

Sunshine Coast Council		Sunshine Coast Council
STRATEGIC POLICY		
COMPLAINTS MANAGEMENT PROCESS		
CORPORATE PLAN REFERENCE:	8. GREAT GOVERNANCE 8.1 ETHICAL, ACCOUNTABLE AND TRANSPARENT DECISION-MAKING 8.1.1 DEVELOP AND IMPLEMENT A GOVERNANCE FRAMEWORK THAT PROVIDES TRANSPARENT AND ACCOUNTABLE PROCESSES AND ENHANCES COUNCIL'S REPUTATION 8.1.2 ENSURE LEGISLATIVE COMPLIANCE AND AWARENESS 8.1.3 COUNCILLORS AND EMPLOYEES ARE AWARE OF THE IMPORTANCE OF ETHICAL BEHAVIOUR, COMPLIANCE WITH CODES OF CONDUCT AND PROVIDING COMPLETE INFORMATION AND ADVICE	
ENDORSED BY COUNCIL ON:	8 JUNE 2011	
POLICY OWNER AND DEPARTMENT:	EXECUTIVE DIRECTOR, FINANCE AND BUSINESS	

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CURRENT VERSION
TO BE SUPERSEDED
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INTRODUCTION

The Complaints Management Process has been developed to provide a single system through which complaints about administrative actions can be dealt with, where possible internally, and to comply with the requirement for resolving administrative action complaints process contained in the *Local Government Act 2009 and Local Government Act (Operations) Regulation 2010* (the Act).

In accordance with the Act this process is designed to:

- (a) cover all administrative action complaints made to council; and
- (b) require council to quickly and efficiently respond to complaints in a fair and objective way; and
- (c) include the criteria considered when assessing whether to investigate a complaint; and
- (d) require council to inform an affected person of council's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

Council is committed to dealing with complaints fairly, confidentially, promptly and in a respectful manner. It is also committed to providing a superior level of service to its customers, and to open and transparent government. Council aspires to provide a level of service and conduct, in a way that does not attract complaints. However, where a customer is not satisfied, council is equally committed to the prompt and efficient resolution of complaints.

This policy supports council's priority to ensure clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the "local government principles" within the Act.

Legislative obligations

Council is required to comply with a number of legislative obligations relating to its administrative actions including the conduct of council staff. The legal obligations include:

Local Government Act 2009

- A requirement to comply with the Local Government principles and responsibilities for staff;
- A requirement for a 'complaints management process that effectively manages complaints from their receipt to their resolution;
- A requirement for written policies and procedures supporting the complaints management process.
- A requirement to provide complaints information in annual reports.

Public Sector Ethics Act 1994

- A requirement for a Code of Conduct for Officers (council staff).

Crime and Misconduct Commission Act 2001

- A duty to report official misconduct.

Public Interest Disclosure Act 2010

- A duty to provide protection to people who make a protected disclosure (a complaint about wrongdoing).

Objectives

The Complaints Management Process aims to:

- Provide a framework for the process for resolving complaints about administrative actions of council.
- Offer a complaints management regime that facilitates continuous improvement of council, its services, systems and staff.
- Provide clarity about council's complaints philosophy.
- Inform customers and staff of the forms of redress available to them and the avenues of review if they are not satisfied with a particular outcome, decision or action that directly affects them.

Scope

The Complaints Management Process applies to administrative action complaints. An administrative action complaint is defined in section 268 of the Act as a complaint made by an affected person that:

- is about an administrative action of council including the following, for example:
 - 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 intentions; and
 - The making of a recommendation.

However, the Complaints Management Process does not apply to:

- Any complaints about the conduct or decisions of elected officials.
- Official misconduct, which must be reported to the Crime and Misconduct Commission as per *The Crime and Misconduct Act 2001*.
- Requests for service.
- Any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through the *Sustainable Planning Act 2009*, or competitive neutrality issues that can be addressed through the *Local Government Act 2009*.
- Any complaint determined to be trivial, frivolous or vexatious complaints.

Guiding principles

All complaints are to be thoroughly and expeditiously investigated with the aim of achieving a mutually acceptable resolution and informing improvements in council's service delivery and business practices.

To facilitate the effective management of complaints, Sunshine Coast Council will:

- Develop and maintain policies and procedures and ensure that adequate training is provided to council staff.
- Ensure that potential complainants are aware of the avenues available to them to make a complaint.
- Provide a mechanism for continuous improvement through performance reporting and customer feedback.

