A policy, program or decision that regulates family contact for people in care or relates to intervention orders between family members. • A policy, program or decision that regulates adoption and surrogacy. • A policy, program or decision that deals with removing children from a family unit or separating children from parents, guardians, or other adults responsible for their care.
Cultural rights – generally Section 27	<ul style="list-style-type: none"> • A policy, program or service that restricts people from observing religious practices. • A policy, program or service that restricts people from declaring their affiliation to a particular racial, religious or cultural group. • A policy or service that limits or prohibits communication in languages other than English, including through the provision of information.

Consider this human right...	...when complaints involve:
	<ul style="list-style-type: none"> • A policy that restricts the provision of services or trade on religious holidays. • A policy or program that regulates cultural or religious practices in public education. • A policy, program or service that provides government information only in English and allows for access to services only by English speaking persons. • A policy that licences or restricts food preparation and service.
Cultural rights – Aboriginal peoples and Torres Strait Islander peoples Section 28	<ul style="list-style-type: none"> • A policy, program or service that prohibits the use of a traditional language. • A policy, program or decision that allows or limits the ability of Aboriginal or Torres Strait Islander persons to take part in a cultural practice, or otherwise interferes with their distinct culture practices. • A policy or decision that interferes with the relationship between Aboriginal or Torres Strait Islander people and land, water and resources. • A policy or decision that protects Aboriginal and Torres Strait Islander cultural heritage, including Aboriginal human remains and secret or sacred objects.
Right to liberty and security of person Section 29	<ul style="list-style-type: none"> • A policy or decision that authorises a person with a mental illness to be detained for treatment. • A policy that allows a person to be detained on safety grounds, such as intoxication. • A policy or statutory provision that provides powers of arrest. • A policy or statutory provision that provides for detention on remand or release on bail conditions.
Humane treatment when deprived of liberty Section 30	<ul style="list-style-type: none"> • A policy setting out the conditions for detention of individuals. • A policy setting out standards and procedures for treatment of people who are detained (for example, use of force, dietary choice, access to private shower and toilet facilities). • A policy or statutory provision that allows people who are detained to be searched.
Fair hearing Section 31	<ul style="list-style-type: none"> • A policy or proposal that reverses the onus of proof. • A policy or program that creates or restricts reviews of administrative decision-making and appeal processes. • A policy, program or service that provides special procedures for witnesses giving evidence in a court or tribunal (such as special measures for children and other vulnerable persons). • A policy or statutory provision that regulates the procedures for challenging the impartiality and independence of courts and tribunals. • A policy that restricts the publication of cases or decisions. • A policy, program or service that disadvantages or doesn't consider the particular circumstances of a litigant (for example, a litigant with a disability).

Consider this human right...	...when complaints involve:
Rights in criminal proceedings Section 32	<ul style="list-style-type: none"> • A policy or decision that impacts on the presumption of innocence. • A policy that deals with the admissibility of evidence. • A policy that deals with reverse onus of proof. • A policy or decision that delays trial proceedings. • A policy or service that restricts cross examination. • A policy or decision that deals with the provision of legal aid. • A policy or decision that restricts access to information and material to be used as evidence. • A policy that limits appeal rights. • A policy that regulates the procedures for investigation and prosecution of offences. • A policy, program or service that deals with the provision of assistants and interpreters.
Children in the criminal process Section 33	<ul style="list-style-type: none"> • A policy or decision that detains children for any length of time. • A policy or decision that detains children in locations that have limited facilities or services for their care and safety (for example, watch houses). • A policy or decision that relates to sentencing laws. • A policy or statutory provision that relate to standards in detention centres.
Right not to be tried or punished more than once Section 34	<ul style="list-style-type: none"> • A policy or statutory provision that creates new offences. • A policy or decision that is related to the double jeopardy exceptions under the Criminal Code.
Retrospective criminal laws Section 35	<ul style="list-style-type: none"> • A policy or decision that sanctions a person for conduct that was not unlawful at the time of the conduct. • A policy or decision that fails to apply less severe penalties for a person's conduct if penalties have decreased since the time of the conduct.
Right to education Section 36	<ul style="list-style-type: none"> • A policy, program or service that provides education and training to young people in detention. • A policy, program or service providing access to schools that has a disproportionate impact on people with a particular attribute (for example, people with a disability).
Right to health services Section 37	<ul style="list-style-type: none"> • A policy, program or service that deals with access to health care for prisoners or other persons in care. • A policy, program or service providing health services that has a disproportionate impact on people with a particular attribute (for example, people with a disability).

APPENDIX C

Complaints Handling Framework

The following framework describes the model adopted by Council for handling complaints.

<p>STAGE 1</p> <p>Preliminary Procedures</p> <p>Review of complaint in Council service area where administrative action occurred - see sections of the complaints process.</p>	<p>Stage 2</p> <p>Complaint Process</p> <p>Internal review by Council officer; External review by a person who is not a Council officer; Further review by Council, if deemed necessary.</p>	<p>Stage 3</p> <p>Complainant informed of other review options if not satisfied with Council decision on complaint, e.g. complaints agency such as the Queensland Ombudsman, other avenues of appeal or review or alternative dispute resolution.</p>
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Stage 1 – Preliminary Procedures

1. Preliminary procedures before a complainant can make a complaint

This section applies if a person makes a complaint about an administrative action of the Council.

When a person makes a complaint without having contacted the relevant service area of the Council, the LT or CEO to try to resolve the complaint, the person may be required to take this initial step before the complaint will be registered and dealt with under the complaints process.

If the complaint is not resolved by the relevant service area, LT or CEO, the complaint will be dealt with in accordance with the complaints process.

Whenever reasonable and possible, the early resolution of complaints is favoured. When a complaint is received, if a simple and reasonable resolution can be identified, there is no need for the complaint to be escalated to an investigation.

Compliance with this section is not a pre-requisite to the submission of a formal written complaint under the complaints process. In those circumstances the complaint will be dealt with under the complaints process, unless it is earlier resolved to the complainant's satisfaction or is withdrawn by the complainant.

2. Making a complaint

People can make a complaint in any of the following ways:

- By telephone or in person to a council officer;
- By email to admin@croydon.qld.gov.au;
- In writing (by letter, fax, or by completing the Council's complaint form) addressed to the CEO.
- Anonymously

All written and electronic complaints should be addressed to the CEO. The complainant's contact details should be identified so the Council can contact the complainant as required by the Act.

Anonymous complaints will be dealt with under the complaints process. Although, where the complaint cannot be actioned without further information from the complainant it will not be processed. Therefore depending on the subject matter, anonymous complaints will be assessed by the relevant area to see if any action is possible or required.

If an oral complaint is received, the CEO, or delegate, may request that the complaint be put in writing if it is of a complex nature or contains complex material.

The Council officer who receives an oral complaint will record details via a file entry in the records management system and if the complaint is not resolved to the complainant's satisfaction, will refer the complaint for action under the complaints management process.

All written complaints will be referred to the CEO, or delegate, who will arrange for the complaint details to be recorded in the Complaints and Customer Request Program.

Helping people make a complaint

If necessary, assistance should be provided by a Council officer to a complainant on how to make a complaint, including what information they need to provide and how it should be documented. The aim is to clarify the matter of concern to the complainant and the outcome/s sought.

If a complainant requires interpreter services, or has special needs, the complainant will be referred to the appropriate Council officer who will provide advice or arrange for the giving of assistance, to the extent practicable.

Complaints by agents

If a complaint is lodged on behalf of a person by a professional advisor, e.g. a solicitor or accountant, the Council will respond direct to that advisor.

A complaint lodged by a person as agent for an affected person will be responded to direct to the affected person and not to the agent, unless a letter of authority is provided indicating the agent is acting on behalf of the affected person and the Council considers that the appointment as agent has been validly made.

Stage 2 – Complaint Process

1. Process for selecting and appointing a complaints officer to investigate complaints

The Council has by resolution delegated to the CEO the power to select and appoint a person or persons to be a complaints officer to investigate complaints.

The CEO may delegate his/her powers to another employee of the Council under the Act.

The investigation is to be undertaken either by way of internal review or external review. Relevant criteria to be applied in making the decision about the method of review are:

2. Internal review

An internal review of a complaint will be conducted if it is deemed that an internal complaints officer is available that has not been involved in the administrative action. The review will be conducted by the CEO, or an officer appointed by the CEO or the CEO's delegate.

3. External review

External review of a complaint will only be undertaken after the complainant has undertaken the preliminary procedure via the relevant service area.

An external review of a complaint can also occur where deemed appropriate by the CEO or delegated officer.

Complaints will generally be entitled to an external review if the complaint concerns an administrative action undertaken by one of the persons described below following an investigation by the complaints officer:

- a) the Council at a Meeting;
- b) the Mayor acting under statutory or delegated authority;
- c) the CEO.

