

Complaint Management Policy

Local Government Act 2009

1. Policy Statement

Townsville City Council (Council) recognises the importance of stakeholder relationships and values the benefits of effective complaint handling and response to both positive and negative feedback regarding:

- Council services;
- administrative actions;
- competitive neutrality; and,
- the conduct and performance of Councillors and Council workers.

Council is committed to an open, unbiased and accountable complaints management process to enable the transparent and timely resolution of complaints.

2. Principles

This policy provides a guide for Council workers to effectively identify, mitigate and manage complaints and complainant conduct in a fair, consistent, transparent and appropriate way. This process includes:

- working to ensure that human rights are properly considered at all times in relation to any decision made;
- working to ensure equity and fairness by dealing with complaints based on their merit, as opposed to demands or coercion;
- ensuring that confidentiality and privacy of all complaints are maintained in line with relevant legislation and Council's corporate guidance documents;
- improving efficiency and a commitment to appropriate resource allocation in the complaints management process;
- managing or eliminating potential risks to the health, safety and security of customers, workers and Councillors through early identification and proactive mitigation; and,
- enabling positive and effective interactions between Councillors, workers and customers.

3. Scope

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

- administrative actions of Council;
- competitive neutrality;

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
Authorised by - Director Business Services
Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
Initial Date of Adoption (Version No. 1) - 26.10.10
Current Version Reviewed - 19.02.25
Next Review Date - 19.02.29
PAGE 1 OF 9

- conduct breach or behavioural standard of Councillors; and,
- worker behaviour and misconduct.

Where a complaint relates to a matter where Council does not have jurisdiction to deal with the issue raised then Council will decline to deal with the complaint.

This policy covers the full range of services requested by customers and provided by Council via all communication channels, including but not limited to:

- face to face;
- telephone;
- mail;
- e-mail;
- letters to the media; and,
- social media.

This policy also provides a consistent approach to managing unreasonable behaviour by complainants and provides Council workers with the tools to effectively manage situations, where the unreasonable conduct is observed or reported.

This policy does not apply to:

- Public Interest Disclosures - addressed in the Public Interest Disclosure Policy;
- referrals from the Office of the Independent Assessor regarding Councillor conduct - addressed in the Investigations Policy;
- complaints made about the Chief Executive Officer (CEO) - addressed in the Complaints about Public Official Policy; or,
- unreasonable customer conduct - addressed in Council's Unreasonable Customer Conduct Policy.

4. Responsibility

Councillors, the CEO, managers and Complaint Officers are responsible for ensuring that this policy is understood and adhered to by all Councillors and workers.

Where there is an internal review of a decision to limit a complainant's access to Council (refer to section 6.2.1), the CEO or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

5. Definitions

An Affected Person - a person that is affected by an action of Council.

Behavioural standard - a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150D and 150E of the *Local Government Act 2009*.

Code of Competitive Conduct - the code described in section 47 of the *Local Government Act 2009* and Division 5 of Part 2 of Chapter 3 of the *Local Government Regulation 2012*.

Complainant - an affected person or group of people that makes a complaint about perceived failings or issues that affect them.

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
 Authorised by - Director Business Services
 Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
 Initial Date of Adoption (Version No. 1) - 26.10.10
 Current Version Reviewed - 19.02.25
 Next Review Date - 19.02.29
 PAGE 2 OF 9

Complaint - 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 and includes:

Type of Complaint	Definition
Administrative Action Complaint	a complaint about an administrative action of Council including the following: <ul style="list-style-type: none"> (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; or, (e) is made by an affected person.
Competitive Neutrality Complaint	a complaint that: <ul style="list-style-type: none"> (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.
Conduct and Performance of Councillors Complaint	includes misconduct of a Councillor and conduct breaches.
Behaviour and Misconduct of Workers Complaint	relates to conduct or work performance of workers.

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

Conduct Breach - as set out in section 150K of the *Local Government Act 2009* (this relates to Councillors).

Corporate Guidance Documents - includes policies, administrative directives and associated procedures.

Customer - anyone who attends a Council workplace or function and is served by or engages with Councillors or Council workers in-person or by telephone, letter, social media or electronic communication.

Frivolous Complaint - a complaint that does not warrant attention because there is no supporting input or evidence to substantiate the complaint, or the complaint is assessed as being of little serious purpose or value, and clearly has no reasonable prospect of success. This includes 'sovereign citizen' based complaints or other non-sensical legal propositions.

Frivolous complaints fall within the definition of Unreasonable Complainant Behaviours (refer to the table below).

Manager - an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.

Psychosocial Hazards - Workplace Health and Safety Queensland describes psychosocial hazards as:

“a hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace, or workplace interactions and behaviours and may cause

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
 Authorised by - Director Business Services
 Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
 Initial Date of Adoption (Version No. 1) - 26.10.10
 Current Version Reviewed - 19.02.25
 Next Review Date - 19.02.29
 PAGE 3 OF 9

psychological harm, whether or not the hazard may also cause physical harm.”

