



**TITLE: Complaints Management  
Process Procedure**

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**Procedure Author:**

Corporate Governance Branch, Finance & Corporate Services Department

**Objectives:**

Council recognises the need for an open and responsive Complaints Management System (CMS). A CMS will provide Council with an enhanced ability to resolve complaints, identify trends and eliminate causes for complaint. Such a process improves customer satisfaction and provides complainants with a simple and effective process.

While Council endeavours to resolve issues before they become complaints, there are instances where this may not be possible. This procedure sets out the processes to be used to deal with Administrative Action, Privacy and Publication Scheme complaints to ensure they are managed in a confidential, responsible, efficient, effective, fair, transparent and economical manner.

**Regulatory Authority:**

Ipswich City Council Complaints Management Policy

*Local Government Act 2009 (LGA)*

*Local Government (Operations) Regulation 2010 (LG Operations Regulation)*

*Local Government (Finance, Plans and Reporting) Regulation 2010 (LG Finance Regulation)*

*Right to Information Act 2009 (RTI)*

*Information Privacy Act 2009 (IPA)*

Ministerial Guidelines made under the *Right to Information Act 2009*

**Scope:**

Officers should note that issues regarding requests for services or information are to be dealt with under Council's normal business processes, recorded appropriately in Council's Customer Request System and resolved in accordance with agreed service levels. Such requests are not covered by this Procedure and should not be escalated to the Complaints Officer or the Chief Executive Officer (CEO) unless determined by the relevant Department Head.

This procedure applies to all Council officers and deals with **Administrative Action, Privacy and Publication Scheme complaints**. The part of this procedure relating to Administrative Action Complaints has been written in accordance with section 119(3) and (4) of the LG Operations Regulation and forms, together with Ipswich City Council's Complaints Management Policy, Council's Complaints Management Process.

## **1. COMPLAINTS DEALT WITH UNDER THIS PROCEDURE**

### **1.1. Administrative Action Complaints**

Section 268 of the LGA defines an Administrative Action Complaint as a complaint that –

*(a) is about an administrative action of a local government, including the following, for example –*

- (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;*
- (ii) an act, or a failure to do an act;*
- (iii) the formulation of a proposal or intention;*
- (iv) the making of a recommendation; and*

*(b) is made by an affected person.*

### **1.2. Privacy Complaints**

Section 164 of the IPA defines a privacy complaint as-

*A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the IPA to comply with –*

- the privacy principles; or
- an approval under section 157 of the IPA.

### **1.3. Publication Scheme Complaints**

Ministerial Guidelines made under the RTI allow for complaints to be made when information included in a **Publication Scheme** is not available or able to be accessed as required by legislation.

Staff are to ensure Complaints are dealt with in accordance with this Procedure.

The Chief Executive Officer has determined that the Corporate Governance Manager will undertake the responsibilities of the Complaints Officer as specified in this procedure and will manage all Complaints.

All complaints are to be:

- assessed and categorised by the Complaints Officer
- referred to external agencies where appropriate
- dealt with fairly and objectively
- dealt with in accordance with natural justice where practical
- resolved without formality and conflict where possible
- kept private and confidential

The following Complaints are not to be dealt with under this procedure and should be referred to the CEO in the first instance:

- competitive neutrality complaints

- liability claims against Council
- official misconduct or criminal matters
- complaints regarding Mayor and Councillors

Complaints regarding the CEO should be referred to the Mayor in the first instance and complaints of a personal nature regarding staff members are to be dealt with in accordance with the Human Resources Management Framework and should be referred to the Human Resource Manager.

## **2. HOW COMPLAINTS ARE TO BE MADE**

A Complaint must be made on the Approved Form addressed to:

The Complaints Officer  
 Ipswich City Council  
 PO Box 191  
 Ipswich Qld 4305  
**Email:** [privacy@ipswich.qld.gov.au](mailto:privacy@ipswich.qld.gov.au)  
 Facsimile: (07) 3810 6731

The Approved Form is available from Council's Customer Service Centre.

## **3. TIMEFRAMES FOR INVESTIGATING ADMINISTRATIVE ACTION, PRIVACY AND PUBLICATION SCHEME COMPLAINTS**

The Complaints Officer will acknowledge, in writing, all Administrative Action, Privacy and Publication Scheme complaints within 5 business days of receipt of complaint.

The standard timeframes for investigating Complaints is outlined below (please note that the timeframes for Administrative Action Complaints may differ (eg be shorter) according to categorisation by the Complaints Officer):-

<b>Type of Complaint</b>	<b>Acknowledgement</b>	<b>Investigation</b>	<b>Response</b>
Administrative Action	5 days	10 days	20 days*
Privacy	5 days	20 days	45 days
Publication Scheme	5 days	10 days	20 days

\* This refers to the timeframe in which Stage 1 of Managing an Administrative Action Complaint must be finalised.

The Complaints Officer will diarise timeframes for acknowledgement, investigation and review of complaints and will monitor each complaint process to ensure timeframes are adhered to.

