

# Gladstone Regional Council

## Corporate Standard

<b>Title</b>	<b>COMPLAINT MANAGEMENT PROCESS</b>
<b>Corporate Standard No.</b>	<b>CS-2021-05</b>
<b>Business Unit/s</b>	<b>FINANCE GOVERNANCE AND RISK CUSTOMER EXPERIENCE</b>
<b>Date of Approval by CEO</b>	
<b>Date of Effect</b>	
<b>Review Date</b>	
<b>Date Repealed</b>	

### 1.0 PURPOSE:

This corporate standard outlines what processes will be applied in the management of complaints lodged with Gladstone Regional Council (Council).

### 2.0 SCOPE:

This corporate standard applies to all complaints lodged with Council including Administrative Action Complaints as defined in section 268(1) of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

This corporate standard does not include the management of Customer Service Requests.

### 3.0 RELATED LEGISLATION:

- *Crime and Corruption Act 2001;*
- *Human Rights Act 2019;*
- *Information Privacy Act 2009;*
- *Local Government Act 2009;*
- *Local Government Regulation 2012;*
- *Public Interest Disclosure Act 2010;*
- *Right to Information Act 2009.*

### 4.0 RELATED DOCUMENTS:

- Code of Conduct Policy;
- Complaint Management Policy;
- Complaint Review Panel – Conducting Internal Review of Complaint Procedure;
- Councillor Code of Conduct Policy;
- Dealing with Complaints involving the Chief Executive Officer Policy;
- Information Privacy Policy;
- Infringement Notice Review Process Work Procedure;
- Petitions Corporate Standard;

- Public Interest Disclosure Procedure Corporate Standard;
- Unreasonable Customer Conduct Policy;
- Unreasonable Customer Conduct Corporate Standard.

## 5.0 DEFINITIONS:

To assist in interpretation of this corporate standard, refer to the Complaint Management Policy for definitions in addition to those listed below:

**“Case Manager”** means an employee from Council’s Customer Solutions Team who is the customer’s Council point of contact for the matter.

**“Complaint Review Panel”** means a panel of up to three (3) employees who impartially review an Administrative Action Complaint decision. The panel will consist of one (1) employee from Council’s Governance Team and two (2) sufficiently experienced officers who have not previously been involved in considering or deciding the complaint matter under review.

**“Subject Matter Expert/s”** means those employees who have expert skills or knowledge on a particular matter or topic.

## 6.0 CORPORATE STANDARD STATEMENT:

Council has classified complaints into the following categories which will be managed by the process and procedures set out in this Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Statutory Review or Appeal;
3. Complaint Regarding the Conduct of an Employee/s;
4. Public Interest Disclosure<sup>1</sup>;
5. Human Rights Complaint;
6. Petition;
7. Competitive Neutrality Complaint (CNC)<sup>2</sup>;
8. Complaint Regarding the Conduct of the Chief Executive Officer; and
9. Complaint Regarding the Conduct of the Mayor and/or Councillors<sup>3</sup>.

### 6.1 Identification and Assessment of Complaint/s

Upon receipt of a potential complaint, the employee receiving the matter must assess whether it is a complaint, and if so:

- identify the category of complaint; and

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<sup>1</sup> Refer to sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council’s Public Interest Disclosure Procedures.

<sup>2</sup> Refer section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints.

<sup>3</sup> Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors.

- if assessed as an Administrative Action Complaint, Human Rights Complaint, Competitive Neutrality Complaint or Statutory Review or Appeal, identify whether the complaint has been lodged by an affected person or their agent.

When determining whether a matter is a complaint, consideration will be given to the following information and criteria:

- it is not a request for service;
- the word complaint does not have to be used;
- it represents the gap between the expectations Council gave and the service/s Council delivered;
- it does not have to be reasonable, have merit or be complex or serious in nature - it may involve a simple and/or minor matter;
- it does not need to be an escalation of a previously raised issue - it may involve an issue raised for the first time.

In some instances, a complaint may contain content in more than one complaint category.