Services - services provided by Council to the community, including libraries, the provision of community assistance, waste disposal, water and wastewater.

Unreasonable Complainant Behaviours - The table below outlines five main complainant behaviours that are unacceptable and that may result in Council limiting the complainant’s access.

Type of Unreasonable Behaviour	Definition	Examples
Unreasonable arguments	Complaints that are not based on reason, are incomprehensible, false, frivolous, inflammatory or immaterial.	Some examples include arguments that: <ul style="list-style-type: none"> are not supported by evidence, are based on conspiracy theories or irrational claims/beliefs, are ‘sovereign citizen’ types of arguments such as arguing that Council has no right to rates, have no relevance to the central issue, illogically or irrationally deny any responsibility for action or inaction, and fail to follow a logical sequence or irrationally interpretation of facts and evidence.
Unreasonable complainant conduct	<p>When the complainant:</p> <ul style="list-style-type: none"> makes threats, including threatening to self-harm; is aggressive; is violent; is abusive; or, makes vexatious complaints. <p>This includes behaviour which may compromise the health, safety or security of others.</p>	Some examples include: <ul style="list-style-type: none"> acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks, harassment, intimidation, physical violence, lying or being intentionally misleading, baseless attacks on the intentions, motivations, ethics or conduct of workers, threats of harm, threats with a weapon or threats to damage property including bomb threats, and stalking.
Unreasonable demands	<p>Demands for actions or outcomes that are not possible or do not fall within the scope or power of the Council to maintain, control or enforce.</p> <p>Demands that have a disproportionate and unreasonable impact on the business area, workers, services, time, members of the community or resources.</p>	Some examples include: <ul style="list-style-type: none"> demanding services that are of a nature or scale that cannot be reasonably provided, and insisting on outcomes that are not possible or reasonable under the circumstances e.g. for a Worker to be fired or prosecuted or for compensation when there is no reasonable basis for expecting these outcomes. demanding that Council investigate, prevent or take action on a matter which

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
 Authorised by - Director Business Services
 Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
 Initial Date of Adoption (Version No. 1) - 26.10.10
 Current Version Reviewed - 19.02.25
 Next Review Date - 19.02.29
 PAGE 4 OF 9

Type of Unreasonable Behaviour	Definition	Examples
		Council has no legislative power to maintain, control or enforce.
Unreasonable level of cooperation	<p>An unwillingness to cooperate with Council, workers or within Council complaints system and processes.</p> <p>Results in a disproportionate and unreasonable impact on the business area, Workers, services, time, and resources.</p>	<p>Some examples include:</p> <ul style="list-style-type: none"> • refusing to follow or accept instructions, suggestions or advice without a clear or justifiable reason, • providing little or no detail to a Complaint, after requests have been made for further information, • sending a constant stream of unclear, irrelevant, or disorganised information where the complainant has a demonstrated capacity to write clearly, or • displaying misleading behaviour such as withholding information, acting dishonestly or misquoting others.
Unreasonable persistence	<p>Continued, incessant and unrelenting conduct:</p> <ul style="list-style-type: none"> • even though the matter has been finalised, or • the complainant has been advised their matter is not within Council's power to maintain, control or enforce, or • multiple similar complaints have been investigated and found to have no evidence. <p>Behaviour that has a disproportionate and unreasonable impact on the business area, worker, services, time and resources.</p>	<p>Some examples include:</p> <ul style="list-style-type: none"> • refusing to accept further action cannot or will not be taken, • reframing information in an effort to have it considered again, • excessive number/volumes of phone calls or visits, after requesting that communication be limited to email or letter only, • contacting different workers within the organisation about the finalised matter with the intention of obtaining a different result, or • the complainant has previously made numerous complaints of an identical or similar nature which have been investigated and found to have no evidence, and no material has been provided by the complainant to indicate that another investigation will have a different result.

Vexatious Complaint - a complaint that is not made in good faith, is considered to be vindictive or forms part of a pattern of conduct by the complainant that amounts to misuse of the complaints handling process. It can be a complaint made with the intent to be retaliatory in nature and/or intended to damage the reputation of the respondent. This can also include a complaint that is known to be fictitious, false, or fabricated with the intent to do reputational damage.

Vexatious complaints fall within the definition of unreasonable complainant conduct (refer to the Unreasonable Behaviours table above).

Workers - includes employees, contractors, volunteers and all others who perform work on behalf of Council.

Workplace - is a place where work is carried out for the Townsville City Council and includes any place where a worker goes, or is likely to be, while at work. A 'place' includes:

- (a) a vehicle, vessel, aircraft or other mobile structure; and
- (b) any waters and any installation on land, on the bed of any waters or floating on any waters.

6. Policy

This policy covers the management of complaints and unreasonable complainant conduct across the full range of services requested by customers and provided by Council via all communication channels, including but not limited to:

- face to face;
- telephone;
- mail;
- e-mail;
- letters to the media; and,
- social media.