4. Appointment of reviewer

The CEO, or delegate, will:

- a) assess the nature of the complaint and determine whether the complaint is to be investigated by means of internal review or external review;
- b) delegate to a complaints officer under a delegation of authority or based on the review criteria, appoint a suitable person as the Complaints Officer for that purpose; and
- c) give the person appointed as the Complaints Officer an instrument of appointment or other instruction that also stipulates the date by which the Complaints Officer must complete the report on the investigation if the complaint is not earlier resolved to the complainant's satisfaction or is withdrawn by the complainant.

The person appointed as a Complaints Officer for a complaint must have the appropriate knowledge, qualifications, skill and experience, including the relevant investigative, analytical and correspondence skills, to conduct an investigation into the complaint, make findings, formulate recommendations (where appropriate) and prepare an appropriate report on the outcome of the investigation for consideration by the Council or its delegate.

The Complaints Officer appointed to investigate a complaint by way of internal or external review must not have been involved with the administrative action or alleged minor breach in question.

5. Sending complaints to, and their investigation by, the Complaints Officer

The CEO, or officer authorised by the CEO ("authorised officer"), after the complaint has been recorded, will arrange for the complaint and other materials, including relevant documents from the Council's records, to be forwarded to the Complaints Officer for assessment of the complaint as soon as practicable after the officer's appointment.

The CEO or delegate will give the person appointed as the complaints officer an instrument of appointment that also stipulates the date by which the complaints officer must complete the report on the investigation if the complaint is not earlier resolved to the complainant's satisfaction or is withdrawn by the complainant, or the times for completion is formally extended.

The timeframe for dealing with a complaint will depend on an assessment of the following factors by the CEO or authorised officer:

- the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- the likelihood that the complaint can be quickly resolved;

- the complexity of the complaint issue/s;
- whether the complaint requires internal review or external review in accordance with the criteria for the selection of a Complaints Officer for the complaint as set out in the complaints management process.

In general terms, the Council will endeavour to meet to the following timeframes for dealing with a complaint:

- for *urgent* matters - within fourteen (14) days;
- for *non-urgent* complaints that are not considered to be complex or where the complaint is to be investigated under the internal review mechanism - within thirty (30) days; or
- for *complex* complaints or where the complaint is to be investigated under the external review mechanism - within sixty (60) days.

If the nominated timeframe for dealing with a complaint cannot be met for any reason, the CEO or delegate may, once only, extend the time for dealing with the complaint and notify the complainant in writing of the extension before the expiry of the initial timeframe. In determining any extension of time, the CEO or delegate, must consult with the Complaints Officer for the complaint and fix a date that is reasonable in all the circumstances, but in no case more than three (3) months from the date the complaint was received by the Council.

The Complaints Officer will acknowledge receipt of the complaint and any other material, indicating the date of receipt.

If a complaint is resolved to the complainant's satisfaction before it is sent to a Complaints Officer for investigation, notice that the complaint has been resolved may be given to the complainant in the same medium by which the complaint was initially made, e.g. an oral response may be given to a complaint that was made orally.

However, the Council may give a formal written response to a complaint irrespective of the medium by which the complaint was made. The Council will make a record of any oral advice given to a complainant that the complaint has been resolved.

As a condition of appointment, an external reviewer will be required, when forwarding his/her investigation report to the CEO, to return all records and documents relating to the investigation.

The timeframe for dealing with a complaint is measured from the date of receipt of a complaint to the date the complainant is informed of the outcome of the complaint.

6. Opportunity for complainant to provide further information about the complaint

The Complaints Officer may invite the complainant to provide further information after the initial assessment of the complaint material to assist in fully understanding the complainant's concerns, the issue/s to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought by the complainant.

Seeking further information from the complainant at this stage of the complaints process may be undertaken by informal means such as telephone, e-mail or face-to-face discussion. The Complaints Officer will record a fair summary of any oral information received and will confirm with the complainant in an appropriate manner that the summary accurately reflects the information provided by the complainant.

7. Grounds for refusal to investigate complaint

In assessing a complaint (including any further information provided by the complainant) the Complaints Officer will consider whether there is a statutory ground on which the complaint may be

refused. The Complaints Officer may refuse to investigate a complaint or, having started to investigate a complaint, refuse to continue the investigation if the officer and CEO reasonably considers that:

- a) the complaint is trivial; or
- b) the complaint concerns a frivolous matter or was made vexatiously; or
- c) the complainant does not have a sufficient direct interest in the administrative action or alleged minor breach the subject of the complaint; or
- d) both of the following apply -
 - i. the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted;
 - ii. it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the officer investigates, or continues to investigate, the complaint;
- e) in the circumstances, investigating the complaint is unnecessary or unjustifiable.