For Administrative Action Complaints, the Complaints Officer will categorise all complaints according to the assessment criteria below:

<b>Negligible</b>	No impact or risk to the organisation
<b>Minor</b>	Resolvable at department level
<b>Moderate</b>	Requires more comprehensive assessment and investigation
<b>Major</b>	Significant issues causing permanent detriment that requires investigation
<b>Extreme</b>	Issues about serious adverse events, long-term damage or death that

requires investigation.

Dependent on the categorisation the Complaints Officer will determine the appropriate investigation and response timeframe for the Administrative Action Complaint.

#### **4. MANAGING A COMPLAINT**

##### **4.1 Commencing an Investigation – issues to consider**

When investigating a Complaint and preparing a response to a complainant the following should be undertaken:

- the relevant evidence and whether it has been appropriately analysed and recorded
- reasons given with the initial decision
- the true nature of the complaint issues
- relevant legislation, policies and procedures
- potential sources of information
- assessment of information and sources impartially and without bias
- proper recording of information during investigation
- observing natural justice where possible
- ensure their decisions are sound, provide a written Statement of Reasons and offer appropriate remedies where appropriate.

Officers should at all times maintain open communication with the Complaints Officer while managing Complaints.

##### **4.2 Managing Administrative Action Complaints**

The Complaints Officer will acknowledge receipt of valid Administrative Action Complaints within 5 business days.

##### **Refusal to investigate an Administrative Action Complaint**

The Complaints Officer may refuse, under section 119(3) of the LGA to accept and investigate an Administrative Action Complaint if they consider that the complaint is:

- trivial
- frivolous
- vexatious; or
- not made by an Affected Person
- not an Administrative Action Complaint

The Complaints Officer must provide a written Statement of Reasons to the complainant regarding their refusal to investigate within 14 working days of making their decision to refuse to investigate the Administrative Action Complaint.

##### ***Stage 1 of Managing an Administrative Action Complaint***

Wherever appropriate, the Complaints Officer will refer the complaint to the Supervisor of the relevant officer who made the original decision. The Supervisor will be responsible for investigating the complaint and responding to the complainant. The Supervisor, when

investigating and determining their decision, regarding the complaint should consider the matters listed in sections 4.2 of this procedure:

The Supervisor must finalise their investigations within 20 business days.

The Supervisor is to provide all details of their investigation (including the Complaints Data Form) and response to the complainant to the Complaints Officer. The Complaints Officer is responsible for recording all details in the Complaints Recording System (refer Section 6 of this procedure).

If the Complainant is satisfied with the response, no further action is required. If the issue is not resolved to the complainant's satisfaction, the complainant may request the Supervisor to refer the matter to the Complaints Officer to be considered under Stage 2 of the Managing an Administrative Action Complaint Process.

### ***Stage 2 of Managing an Administrative Action Complaint***

Stage 2 requires the complaint be investigated by the Complaints Officer. The Complaints Officer will consider the matters listed in section 4.2, together with the contents of the Supervisor's written Statement of Reasons to the complainant.

The Complaints Officer must finalise their investigation within 20 business days.

If the complainant is satisfied with the response, no further action is required. If the issue is not resolved to the complainant's satisfaction, the complainant may request the Complaints Officer to refer the matter to the Chief Executive Officer to consider under Stage 3 of the Managing an Administrative Action Complaint Process.

### ***Stage 3 of Managing an Administrative Action Complaint***

Stage 3 requires the complaint to be investigated and responded to by the Chief Executive Officer. The Chief Executive Officer will consider the following on each review stage already conducted:

- relevant legislation, policies and procedures
- evidence considered and whether it has been appropriately analysed and recorded
- whether natural justice has been observed
- any reasons given with the initial decision
- the contents of the Statement of Reasons previously provided to the complainant by the Supervisor and Complaints Officer

The Chief Executive Officer must finalise his/her investigation within 20 business days.

The Chief Executive Officer is to provide the details of his/her investigation (including the Complaints Data Form) and response to the complainant to the Complaints Officer for recording in the Complaints Recording System.

If the Complainant is satisfied with the response, no further action is required. If the Complainant is not satisfied, it may be necessary to refer the complainant to an external agency. Such appropriate agencies may include the Queensland Ombudsman, QCAT (if applicable) or the Courts (e.g. Judicial Review).

#### **4.3 Managing Privacy Complaints**

Privacy Complaints may be made to Council pursuant to section 166(3)(a) of the IP Act. The complainant should make their complaint in accordance with section 2 of this Procedure – *How Complaints are to be Made*. The Complaints Officer will acknowledge receipt of the Privacy Complaint within 5 working days.

The Complaints Officer will consider the matters in section 4.1 and will provide the Complainant with a written Statement of Reasons within 45 business days.

If the Complainant is satisfied with the response, no further action is required. If the Complainant is not satisfied with the response received or a response has not been provided within 45 days, they may refer their complaint to the Office of the Information Commissioner.

#### **4.4 Managing Publication Scheme Complaints**

Section 21 of the RTI Act requires Council to have a Publication Scheme that complies with any guidelines about publication schemes published by the Minister on the Minister's website.

The Ministerial Guidelines provide that a Complaint can be made when information included in Council's Publication Scheme is not available.

The complainant should make any Publication Scheme Complaint in accordance with section 2 of this procedure – *How Complaints are to be Made*. The Complaints Officer will acknowledge receipt of the complaint within 5 working days.

All Publication Scheme Complaints are to be investigated by the Complaints Officer. The Complaints Officer will investigate and provide a response to the complainant within 20 days from the date the complaint is received. The Complaints Officer will provide the complainant with a written Statement of Reasons.

### **5. CONSIDERING A REMEDY FOR A COMPLAINT**

When considering a remedy for a particular complaint, the Supervisor and the Complaints Officer should take into account the following:

- what the complainant is seeking
- what options are available
- what remedy is offered by relevant legislation
- whether negotiation or mediation is necessary

Remedies may include the following: admission of fault, explanation, apology, change of decision, change to Council policies or procedures etc. The Supervisor and the Complaints Officer have the authority to offer any remedy except a monetary payment which includes repair or replacement etc. If this is offered the Chief Executive Officer must authorise.

### **6. HOW COMPLAINTS, INVESTIGATIONS AND RESPONSES ARE TO BE RECORDED**

All details and documentation concerning investigation and response to complaints, including the Approved Form and Complaints Data Form are to be completed and provided to the Complaints

Officer for entry into the Complaints Record System. The information entered into the Complaints Recording System will be used for monitoring and reporting purposes.

## **7. ACCESSING INFORMATION REGARDING THE CMS**

Council seeks to ensure the public, customers, clients and staff can readily find out:

- where to complain
- how to complain
- what information is required
- what assistance is required
- how complaints will be managed
- where policies and procedures are located.

Information on the CMS and how to lodge a complaint are publicly available [by](#) contacting the Council's Customer Service Centre.

## **8. IDENTIFYING AND TRAINING STAFF IN THE CMS**

Department Heads will identify and advise the Complaints Officer of relevant staff to be involved in the CMS. These officers will be informed of appropriate policies, procedures, forms and information regarding the CMS. They will be required to attend Complaints Management training covering general operational issues such as:

- how to receive complaints
- responsibilities of council officers, Supervisors, the Complaints Officer and the CEO under the CMS
- policies and procedures
- timelines for dealing with complaints
- categories of complaints and response requirements
- tracking and recording complaints

## **9. MONITORING EFFECTIVENESS OF THE COMPLAINTS MANAGEMENT SYSTEM**

The Complaints Officer will report to Senior Management, when required, regarding the operation of the CMS. In relation to Administrative Action Complaints, this will meet the requirements of section 119(4)(c) of the LG Operations Regulation which requires internal reports to be made occasionally to Senior Management about the Complaints Management Process for Administrative Action Complaints.

Pursuant to section 115 of the LG Finance Regulation, Council will include particular information relating to its Complaints Management Processes and Administrative Action Complaints in its Annual Report.

## **10. WHO IS RESPONSIBLE FOR THE COMPLAINTS MANAGEMENT PROCESS**

Maintenance of this Procedure is the responsibility of the Corporate Governance Manager.

## 11. DEFINITIONS

The following definitions are to be applied when interpreting this procedure:

TERM	DEFINITION
Administrative Action Complaint	Is a complaint about an administrative action of a local government as outlined in section 268 of the <i>Local Government Act 2009</i> .
Affected Person	An affected person is a person who is apparently directly affected by an administrative action of a local government.
Approved Form	Means the form approved by the Chief Executive Officer/Complaints Officer for complaints.
Complaints	Refers to either an Administrative Action, Privacy or Publication Scheme Complaint
Complaints Data Form	Means the form approved by the Chief Executive Officer/Complaints Officer for recording complaints data.
Complaints Officer	Corporate Governance Manager
Complaints Record System	Means RTIPs and Dataworks
Complainant	The person who makes the complaint.
Days	Any reference to days means business days
Ministerial Guidelines	Guidelines published by the Minister on the Minister's website in accordance with section 21 of the <i>Right to Information Act 2009</i>
Publication Scheme	A publication scheme sets out the classes of information that the agency has available and the terms on which it will make the information available, including any changes. The information should be easy for any person to find and use. As routinely published information is available as part of an agency's normal business, the information should be simple to access through the agency website or be easily and quickly sent out by an officer of the agency.
Publication Scheme Complaint	When information included in a Publication Scheme is not available or able to be accessed as required by legislation.
Privacy Complaint	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the IPA to comply with the privacy principles or an approval under section 157 of the IPA.
Senior Management	Means the Executive Management Team of Council.
Statement of Reasons	Means written reasons for a decision. <ul style="list-style-type: none"> <li>(a) setting out the findings on material questions of fact; and</li> <li>(b) referring to the evidence or other material on which those finding were based.</li> </ul>

Supervisor	The person in charge of the relevant officer who made the original decision.	
<b>Date of approval:</b> 29 September 2011		
<b>Title of Manager:</b> Jim Lindsay, Chief Financial Officer		
<b>Date to be reviewed:</b> Annually		