

Complaint Management Policy

Local Government Act 2009

1. POLICY STATEMENT

The role of Council is to provide open and accountable local government. An effective and transparent method of responding to complaints regarding its services, administrative actions, competitive neutrality, the conduct and performance of Councillors and Council workers better enables Council to undertake this role.

2. PRINCIPLES

Council is committed to a complaints management process which ensures the transparent, effective and timely resolution of complaints.

3. SCOPE

This policy applies to all Councillors and Council workers and applies to complaints received from complainants about:

- administrative actions of Council;
- competitive neutrality;
- conduct and performance of Councillors; and
- workers behaviour and misconduct.

4. RESPONSIBILITY

Managers and Complaint Officers are responsible for ensuring that this policy is understood and adhered to by all Councillors and workers.

5. DEFINITIONS

Administrative action complaint – means a complaint about an administrative action of Council including the following:

- (a) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- (b) an act, or a failure to do an act;
- (c) the formulation of a proposal or intention;
- (d) the making of a recommendation; and
- (e) is made by an affected person.

An Affected Person – means a person as follows:

- (a) Administrative action complaints - a person who is affected by an administrative action of Council;
- (b) Competitive neutrality complaints - a person who:
 - i. competes with Council in relation to the business activity; and
 - ii. claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by Council; or
 - iii. wants to compete with council in relation to the business activity; and
 - iv. claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by Council.

Competitive Neutrality Complaint – means a complaint that:

- (a) relates to the failure of council to conduct a business activity in accordance with the competitive neutrality principle; and
- (b) is made by an affected person.

Complaint – means an expression of dissatisfaction made to or about Council, related to the products, services, workers or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Complaint Officer – means the person appointed to investigate a complaint under this policy and any Worker who access the recognised Complaint Management System.

Complainant – means an affected person as defined above.

Conduct and Performance of Councillors Complaints – include misconduct and the inappropriate conduct of a Councillor

Manager – includes persons appointed to positions with the title, Team Manager, General Manager, Principal, Director and Chief.

Workers – includes Council employees, contractors, volunteers and all others performing work on behalf of Council.

Workers behaviour and misconduct complaints – relate to conduct or work performance of workers.

6. POLICY

Council will treat all complaints confidentially and with due respect, and complainants will not suffer any reprisal from Council or workers for making a complaint.

All complaints will be thoroughly investigated in a timely manner with the aim of reaching a resolution acceptable to both Council and the complainant.

To facilitate the effective management of complaints, Council will:

- develop and maintain policies and procedures and ensure that training is provided to workers;
- ensure that potential complainants are aware of the avenues available to lodge a complaint with council; and
- provide an environment of continuous improvement through reporting and customer feedback.

To ensure that decision making is fair and reasonable, the rules or principles of natural justice will be

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applied in all investigations. This includes:

- the right to a fair hearing;
- an absence of bias;
- decisions based on evidence; and
- proper examination of all issues

7. LEGAL PARAMETERS

Local Government Act 2009

Local Government Regulation 2012

Right to Information Act 2009

Information Privacy Act 2009

Judicial Review Act 1991

Public Interest Disclosure Act 2010

8. ASSOCIATED DOCUMENTS

AS/ISO10002-2006 – Customer Satisfaction – Guidelines for Complaints Handling in Organisations

Guide to developing Effective Complaints Management Policies and Procedure, Qld Ombudsman

Complaints Management Procedure

Code of Conduct

Complaints Form

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