Council is committed to protecting the health, safety and wellbeing of its Councillors and workers while at work and, where possible, eliminating or reducing their exposure to physical and psychosocial hazards in the workplace and while undertaking work-related activities through the effective identification and management of unreasonable complainant conduct.

Council will treat all complaints confidentially, with due respect and in a timely manner with the aim of reaching a resolution acceptable to both Council and the complainant. Complainants will not suffer any reprisal from Council or workers for making a complaint.

6.1. Complaint Management Process

To facilitate the effective management of complaints, Council will:

- develop and maintain corporate guidance documents to establish a consistent approach to managing complaints and provide training 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.

Council will apply a consistent approach for managing complaints. The process includes the following steps:

- facilitation;
- receipt;
- acknowledgement;
- assessment and investigation (where applicable);

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
Authorised by - Director Business Services
Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
Initial Date of Adoption (Version No. 1) - 26.10.10
Current Version Reviewed - 19.02.25
Next Review Date - 19.02.29
PAGE 6 OF 9

- decision and/or resolution;
- communication of options for redress; and,
- closure of complaint.

To ensure that decision making is fair and reasonable, the rules or principles of natural justice will be 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 on a case-by-case basis.

If a complainant is dissatisfied with a Complaint Officer's decision regarding their complaint, they may apply for an internal review. The internal review will be undertaken by Council's Legal Services Section and conducted as if it were an initial complaint.

Complainants have the right to seek an external review of their complaint if they are dissatisfied with Council's internal handling or outcome, including appealing to the Queensland Ombudsman or other relevant external bodies, and will be informed of this right.

6.2. Preventing and Managing Unreasonable Complainant Behaviour

Council is committed to being accessible and responsive to all people who make complaints. At the same time, Council's success depends upon:

- the ability of its workers to do their work and perform their functions in the most effective and efficient way possible;
- the health, safety and security of its workers; and,
- its ability to allocate resources fairly across all complaints received.

Parties that could be adversely impacted by unreasonable complainant behaviour include:

- the business area responsible for handling a complaint;
- the Complaint Officer(s) responsible for dealing with a complaint;
- any worker subject to a complaint;
- the complainant themselves (potentially including members of their families and friends); and
- other complainants and service users.

In some cases, this behaviour can be complex and/or challenging making it difficult to reach an appropriate outcome.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of the response Council can deliver. As a result, Council may take decisive action to manage any conduct that negatively and unreasonably affects its workers. This action may include advising the person that Council will not engage further with them about particular matters.

6.2.1 Decision to Change, Restrict or Withdraw Access (Limit Access)

If the complainant has demonstrated unreasonable behaviour or conduct, Council may:

- change;
- restrict; or,

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
 Authorised by - Director Business Services
 Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
 Initial Date of Adoption (Version No. 1) - 26.10.10
 Current Version Reviewed - 19.02.25
 Next Review Date - 19.02.29
 PAGE 7 OF 9

- in some cases, withdraw an individual's access to workers and certain services.

Workers will ensure that human rights are properly considered in alignment with the *Human Rights Act 2019* prior to making any decision to change, restrict or withdraw certain services or access to Council facilities (i.e. limit access).

Before a decision is made to change, restrict or withdraw services or access, Council will:

- inform the complainant of the proposal to limit access and the types of limitations that are being proposed (i.e. affording the person natural justice); and
- consider the person's response to the proposal.

6.2.2 Ability to Review a Decision Limiting Access

The complainant can request an internal review of the decision if:

- the complainant is seeking to amend the limitations imposed;
- a new incident occurs, which leads to the complainant seeking a revision of the existing limitations; or,
- the limitations are due to expire and need to be reconsidered.

The CEO or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

Complainants have the right to seek an external review if they are dissatisfied with Council's internal handling or outcome, including appealing to the Queensland Ombudsman or other relevant external bodies.

7. Legal Parameters

Crime and Corruption Act 2001

Human Rights Act 2019

Information Privacy Act 2009

Judicial Review Act 1991

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Right to Information Act 2009

8. Associated Documents

Code of Conduct

Code of Conduct for Advisors

Code of Conduct for Councillors in Queensland

Complaints about Public Official Policy

Complaints Form

Public Interest Disclosure Policy

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
 Authorised by - Director Business Services
 Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
 Initial Date of Adoption (Version No. 1) - 26.10.10
 Current Version Reviewed - 19.02.25
 Next Review Date - 19.02.29
 PAGE 8 OF 9

Unreasonable Customer Conduct Policy
Work Health and Safety Policy and Policy Statement

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 26793172
Authorised by - Director Business Services
Document Maintained by - Legal Services

Legal Services | Complaint Management Policy

Version No.7
Initial Date of Adoption (Version No. 1) - 26.10.10
Current Version Reviewed - 19.02.25
Next Review Date - 19.02.29
PAGE 9 OF 9