

#1 Draft Complaint Management Policy - 2150-025



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Complaint Management Policy

Head of Power

Local Government Act 2009
Local Government Regulation 2012

Related Legislation

Crime and Corruption Act 2001
Public Interest Disclosure Act 2010
Human Rights Act 2019
Information Privacy Act 2009
Right to Information Act 2009

Objective

The objective of this policy is to outline Council's commitment to an efficient and effective complaints management system that:

- is customer focussed;
- is consistent, fair and equitable;
- values customer feedback; and
- facilitates continuous improvement.

This policy, together with the related procedures, fulfils Council's statutory obligations for dealing with administrative action complaints and competitive neutrality complaints in accordance with s268 and s48 of the *Local Government Act 2009* respectively.

Definitions

Affected person means a person who is apparently directly affected by a decision, action or service of Council.

CEO means the Chief Executive Officer of Moreton Bay Regional Council.

Complainant means any person, organisation or their representative making a complaint.

Customer complaint means an expression of dissatisfaction made to or about Moreton Bay Regional Council, related to a decision, action, service or conduct of an employee.

Complaints officer means a Council employee appointed to act as a complaints officer for a complaint or category of complaint.

Complaint management framework means the set of authorising legislation, policies, procedures, practices, complaints management system and other resources used by Council for the management of complaints.

Complaint management system (CMS) means Council's enterprise system for recording, assessing, managing, resolving and reporting on complaints. The CMS is used as the register for all council complaints.

Councillors means the Mayor and Councillors of the Moreton Bay Regional Council.



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Employees means all employees of Moreton Bay Regional Council, whether employed on a permanent, temporary, or part-time basis and includes volunteers, consultants and contractors.

Feedback means a compliment, opinion, comment or suggestion (positive or negative) made by a customer, related to a decision, action, service or conduct of an employee of Moreton Bay Regional Council.

Frontline means any Council employee who has a direct contact with customers. This is not limited to the function of Customer Services.

Customer service request or request for service means a request made by a customer for information, access to a service, change to a service, or to inform/make a report about something which Moreton Bay Regional Council has responsibility.

Unreasonable complainant conduct means any conduct by a complainant which, because of its nature raises health, safety, or equity issues for the Council or has a disproportionate and unreasonable impact on Councillors, Council employees, services, time or resources.

Application

This policy applies to all Councillors and Council employees.

Policy Statement

Complaint management is an essential part of quality customer service and good corporate governance. Council views complaints as a form of feedback from its customers and the community and will consider the learnings and outcomes as an opportunity to identify issues and take action to improve systems, decision-making, service delivery and customer experiences.

Council recognises every person's right to complain and is committed to resolving all complaints received. Having a consistent, fair and equitable approach to the way Council manages complaints will help to ensure a positive outcome for all parties. Efficient and effective complaints management increases customer satisfaction and community confidence in Council. Therefore, Council is committed to:

- adopting a best practice complaint management framework consistent with the Australian/New Zealand Standard - Guidelines for Complaint Management in Organisations (AS/NZS 10002:2014);
- creating a positive complaint management environment by encouraging feedback and viewing customer complaints as an opportunity for continuous improvement;
- providing a clear and simple process outlining how complaints will be managed, who will be involved in the process, and their roles and responsibilities;
- maintaining a high level of customer service whilst managing complaints in a consistent, systematic and responsive manner;
- ensuring employees are empowered to address the majority of complaints at the frontline or first point of contact with Council;
- providing options for internal review and escalation relative to the seriousness of the complaint and previous contact with Council;
- maintaining a complaints management system that provides a practicable and systematic approach for receiving, recording, analysing and reporting complaints information;
- providing adequate resourcing, awareness and training for Council employees involved in managing complaints;
- providing mechanisms for trend analysis and performance reporting to help eliminate causes of complaints and identify improvements; and



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- providing mechanisms for ongoing review and analysis of the complaint management system and process improvements made.

Council's Employee Code of Conduct requires employees to effectively and efficiently manage complaints and comply with Council's complaint management policies and procedures.

Complaint Management Principles

Council has adopted the following complaint management principles:

Principle	Description
Customer focus	Council recognises and respects everyone's right to provide feedback and a make complaint. Complainants are treated with respect, courtesy, dignity and fairness.
Visibility and transparency	Council will ensure that information about the ways complaints can be made and the types of support available, including this policy and associated procedures, are easy to understand and easily accessible on Council's website and available on request.
Accessibility	Council will provide support to people to make a complaint if needed and take into account any special needs of the complainant. There is no charge for making a complaint to Council.
Responsiveness	Council is committed to resolving complaints in a way that is proportionate and appropriate to the matter being complained about. Complaints will be acknowledged, responded to quickly and efficiently and complainants will be kept informed of the progress of the complaint.
Objectivity, fairness and equity	Complaints are managed objectively, without bias and in a way that is compatible with, and properly considers human rights. The principles of natural justice and procedural fairness are embedded in complaint management activities.
Confidentiality	Council respects the confidentiality of personal information about the complaint and others involved in the complaint. Any personal information collected by Council in relation to a complaint will be protected in accordance with relevant legislation and Council's Information Privacy Plan.
Empowerment	Where possible, a complaint will be resolved without the need for a formal investigation. Council employees at all levels will be empowered to resolve issues, wherever possible, when they are first raised by the customer.
Accountability	Council is accountable, both internally and externally, for complaint handling performance. Complaints will be recorded and reported on in accordance with legislative and other requirements.
Continuous improvement	Complaints provide an opportunity for identifying improvements, whether or not a complaint is upheld. Complaint data will be regularly reviewed and analysed to understand performance and drive improvement.
Employee training and support	Council trains employees to manage complaints in accordance with Council's complaints management framework, policy and procedures. A centralised complaints coordinator is available to provide advice, support and guidance to employees involved in complaints management.



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What is a customer complaint?

A customer complaint is an expression of dissatisfaction about a Council decision, action, service, conduct of an employee or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or required. To be considered a complaint, it must be made by an 'affected person'.

For the purposes of this policy a customer complaint is considered to be an administrative action compliant under the *Local Government Act 2009*.

A matter is not considered a customer complaint if it relates to:

- an enquiry or request for information about Council services, policies or procedures;
- a request for service or action to be take in relation to a Council service or product;
- a request for a change in services or request for a new service;
- a follow up or further request for service that has not been completed by Council but is still within the timeframes advised to the customer;
- a suggestion for improving Council services or products;
- feedback on Council's performance;
- a report or information about an incident or damage;
- a petition to Council about a particular matter;
- comments received during formal consultation or negotiation processes; or
- a matter identified by a person not directly affected by the decision or action of Council.

A customer service request or request for service will be recorded and handled in accordance with internal procedures and processes by the relevant Council department and will be completed within agreed timeframes.

Feedback, including compliments, comments and suggestions will be recorded and brought to the attention of relevant Managers for action if necessary and acknowledged where appropriate.

How to make a customer complaint

Lodging a complaint

A customer complaint may be made in any of the following ways:

- by completing the online form at www.moretonbay.qld.gov.au;
- by phoning (07) 3205 0555 Monday to Friday 8:30am - 5:00pm;
- by email to mbrc@moretonbay.qld.gov.au;
- by mail or letter to PO Box 159 Caboolture QLD 4510; or
- in person at any of Council's Customer Service Centres.

If requested, a Council Officer may assist complainants to make their complaint and arrange for translation and interpreter services and/or other reasonable assistance.

Anonymous complaints

Council will accept anonymous complaints. However, it is important that as much information as possible is provided to enable the complaint to be assessed and investigated. Council may not investigate the complaint if there is insufficient information.

A consequence of making an anonymous complaint is that Council will not be able to advise the complainant of the outcome of their complaint.



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Complaints by third parties

Council will accept complaints made on another person's behalf, however Council will need to verify that the person making the complaint has the consent of the affected person to make the complaint on their behalf. Council will respond directly to the affected person and not their representative, unless a signed letter of authority directing a response to the representative is provided to Council.

If a complaint is made on another person's behalf by a professional advisor, for example a solicitor or accountant, Council will respond directly to that advisor.

Handling Complaints

Complaint Management Process

Complaints will be managed in accordance with the appropriate complaint procedure or process for the type of complaint made. In most cases, complaints will be dealt with under Council's complaints management procedure, however, some types of complaints will be dealt with in accordance with specific legislation and processes. These include:

- employee complaints or grievances about their employment (Moreton Bay Regional Council Certified Agreement 2019, Council's Employee Grievance Directive);
- complaints about the CEO (Council's Complaints about the Public Official Policy);
- complaints about Councillor conduct (*Local Government Act 2009*);
- complaints about Corrupt Conduct (*Crime and Corruption Act 2001*); and
- public interest disclosures (*Public Interest Disclosure Act 2010*).

Response timeframes

Council is committed to resolving complaints as quickly and efficiently as possible and in a timely manner.

Where appropriate, complaints will be acknowledged within 7 days of receipt. An acknowledgment will include advice about the complaints management process and expected timeframes for responding.

The length of time taken to deal with a complaint will depend on the circumstances of each complaint, such as the complexity of issues in the complaint, the time required to obtain necessary information, the time taken to conduct an investigation if required, and the availability of the parties.

As a guide, Council will endeavour to resolve the complaint within the following timeframes:

- simple complaints may take up to 10 business days;
- complaints requiring some inquiry may take up to 25 business days;
- complaints requiring investigation may take up to 45 business days or longer, subject to complexity;
- complaints involving information privacy or human rights issues may take up to 45 business days; and
- an internal review may take up to 45 business days or longer, subject to complexity.

These timeframes do not apply where a complaint is being considered under a specific statutory review or appeal process.

A complaint made to Council does not generally stop or delay the operation of the decision, action or service under investigation, unless exceptional circumstances prevail.

If a complaint involves multiple organisations and/or multiple business areas within Council, a coordinated and efficient method of communicating with the complainant will be determined.



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Complaints not investigated

In some instances, complaints may not be investigated, or the investigation may be discontinued if:

- a complaint is made frivolously, without grounds, lacking in substance, or with the intent to harass;
- the complainant seeks to revisit the same issue after an initial investigation when no new evidence or material is provided;
- the complaint is currently being managed through a statutory process, or has already been adequately managed, by an external agency, court or tribunal;
- it is impracticable to investigate the complaint due to the length of time that has passed since its occurrence; and
- the complainant displays aggressive or abusive behaviour, or threatens or uses physical violence against themselves, a Council employee, another person or property.

Council expects that all complainants will treat Council employees with courtesy and respect. If complainants do not meet these expectations, Council may set limits or conditions on the handling of the complaint.

Council will immediately act on any threats, or abusive or violent behaviour, and report the matter to the Queensland Police Service and/or other appropriate agency.

Review rights

Complainants have the right to seek a formal review of the outcome of a complaint investigation. Depending on the seriousness of the complaint and previous contact with Council, the CEO or their delegate is able to conduct an internal review of the investigation and its findings and recommendations.

Complainants may also take their complaint to an external agency such as the Queensland Ombudsman if they are of the view that Council has not adequately responded to their complaint.

Reporting

Council will report on complaints to allow any trends or systemic issues to be identified that may inform improvements to Council systems, decision-making and service delivery.

Council will report regularly to the community on complaint management performance in accordance with legislative requirements, including in Council's annual report.

Complainant Rights and Obligations

Complainant rights

A complainant is entitled to:

- make a complaint;
- an acknowledgement of Council's receipt of the complaint (unless made anonymously);
- a prompt response to the complaint within agreed timeframes;
- confidentiality of personal details (insofar as this is possible within the law);
- a thorough and objective investigation or review of a complaint;
- be kept informed of the progress and outcome of the complaint;
- written confirmation of the outcome of the complaint and any reasons for a decision; and
- be treated with respect and courtesy.



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Complainant obligations

A complainant is expected to:

- provide full details of their name, address and contact number (unless made anonymously);
- provide sufficient details regarding the complaint issues and outcome sought;
- respond to requests for information within a reasonable time period;
- be truthful and act with honesty and integrity;
- cooperate with Council's inquiries or investigations; and
- treat Council employees with respect and courtesy.

Related Documents

- Complaints about the Public Official Policy
- Complaint Management Procedure
- Employee Code of Conduct
- Fraud and Corruption Control Policy
- Information Privacy Plan
- Public Interest Disclosure Policy and Procedure

Review and Evaluation

Complaint data and trends will be periodically reported to Council's Audit Committee.

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other related Council documents. Reviews of this policy will occur as required, or at least once every four years.

The effectiveness of this policy will be measured with regard to Council's key performance indicators, including the proportion of complaints which are responded to within stated timeframes and in accordance with legislative requirements.

Responsibility

This policy is to be:

- (1) implemented by the Manager, Governance and Executive Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by Director, Finance and Corporate Services.

Policy: 2150-025			Official Version: A4882577
Complaint Management Policy			
Document Control			
Version / Reviewed	Version Adoption (Council meeting / Minute Page) Reviewed (revision comment)	Date	Word version reference
Version 1	Coordination Committee (MP. 11/564)	5.4.2011	A5128278
Version 2	Coordination (MP. 13/126-128)	12.2.2013	Version of PDF 9.0 #10
Version 3	Replaces 'Complaints Process - Administrative Action Complaints Policy 11-2150-025' and 'Competitive Neutrality Complaints Policy 2150-032'	xx.xx.2020	A20359158