#### **6.1.1 Administrative Action Complaint**

An Administrative Action Complaint is defined in the Complaint Management Policy and is an expression of dissatisfaction by an affected person who is directly affected by an administrative action of Council, including a failure to take action. An Administrative Action Complaint can be on the basis of:

- lack of timeliness;
- lack of quality;
- lack of communication;
- a safety / risk concern;
- a policy or procedure not followed;
- an unsatisfactory decision.

#### **6.2 Notification - Where a Complaint Cannot be Progressed**

Where it has been determined that a complaint is:

- frivolous; or
- vexatious; or
- in breach of a customer contact restriction, or
- where there has been insufficient information provided;

the complainant must be advised within 10 business days.

The decision maker for the particular complaint category as nominated in the attachments of this corporate standard is responsible for making the determination on whether a complaint is frivolous or vexatious.

Where a complaint is in breach of a customer contact restriction, a response will not be provided for matters for which the restriction includes filing of the matter without acknowledgement or response by Council.

For complaints where insufficient information has been received, the response will include advice on the additional information the complainant can provide to progress the matter as a complaint.

For complaints which must be lodged by an affected person or their agent (i.e. Administrative Action Complaint) and it is determined that the complainant is not an affected person or agent, the complainant will be advised within 10 business days that the complaint cannot be progressed.

### **6.3 Process for Managing Complaint Categories**

- Attachment 1 - Summary of Complaint Management Process;
- Attachment 2 - Administrative Action Complaints Process;
- Attachment 3 - Statutory Review or Appeal Process;
- Attachment 4 - Complaint Regarding the Conduct of an Employee/s Process;
- Attachment 5 - Public Interest Disclosure Process;
- Attachment 6 - Human Rights Complaint Process;
- Attachment 7 - Petition Process;
- Attachment 8 - Competitive Neutrality Complaint Process;
- Attachment 9 - Complaint Regarding the Conduct of the Chief Executive Officer;
- Attachment 10 - Complaint Regarding the Conduct of the Mayor and/or Councillors.

### **6.4 Timeframes**

#### **6.4.1 Lodgement and Acceptance Timeframe**

The timeframe for acceptance of a complaint will be managed in accordance with the governing legislation applying to the respective complaint category. For example, a request for statutory review of an infringement notice must be received by Council within 28 days of the date the notice was issued.

Further, complaints received by Council after a period of more than 12 months will be considered on a case by case basis and subject to sufficient reasons being provided for the delay in lodgement of the complaint.

#### **6.4.2 Outcome Timeframe**

The timeframe for processing complaints will be managed in accordance with Council's corporate standards and processes, and the governing legislation applying to the respective category of complaint. For example, an outcome for a Human Rights Complaint will be provided within 45 business days.

An acknowledgement will be provided to the complainant within 10 business days which will include the anticipated timeframe for an outcome. Council will also provide the complainant regular updates on the progress of their complaint.

## **6.5 Recording of Complaints and Outcomes**

All complaints will be recorded in Council's Complaint Management System (Pathway) and will be supported by document storage within Council's central recordkeeping system (ECM) as required.

## **6.6 Human Rights**

Regardless of the category of complaint and regardless of the complainant specifically identifying human rights, the employee assigned to investigate the complaint will:

- identify the human rights relevant to the matter;
- consider whether the action or decision limits the identified human rights; and
- assess whether the limitation/s are justified and reasonable in the circumstances.

For completeness, in circumstances where the complainant has identified specific human rights, the employee assigned to investigate the complaint will consider whether any other human rights are relevant to the matter.

## **6.7 Confidentiality and Privacy**

The identity of a complainant and copies of all relevant documentation, including the original complaint, any investigation report and all correspondence between the complainant and the investigator, will be treated as confidential information and kept in accordance with relevant legislative requirements.

Confidentiality about the complaint and any subsequent investigation will be maintained to the extent that it can reasonably be achieved, subject to other legal and legislative requirements relating to the disclosure of information<sup>4</sup>.