In accordance with the Act, in deciding if a complaint is an administrative action complaint it is irrelevant:

- (a) how quickly the complaint was resolved; or
- (b) to which area of council the complaint was made; or
- (c) whether the complaint was a written or verbal complaint; or
- (d) whether or not the complaint was made anonymously

Lodging a complaint for council's consideration does not preclude the issue being investigated by another department or agency, such as the Queensland Ombudsman.

Benefits of managing complaints

By effectively analysing complaints, steps can be taken to:

- Redesign products and services.
- Improve business procedures and policies.
- Increase efficiency and effectiveness.
- Re-assess training priorities.
- Re-assess customer information needs such as newsletters, pamphlets, website content.
- Increase community confidence in council decision making.
- Promote transparency and accountability.

COMPLAINTS MANAGEMENT PROCESS

Preliminary procedures

When a person makes a complaint without having contacted the relevant service area of council 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.

Role of the Complaints Administrator

The Complaints Administrator manages the Complaints Management Process by coordinating activities that support the policy and the resolution of complaints. The Complaints Administrator:

- Manages the allocation of requests for a review of an unresolved complaint about a service or an administrative action.
- Manages the appointment of Complaints Officers.
- Manages the engagement of external providers.
- Provides reports to Council about unresolved complaints.
- Provides reports to the Executive Team on complaints data and analysis.
- Provides input to the Annual Report on complaints data.
- Records investigation and review details and outcomes of complaints about services and administrative actions on confidential complaints files and within a Complaints Management database.

Selecting and appointing Complaints Officers

Persons appointed to be Complaints Officers must not be involved with the service or administrative action that is the subject of the complaint.

Complaints Officers

- The Chief Executive Officer (CEO) will appoint the Complaints Administrator.
- The Complaints Administrator shall be a Complaints Officer.
- The CEO and the Complaints Administrator may select and appoint Complaints Officers and allocate complaints for investigation. In addition to the Complaints Administrator, a Complaints Officer may be a council officer or an external provider, who is not involved in the matter that is the subject of the complaint.

External provider(s)

- Council shall hold a list of suitably qualified persons who are not employees of council and who may be appointed as Complaints Officers.

Reporting

Executive Team

The Complaints Administrator will provide a report to the Executive Team every 6 months about:

- the number and type of complaints;
- resolution activities and actions.

The report shall also provide some analysis, including trends and recommendations for improvement, such as the need for a procedural review, or staff training.

Council

Council must:

- Record all administrative action complaints; and
- Ensure the public may inspect the complaints management process (including the related policies and procedures) at Council's public office and on its website; and
- Ensure internal reports are occasionally provided to senior management about the operation of the complaints management process; and
- Ensure mechanisms are in place to:
 - Identify, analyse and respond to complaint trends; and
 - Monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example)

Annual Report

The Complaints Administrator will provide complaints information to the Annual Report coordinator in accordance with the Act regarding the number of complaints dealt with under the Complaints Management process in the following categories:

- total received
- resolved
- unresolved
- unresolved from a previous financial year.

Delegation of Authority

Council may delegate its authority under the *Local Government Act 2009* to make a determination about an unresolved administrative action complaint.

Access to complaints information

Complaints information held in database systems or on complaint files may only be provided on a need-to-know basis. That is, it must not be readily available to all staff and only available to staff who are required to use the information in the performance of their duties in relation to complaints management.

All complaint details will be treated with appropriate respect for the confidentiality and privacy of the complainant and officers involved. Publication of information of complaints will be limited to that prescribed by legislation.

Communication

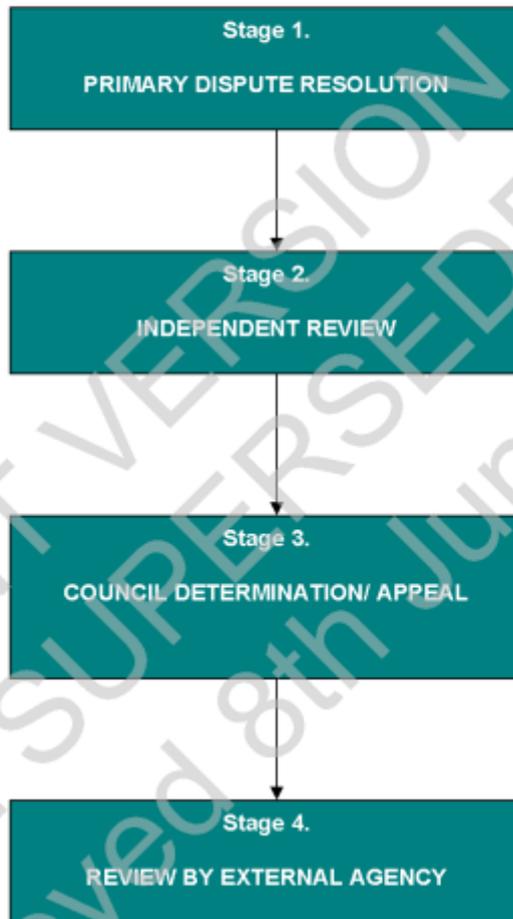
Council will provide access to the Complaints Management Process to all staff, rate payers and other customers. Council will place the document on its intranet site and its website, and include training in the induction program for new employees as well as in other specialised staff training. Managers will ensure that the information is made available to staff who do not have access to a computer.

Measurement of success

The effectiveness of the Complaints Management Process may be reflected in feedback from customer satisfaction surveys and monitored in a number of ways, including trends in the numbers, types and resolution of complaints.

COMPLAINTS MANAGEMENT PROCESS – SERVICE & ADMINISTRATIVE ACTIONS

Flowchart



COMPLAINTS MANAGEMENT PROCESS –ADMINISTRATIVE ACTIONS

The flow chart illustrates the four stages in the Complaints Management Process for administrative actions¹.

Stage 1 Primary Resolution

The trigger for this stage is the lodgement of a complaint about an administrative action. These complaints should be forwarded to the relevant Manager of the area responsible for the disputed service or action.

Investigation of Complaint by Manager

The Manager who receives a complaint at this stage is required to investigate the complaint with the intention of resolving it.

The relevant Manager will be the Manager responsible for the work unit in which the disputed action took place.

The Manager may amend the decision or cause a remedy to have effect.

The Manager is responsible for the capture and recording of the data related to the complaint and responding appropriately to the complainant.

Assessment of Complaint

Staff Conduct

- Complaints regarding staff conduct will generally be referred to the appropriate department. However the Complaints Administrator may play a role by conducting investigations relating to staff conduct or appointing complaints officers to do so.

Official Misconduct

- Any complaint that raises a suspicion of official misconduct relating to a council staff member should be immediately referred to the CEO. The CEO should assess the complaint and any information that is readily available (without commencing an investigation) in order to form a view about a suspicion of misconduct.
- The *Crime and Misconduct Act 2001* imposes a duty on the CEO to report any suspicion of official misconduct. The Crime and Misconduct Commission (CMC) has primary responsibility for dealing with complaints about, or matters involving, official misconduct. The CMC may refer a matter back to council for investigation, assume a monitoring role or investigate a matter themselves.

Withdrawal/ resolution of complaint

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.

¹ The process is designed to maximise the opportunity to resolve complaints in the shortest possible time while also providing ample avenues to complainants to have their concerns addressed. All four stages may be applied to complaints about administrative actions.

Decision

At the completion of the investigation, the Manager should make a decision as to:

- Whether the complaint is upheld.
- What remedy or remedies, if any, will be applied.

Attempt to resolve complaint/ remedies

The Manager should attempt to resolve the complaint either during or at the conclusion of their investigation. Types of remedies (more than one may be applied) include:

- Admission of fault.
- Explanation.
- Apology.
- Change of decision.
- Change to policy or procedure.
- Repair / rework / replacement.
- Technical assistance.

Advice to complainant

The Manager should provide advice of the decision, including reasons for the decision, and any remedies, to the complainant as soon as practicable after the completion of the investigation.

The advice should also include the review option available to the complainant. That is, if the complainant is not satisfied that the complaint has been resolved, a request for an independent review may be made in writing to the Complaints Administrator.

A complaint lodged orally (by telephone or at the counter) may be responded to orally. Appropriate file notes, including reasons for decisions, are required.

A complaint lodged in writing should be responded to in writing.

Recording of complaint and outcome

All complaints, discussions, investigation and resolution activities, decisions and outcomes must be recorded at the time it is undertaken on council's complaints recording system, and records kept on appropriate confidential council files.

Acknowledgement of complaint

The complainant is to be provided with written acknowledgement of their complaint within a reasonable timeframe. This will include an indication of the approximate time it will take to respond to the complaint.

Timelines for complaints

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

- 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 or external review.

Stage 2 Independent Review

Escalation

Where a complainant is not satisfied that the complaint has been resolved the complainant may lodge a request for a review with the Complaints Administrator.

Allocation of request for review

The Complaints Administrator will assess the request and allocate the review to an independent Complaints Officer. The Complaints Officer must not be involved with the subject of the complaint and may be another Manager, the Complaints Administrator or an external provider. The allocation of the request will be guided by the nature and complexity of the complaint.

The Complaints Officer is required to review the investigation of the complaint.

The Complaints Officer will provide a report containing either (a) any recommendations for resolving the complaint, or (b) advice of upholding a finding that the complaint was not found.

Further information from complainant

Complainants must be given the opportunity to give the Complaints Officer further information about the complaint. Where further information arises and it relates to the original complaint it will be included as a related matter and not a new complaint.

Withdrawal/ resolution of complaint

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.

Review recommendations

At the completion of the review, the Complaints Officer will prepare a report with recommendations about:

- The conduct and outcome of the investigation.
- Whether the complainant's dissatisfaction was warranted.
- What remedy and further actions, if any, are proposed.

Manager consideration

The Complaints Administrator in consultation with the relevant Manager will review the report and any recommendations of the Complaints Officer and make decisions about which recommendations will be adopted and any further actions to be taken.

Advice to complainant

The Complaints Administrator should provide advice to the complainant as soon as practicable regarding the decision/s made and any action/s to be taken in response to the complaint. The disclosure of any information should be in line with the legislative parameters including but not limited to the *Information Privacy Act 2009*.

The advice should include the appeal option available to the complainant. That is, if the complainant is still not satisfied that the complaint has been resolved, an appeal for a determination by Council may be made in writing to the Complaints Administrator.

Recording of review of complaint

The Complaints Administrator should update council's complaints recording system.

The Complaints Administrator should retain all the documents relating to the review, the recommendations and any decisions or actions on a confidential complaints file.

Exceptions

Complaints about an administrative action of an Executive Director or Manager will not be investigated under Stage 1, but will be referred directly to Stage 2 to be investigated by a Complaints Officer. The CEO will receive the report of the Complaints Officer and make decisions about any recommendations and further action. If the complainant is not satisfied that the complaint is resolved, the review right is to Council.

Stage 3 Council Determination / Appeal

Escalation

Where a complainant is still not satisfied that the complaint has been resolved, they may write to the Complaints Administrator requesting a determination by Council.

Report to Council

The Complaints Administrator will coordinate the report to Council. The report will consist of:

- The findings of the written report from the Complaints Officer.
- Any recommendation in relation to the complaint the Officer considers appropriate.
- Any other material that will assist Council in its deliberations.

Council

Council will consider the report and any recommendations and make a determination about the complaint. Council may decide:

- That no further consideration/ action is necessary.
- To enforce the recommendations as described.
- To enforce amended recommendations.
- Some other course of action.

Council should provide reasons for its decisions in its resolution.

Advice to complainant

The Complaints Administrator will give the complainant advice of the outcome of Council's consideration of the report and recommendations.

The advice will also include any further review mechanisms, for example, that the complainant may lodge a complaint with an external complaint entity such as the Queensland Ombudsman or the courts.

Recording of determination of complaint

The record of the outcome of Council's consideration of the complaint will be contained in the Minutes of the Council Meeting at which the matter was determined. The Complaints Administrator should include the outcome in the complaints recording system.

Stage 4 Review by External Agency

Where the complainant continues to be unsatisfied that the complaint has been resolved, they may lodge a complaint with an external complaint entity such as the Queensland Ombudsman or the courts.

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LODGING A COMPLAINT

Contact the Sunshine Coast Council

Telephone: 1300 007 272 (Sunshine Coast callers only- excluding mobiles & STD)
(07) 5475 7272 (All callers - local, mobiles and outside of Sunshine Coast area)

Mail Address: Locked Bag 72, Sunshine Coast Mail Centre Q 4560

Website: www.sunshinecoast.qld.gov.au

Email: mail@sunshinecoast.qld.gov.au

Complaints about service and administrative actions may be lodged:

- over the telephone;
- in person;
- in writing;
- by email;
- by fax.

Preferably, complaints are to be made on the forms provided at [Attachment A](#).

Receipt of complaint

Complaints may be received by:

- a customer service officer;
- any staff member;
- any councillor.

Assistance

Where necessary, assistance may be provided by a council officer to a complainant, on how to make a complaint, including how it should be documented. The aim is to clarify the issue and the outcome(s) sought (although this is no guarantee that the desired outcomes are achievable or appropriate).

If a complainant requires interpreter services, or has special needs, the officer dealing with the initial complaint must follow council's guidelines for arranging special needs assistance.

Complainant rights

A complainant is entitled to:

- an acknowledgement of council's receipt of the complaint;
- a prompt response to the complaint;
- be kept informed of the progress and outcome of the complaint;
- confidentiality of personal details (insofar as this is possible within the law);
- a thorough and objective investigation or review of a complaint.

Complainant obligations

A complainant normally needs to provide:

- Full details of their name, address and telephone contact number before a complaint will be registered. (*Anonymous complaints may be accepted at the discretion of the CEO or relevant Councillor, Executive Director, or Manager where there is a potential risk to persons or property.*)
- Sufficient details for the complaint to be actioned.

Anonymous complaints

Anonymous complaints or feedback about administrative actions are accepted at the discretion of the CEO, relevant Councillor, Executive Director or Manager. If a person wishes to lodge a verbal complaint but not provide any identifying details, they should be advised that:

- Council does not victimise a person who makes a complaint.
- The complaint will not be formalised or official.
- The complainant may be put through to the Executive Director or Manager responsible for the area where the complaint is directed.
- Unless there is sufficient detail about the complaint it will be difficult for the Executive Director or Manager to fully and effectively investigate the issue.
- No feedback can be provided to the complainant.

Anonymous complaints about staff conduct or official misconduct may be accepted at the discretion of the CEO.

Complaints about wrongdoing are often anonymous due to concern over possible reprisals, although in some instances a complainant may be afforded under the *Public Interest Disclosure Act 2010* protection against reprisals. Complaints that attract protection under the *Public Interest Disclosure Act 2010* are not always immediately apparent as protected disclosures. Care should be taken in receiving and allocating complaints of this type. If in doubt, you should seek the advice of the Executive Director, Finance & Business, or the Complaints Administrator.

Complaints made by a third party

A complaint will be accepted from a third party on behalf of another person if the agent can verify to council's satisfaction that he/she is acting on behalf of the originator of the complaint. Verification must include a letter from the originator of the complaint authorising the agent to act on their behalf and specifying whether the agent or the originator is to be the recipient for all future correspondence in relation to the complaint.

If a complaint is lodged on behalf of a person by a professional advisor, for example a solicitor, verification that the solicitor is acting on behalf of the person is not required and council will respond directly to the solicitor.

DEFINITION OF TERMS

Administrative action complaint	A complaint about: <ul style="list-style-type: none">• a decision and an act;• a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision;• the formulation of a proposal or an intention;• the making of a recommendation.
Complaints Administrator	The person delegated by the CEO to manage the Complaints Management Process.
Complaints Officer	Person appointed by the CEO or the Complaints Administrator to undertake a review or investigation of a particular complaint. The Complaints Officer is a person who is independent of the subject of the complaint.
External provider(s)	A person who may be appointed as a Complaints Officer but who is not employed under the <i>Local Government Act 2009</i> .
Official misconduct	Official misconduct is conduct that could if proved be: <ul style="list-style-type: none">• a criminal offence, or• a disciplinary breach providing reasonable grounds for terminating the persons services, if the person is or was the holder of an appointment.
Service complaint	A complaint about: <ul style="list-style-type: none">• timeliness of response or work;• staff attitude or behaviour in providing the service;• quality of response/ standard of work.
Wrongdoing	<i>Wrongdoing</i> refers to illegal, unethical or illegitimate practices that occur in the organisation and are under the control of employers. Wrongdoing can include both deliberate acts, and failures to act, and breaches of law as well as violations of council rules or procedures.

ATTACHMENT A

Complaint Form

Complaints about Administrative Actions

I am concerned about (please tick the box/es that are applicable):

- How a council officer has treated me
- The standard of a service that I have accessed
- The length of time it took to provide a service to me
- An action about a matter of administration that directly affected me ^{Note 1}

My details are:

*Name			
*Contact Phone Number			
*Street address			
*Suburb		*Postcode	
Email			
Council Action Request Number			

*The details of my complaint are: (continue overleaf or attach a separate sheet if necessary)

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*Signature:

*Date:

Note: Fields marked with an * must be filled in

Mail to:
Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre Qld 4560

Assistance:
If you have any further questions
about how to make a complaint with
council, please contact the Call
Centre on (07) 5475 7272

Or email: mail@sunshinecoast.qld.gov.au

Note 1: An Administrative Action complaint is a complaint made by an affected person that is about an administrative action of council including 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 intentions; and the making of a recommendation.

PRIVACY - Council is authorised to collect this information in accordance with the Local Government Act 2009 and other local government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with council's Privacy Policy, available on Council's website. By signing this form you are agreeing that your information may be transferred outside Australia as a result of any publication on the internet.