The Complaints Officer will give both the Council and the complainant written notice of a decision made by the officer to refuse to investigate the complaint, or to continue the investigation, and the reasons for the decision.

8. Investigating a complaint

The Complaints Officer will attempt to resolve the complaint informally, for example, by providing an explanation for the Council's action in the particular case. A complaint may be resolved or withdrawn by the complainant at any time during the complaints process. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect to the Complaints Officer. Written notice that the complaint has been resolved, and the general manner in which it was resolved, will be given to both the Council and the complainant.

If in the opinion of the Complaints Officer, resolution of a complaint about an administrative action merely involves rectification of an obvious error or a remedy of a similar nature, the Complaints officer will discuss the issue with the relevant Council officer with a view to resolving the complaint.

The investigation of a complaint will be undertaken by the Complaints Officer in an independent, impartial and objective manner. A Complaints officer may, if the Officer considers appropriate in the circumstances, undertake mediation between the parties with a view to resolving a complaint, but will not act as an advocate.

The investigation of a complaint will typically involve the following stages:

- 1) preparation of an action plan for conducting the investigation;
- 2) information gathering, including discussions and interview with the complainant, Council personnel and third parties (where relevant) and examining relevant laws and Council policies and procedures;
- 3) analysis of all relevant information obtained;
- 4) formulation of findings and any recommendations for the Council's consideration;
- 5) preparation of a report on the results of the investigation or the outcome of the complaint if it was resolved during the complaints process or was withdrawn by the complainant.

The Complaints Officer will adhere to the following principles when conducting an investigation of a complaint:

- Procedural fairness and natural justice;
- Establishment and maintenance of a complete document trail (to facilitate any subsequent review that may be undertaken of the investigation conducted by the Complaints Officer);
- Council and other policies are designed for administrative guidance only, and should not be rigidly applied irrespective of the merits of a particular case. An administrative policy may be departed from if the merits of a particular case warrant that course of action.
- Lawfulness of a particular action is not necessarily decisive of the issue in dispute. The Complaints Officer will also assess whether the action was unfair, unreasonable or wrong.

- The civil standard of proof applies for administrative investigations. This means that allegations have to be established on the balance of probabilities – that is, it must be more probable than not that the allegation is made out; and
- Confidentiality about the investigation must be maintained to the extent that it can reasonably be achieved, subject to other legal requirements about the disclosure of information.

9. Obligation of Complaints Officer on completion of investigation

If a complaint is not resolved during the investigation process to the satisfaction of the complainant or is not withdrawn by the complainant, the Complaints Officer will give the CEO (or Council if applicable) and the complainant a written report on the results of the investigation and any recommendations. The Complaints Officer must give the report to both the CEO (or Council if applicable) and the complainant within the time stipulated in the instrument of appointment, subject to any approved extension of time.

The report will typically address the following matters to the extent each matter is relevant in the particular case:

- the complaint issue/s;
- a concise summary of the material facts and circumstances of the matter;
- any relevant legislation;
- any relevant Council or other policy;
- persons interviewed and/or consulted and relevant information obtained during any interview and consultations;
- results of any relevant research;
- analysis of complaint issues to the extent necessary;
- findings on material questions of fact and law;
- whether the complaint is sustained and reasons for that finding;
- if the complaint is sustained, any recommendation/s to the CEO (or Council) to redress the complainant's grievance, whether by way of benefit to the complainant and other affected persons (if any) and/or systemic improvements to the Council's administrative practice with a view to preventing a recurrence of similar complaints.

An internal complaints officer has fulfilled the reporting requirements by drafting a suitable response notice or report to Council.

The report will contain any recommendations that the Complaints Officer considers to be appropriate in the circumstances. In some cases, it will be appropriate to make a recommendation for procedural improvement even where the complaint has not been sustained. A recommendation may relate to:

- a specific remedy or remedies that is/are available to redress the complainant's grievance; and/or
- the proposed amendment of a relevant Council policy, procedure or practice to address any systemic issue raised by the complaint with a view to preventing similar complaints in the future.

10. Remedies

The Council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:

- an explanation for the action in question;
- an admission of fault;
- an apology;
- revocation or amendment of the decision;
- rectification, including repairing or replacing the matter in dispute;
- revision of relevant policy, procedure or practice;
- provision of technical assistance;
- reimbursement of costs incurred as a result of the action in question;
- financial compensation, including an *ex-gratia* payment; or

- waiver of debt.

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

11. Consideration of report by Council

Report about an administrative action

A Complaints Officer's report prepared under the complaints process, including any recommendation(s), on a complaint about an administrative action will be considered:

- a) by the Council by resolution if the administrative action in question was taken by:
 - i. the Council at a meeting;
 - ii. the Mayor acting under statutory or delegated authority;
 - iii. the CEO; or
 - iv. another Council officer where the requirement that the Complaints Officer be no less senior than the officer who took the administrative action, cannot be met;
- b) by the CEO under delegated authority if the administrative action in question was taken by a senior officer who reports directly to the CEO; or
- c) by another Council officer under delegated authority if the administrative action in question was taken by a Council officer who is not more senior than the delegate.

A Council officer exercising delegated authority to deal with the complaint, by accepting or rejecting the findings of the Complaints Officer, has authority to provide any lawful remedy for the complaint that is available under the complaints process, irrespective of whether the remedy has been recommended by the Complaints Officer.

Where the Complaints Officer's report includes a recommendation that a suitable policy be made to address the complaint issue, or an existing policy be appropriately amended, the recommendation will be referred to the Council for consideration by resolution if deemed appropriate by the CEO.

12. Notice to complainant about outcome of complaint

Written notice of the outcome of a complaint will be given to the complainant following the Council's consideration of, and decision on, the Complaints Officer's report and recommendations (if any).

The notice to the complainant will generally include the following advice:

- a) whether the complaint is sustained;
- b) if the complaint is not sustained, the reasons for the decision;
- c) if the complaint is sustained
 - i. any remedy to be made available to the complainant;
 - ii. if applicable, the circumstances and timeframe in which the remedy will be made available; and/or
 - iii. whether the investigation identified the need to revise Council policy, procedure or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.

13. Implementation of remedy

The Council, through the CEO or delegate, will take action in a timely manner to implement any remedy to be made available to a complainant and/or any revision of its policy, practice or procedure.

14. Council review if complainant dissatisfied with outcome of complaint

If a complainant is dissatisfied with the outcome of the consideration of the Complaints Officer's report and any recommendation, the complainant may request a review of the decision on the complaint. The complainant may submit new information with the request for review and seek reconsideration of the complaint on the basis of the new information or on any other basis.

The Council will –

- undertake the review as requested and advise the complainant accordingly; or
- decline the review on the basis that the complainant has not provided any reasonable basis for the review.

Any review undertaken will generally be in accordance with the complaints process. The reviewer will be independent of the original decision maker and the Complaints Officer.

Stage 3 – Review by Ombudsman or Other Complaints Entities

1. Review by other complaints entities

If the Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (providing contact details).

Complaints Management System

2. Reporting on complaint trends

Annually, commencing from the date the complaints process commenced, the CEO or delegate will complete a report on all complaints (oral and written) received through the complaints process, being complaints about administrative actions of the Council.

The report will include details for the particular twelve (12) months and the financial year to date and, to the extent details are available, draw comparisons with corresponding periods for the (2) immediately preceding financial years.

Each report will set out:

- a) details of complaints received and resolved during the period;
- b) whether timeframes were met;
- c) how each complaint was dealt with (pre-complaint stage, by Complaints Officer, CEO decision or Council decision on Complaints Officer's report, or still not resolved to complainant's satisfaction);
- d) a brief description of the outcome, including any remedy given to a complainant;
- e) details of any service delivery or business improvements that have been effected as an outcome of the Council's consideration of complaints.

The report will also:

- contain details of any systematic issues that have been identified and/or whether there is any trend in the complaints received; and
- suggest whether any other action should be taken to change service delivery and/or improve business activities, services, systems and staff skills, etc.

The CEO will discuss the report with the LT and will thereafter submit it to the Council for consideration, together with any comments from the LT.

Details about complaints concerning administrative actions will be provided in the Council's annual report, as required by section 187 of the Local Government Regulation 2012:

- a statement about the local government's commitment to dealing fairly with administrative action complaints; and
- a statement about how the local government has implemented its complaints management process, including an assessment of the local government's performance in resolving complaints under the process.

The annual report will contain particulars of the number of the following during the financial year:

- administrative action complaints made to the local government
- administrative action complaints resolved by the local government under the complaints management process
- administrative action complaints not resolved by the local government under the complaints management process; and
- administrative action complaints that were made in a previous financial year.