## **6.8 Dealing with Multiple Complaint Categories in one Document or Report**

Where a person lodges a complaint that contains information comprising more than one category of complaint, the matter will be managed via the primary complaint category process. The employee assigned to investigate the complaint will ensure that all other necessary actions are also addressed as part of the overall management of the complaint.

However, if a multiple category complaint includes employee conduct, the employee conduct complaint will be managed separately to the balance of the complaint matter.

## **6.9 Monitoring, Reporting and Review**

Reporting is to be undertaken as per section 6.9 and 6.10 of the Complaint Management Policy.

General Managers will monitor the progress of complaints relevant to their Business Unit and ensure follow up action is taken as required.

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<sup>4</sup> For example applications made under the *Right to Information Act 2009* & *Information Privacy Act 2009*

The Governance Team will maintain oversight over the management and operation of Council's complaint management system ensuring a best practice system is maintained.

The Customer Experience Business Unit will develop and prepare reports that provide information to assist management and Governance in monitoring complaint management effectiveness.

Quality control of complaints will be undertaken by Council's Customer Solutions Team Leaders, Manager Customer Solutions, and the General Manager Customer Experience who will be responsible for ensuring the accuracy of data entered into the complaint record and for ensuring compliance with the Complaints Management Policy and this corporate standard.

#### **7.0 ATTACHMENTS:**

1. Summary of Complaint Management Process;
2. Administrative Action Complaint Process;
3. Statutory Review or Appeal Process;
4. Complaint Regarding the Conduct of an Employee/s Process;
5. Public Interest Disclosure Process;
6. Human Rights Complaint Process;
7. Petition Process;
8. Competitive Neutrality Complaint Process;
9. Complaint Regarding the Conduct of the Chief Executive Officer; and
10. Complaint Regarding the Conduct of the Mayor and/or Councillors.

#### **8.0 REVIEW TRIGGER:**

This corporate standard will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of effect.

TABLE OF AMENDMENTS		
Document History	Date	Notes (including the prior CS No, precise of change/s, etc)
Originally Approved	17 March 2015	
Amendment 1	1 November 2016	
Amendment 2	4 December 2018	Resolution of Council for adoption (G/18/3595) in accordance with Local Government Act.
Amendment 3		Formerly CS-11-2018. Reviewed to consider the implications of the <i>Human Rights Act 2019</i> .

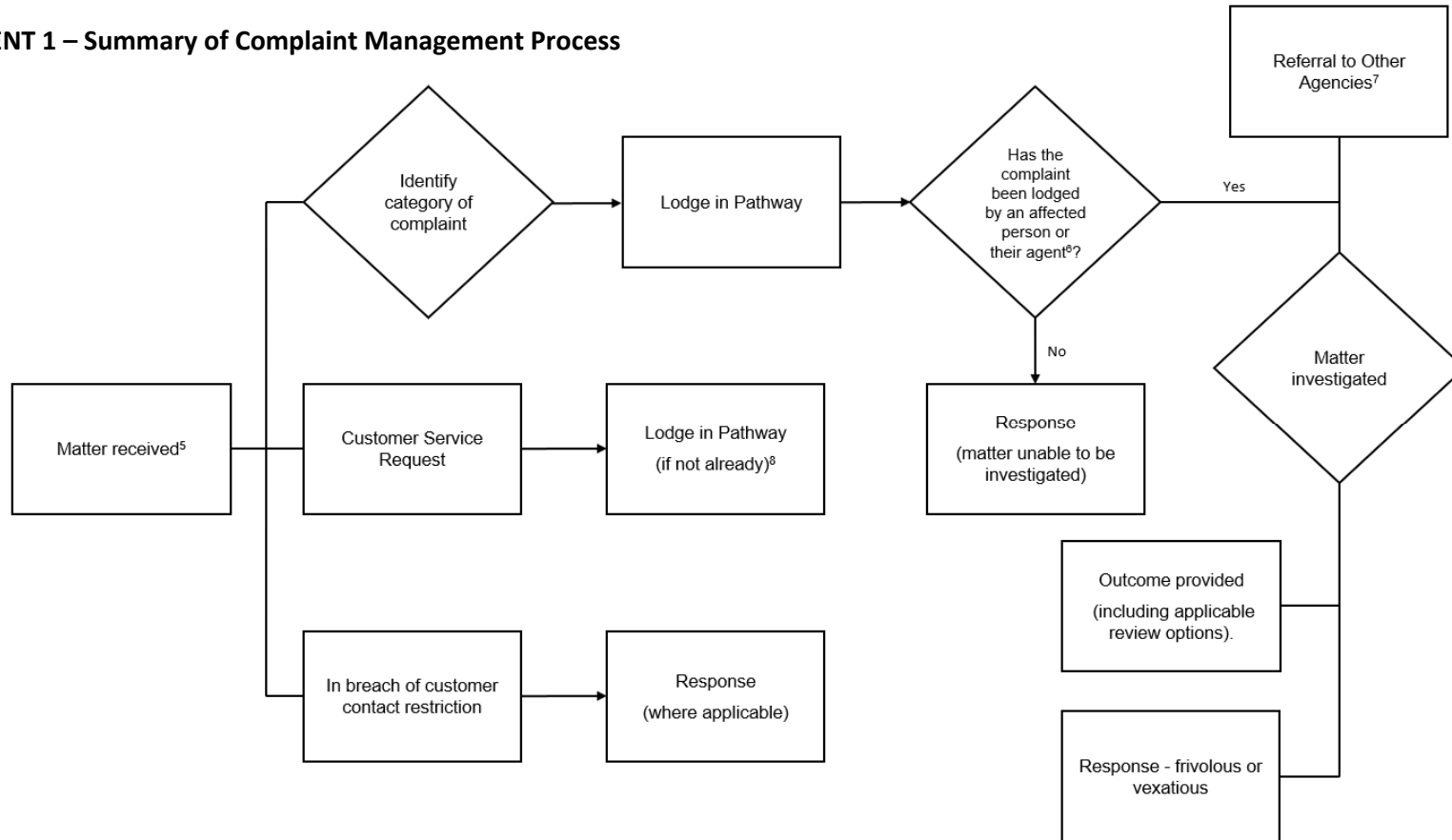
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**LEISA DOWLING**  
**CHIEF EXECUTIVE OFFICER**

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# Gladstone Regional Council

## Corporate Standard

### ATTACHMENT 1 – Summary of Complaint Management Process



<sup>5</sup> For a Statutory Review or Appeal or Competitive Neutrality Complaint, the complaint must be lodged in writing.








<sup>6</sup> For an Administrative Action Complaint, Human Rights Complaint, Competitive Neutrality Complaint, or Statutory Review or Appeal, the complaint must be lodged by an affected person or their agent.

<sup>7</sup> Refer to section 6.3.








<sup>8</sup> The request will subsequently be managed in line with the respective process for the customer service request type.








**ATTACHMENT 2 - Administrative Action Complaints Process**

	<b>Process</b>	<b>Customer to Receive</b>	<b>Responsible Employee/Group</b>
	The employee receiving information from the customer must assess if the matter is an Administrative Action Complaint (AAC) and if so, lodges it in Council's Complaint Management System (Pathway).	Acknowledgement Advice	Receiving Employee / Case Manager
	The assigned Case Manager will liaise with the relevant Team Leader Customer Solutions to determine Subject Matter Experts (SMEs). Where a SME has previously been involved in considering or deciding the complaint matter, advice will be sought from the relevant General Manager.		Case Manager and relevant Team Leader Customer Solutions
	The assigned Case Manager will liaise with nominated SME/s to investigate the complaint. The Leader of the SME/s and the Case Manager are to agree on an appropriate draft response.		SME / Case Manager
	The relevant General Manager/s (GM/s) will be briefed on the proposed response and once approved by the relevant GM/s, the Case Manager will provide the complainant with the approved outcome advice.	Outcome Advice (include reasons for decision and provide option for internal review)	GM/s and Case Manager
	Where a complainant is not satisfied with an AAC outcome and elects for an internal review, the Case Manager must assign the complaint to the Complaint Review Panel via Governance.	Acknowledgement Advice	Complaint Review Panel
	The Complaint Review Panel will investigate and respond to the complainant. Where there is a recommendation for improvements and/or cross business involvement, the relevant GM/s must be consulted prior to the outcome advice being provided to the complainant.	Outcome Advice (include reasons for decision and option for external review with Queensland Ombudsman)	Complaint Review Panel
	If contacted by the Queensland Ombudsman, Governance will liaise with the Queensland Ombudsman and provide all necessary information to assist with the external investigation.	Queensland Ombudsman will liaise with customer	Governance

**ATTACHMENT 3 - Statutory Review or Appeal Process**

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer to assess if: 1. the matter is a request for a Statutory Review or Appeal; and 2. the Statutory Review or Appeal is eligible for review in accordance with the Infringement Notice Review Process Work Procedure. The employee receiving the information is to lodge in Councils Complaint Management System (Pathway).		Receiving Employee / Case Manager
	Where the Statutory Review or Appeal is <b>not eligible</b> for review in accordance with the Infringement Notice Review Process Work Procedure, the customer is to be advised.	Not eligible for review letter	Receiving Employee / Case Manager
	Where the matter is eligible for review, the Case Manager is to acknowledge receipt of the request and refer it to Subject Matter Experts (SME/s) to provide background for the review and to place a hold on enforcement action/payments.	Acknowledgement Advice	Case Manager
	SME/s are to provide all the necessary background information and comments for a review and refer it to Legal to conduct the review.		Subject Matter Experts
	Legal will conduct the review and make a recommendation on the request to the appropriate decision maker.		Legal
	Once the review outcome has been approved the customer will be advised. The Case Manager must close out all associated administrative processes.	Outcome Advice (including options for further review if available)	Case Manager
	Where a customer is not satisfied with the review outcome and elects to have the matter heard in the Magistrates Court, the Case Manager must assign the matter to Legal.	Legal will liaise with customer	Legal





**ATTACHMENT 4 - Complaint Regarding the Conduct of an Employee Process**

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving the information is to lodge the complaint in Council's Complaint Management System (Pathway).		Receiving Employee & Manager Governance
	The Manager Governance will assess whether the matter is a PID or an employee conduct complaint. Where the Manager Governance determines the matter is a PID, refer Attachment 5. Where the Manager Governance determines it is an Employee Conduct Complaint, it will be assigned to People Services.	Acknowledgement Advice	People Services
	Where the Manager Governance determines the matter may also involve Corrupt Conduct, the Manager Governance will report the matter to the CEO and the Crime and Corruption Commission.		Manager Governance*
	For complaints that do not involve Corrupt Conduct, People Services will investigate the matter.	Outcome Advice <sup>9</sup>	People Services
	For complaints that may involve Corrupt Conduct, Council must await advice from the CCC on whether it will investigate matter. Where the CCC does not investigate, the Manager Governance will liaise with People Services and/or the Ethics Integrity and Audit Specialist to investigate or oversee the investigation of the matter.	Outcome Advice <sup>9</sup>	Manager Governance* / People Services / Ethics Integrity & Audit Specialist

\* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

<sup>9</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice






ATTACHMENT 5 - Public Interest Disclosure Process

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information from the customer (internal or external) is a PID.		Receiving Employee & Manager Governance
	Where the Manager Governance determines the matter is a PID, the PID Coordinator (Manager Governance) will manage the complaint in accordance with the PID Procedure Corporate Standard. This may include nominating a PID Officer to investigate the matter. The matter must also be lodged in Council’s Complaint Management System (Pathway).	Acknowledgement Letter	Manager Governance*
	Where the Manager Governance determines the matter may also involve Corrupt Conduct, the Manager Governance will report the matter to the CEO and the Crime and Corruption Commission.		Manager Governance*
	The nominated PID Officer must follow the process set out in the PID Procedure Corporate Standard in consultation with the PID Coordinator.	Outcome Advice <sup>10</sup>	Assigned PID Officer and/or PID Coordinator




\* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

<sup>10</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice




**ATTACHMENT 6 - Human Rights Complaints Process**

	Process	Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer is to liaise with Governance on whether the information from the customer is a Human Rights Complaint.		Receiving Employee / Manager Governance
	Where Manager Governance determine that the matter is a Human Rights Complaint, the employee receiving the complaint is to lodge the complaint in Council's Complaint Management System (Pathway).	Acknowledgement Advice	Governance
	SME/s are to provide all the necessary background information and comments for review to Governance.		SME/s
	Governance will investigate the matter.	Outcome Advice (include reasons for decision and provide information on options for an internal review)	Manager Governance
	If contacted by the Queensland Human Rights Commission, Council will liaise with the Commission and provide all necessary information to assist with the external investigation.	Queensland Human Rights Commission will liaise with customer	Governance




**ATTACHMENT 7 – Petition Process**

Process		Customer to Receive	Responsible Employee/Group
	The employee receiving information from the customer must assess if the matter is a Petition. The matter must also be lodged in Council’s Complaint Management System (Pathway).		Receiving Employee
	The assigned Case Manager will refer the Petition to the relevant General Manager to make an assessment that the Petition is valid and meets the requirements of section 6.1 of Council’s Petitions Corporate Standard.	Acknowledgement Letter or Advice on Petition requirements where Petition is not valid	General Manager
	To manage the Petition, the General Manager will follow the process contained in the Petitions Corporate Standard.	Outcome Advice	General Manager



**ATTACHMENT 8 - Competitive Neutrality Complaint Process**

Process		Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information is a Competitive Neutrality Complaint.		Receiving Employee & Manager Governance
	Where the Manager Governance determines it is a Competitive Neutrality Complaint, it must be assigned to the General Manager Finance Governance and Risk (GM FGR) who will advise the CEO and report the complaint to the Qld Productivity Commission (QPC) and follow the complaint process as defined in Chapter 3, Part 2, Division 7 of the <i>Local Government Regulation 2012</i> . The matter must also be lodged in Council’s Complaint Management System (Pathway).	Acknowledgement Advice	GM FGR
	Once the QPC investigation is complete and Council has considered and resolved whether to accept the QPCs recommendation, the QPC, corporatised business entity (if applicable), and complainant will be advised of the outcome.	Outcome Advice	GM FGR

**ATTACHMENT 9 - Complaint Regarding the Conduct of the Chief Executive Officer Process**

Process		Customer to Receive	Responsible Employee/Group
	The employee receiving information is to liaise with the Manager Governance on whether the information is a CEO Conduct Complaint or a PID. Regardless, all CEO complaints must be lodged in Council's Complaint Management System (Pathway).		Receiving Employee & Manager Governance
	Where the Manager Governance determines it is a CEO Conduct Complaint, it must be assigned to the Mayor and/or the General Manager People Culture and Safety (GM PCS).	Acknowledgement Advice	Mayor or GM PCS
	The Mayor and/or the GM PCS is to follow the Dealing with Complaints involving the CEO Policy.	Outcome Advice <sup>11</sup>	Mayor or GM PCS

**ATTACHMENT 10 - Complaint Regarding the Conduct of the Mayor and/or Councillors Process**

Process		Customer to Receive	Responsible Employee/Group
	The employee receiving information is to advise the customer that the State Government Independent Assessor's Office is responsible for receiving and assessing Councillor complaints. Details for the Independent Assessors Office are to be provided to the customer for lodging the complaint.		Receiving Employee
	Where a complaint involving a Councillor has been referred to the Independent Assessor's Office, the Manager Governance is to be notified who will in turn notify the CEO accordingly.		Manager Governance

<sup>11</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice