

Complaint Management Procedure

Local Government Act 2009



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1. Purpose

Townsville City Council (Council) will adopt an effective and transparent method of receiving and responding to complaints which have a proper basis. Council will ensure that:

- anyone who wants to make a complaint about Council can easily do so;
- Council assists people to make their complaint;
- complainants are not disadvantaged or treated unfairly after they make a complaint;
- complaints are dealt with quickly and fairly;
- complainants are informed about the processing of their complaint, the decision that Council makes, and the reasons for the decision;
- it manages or eliminates potential risks to the health, safety and security of customers, workers and Councillors through early identification and proactive mitigation;
- complainants who are not satisfied by Council's decision about their complaint are informed about how to appeal the decision; and,
- complaints are recorded and reported on to help Council provide better services.

2. Principles

In accordance with the Complaint Management Policy, Council is committed to a complaints management system that ensures the transparent, effective and timely resolution of complaints, and that contributes to continuous improvement of Council's services. Council will provide a system that is easily accessible for all people, including people with non-speaking English backgrounds and people with a disability.

3. Scope

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

- administrative actions of Council;
- competitive neutrality;
- conduct breach or behavioural standard of Councillors; and,
- worker behaviour and misconduct.

This procedure also provides a consistent approach to managing unreasonable complainant behaviour and provides Council workers with the tools to manage complainants who negatively affect the delivery of services proactively and decisively.

This procedure does not apply to:

- Public Interest Disclosures - addressed in the Public Interest Disclosure Policy;
- referrals from the Office of the Independent Assessor (OIA) 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

Managers and Complaint Officers are responsible for ensuring that this procedure 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 6.6.4), 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

The definitions contained in the Complaint Management Policy apply to this procedure and are set out for ease of reference below, together with a small number of additional 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*.

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

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*.

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.

Type of Complaint	Definition
Behaviour and Misconduct of Workers Complaint	relates to conduct or work performance of workers.

Competitive Neutrality Principle - is used when Council applies the code of competitive conduct to its business activities. Council must apply the competitive neutrality principle to the business activity including by:

removing any competitive advantage or competitive disadvantage, wherever possible and appropriate; and

promoting efficiency of the use of resources to ensure markets are not unnecessarily distorted.

Complaint Officer - the person appointed to investigate a complaint under this procedure 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*.

Customer - anyone who enters 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 the use of resources 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.

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.

OPRTR - the Office of Productivity and Red Tape Reduction established within Queensland Treasury.

Service Request - a notification from a customer about a problem or issue in a Council service or a Council property that the customer believes should be addressed.

*A service request is not a complaint.

Significant Business Activity is a business activity of Council that—

- (a) is conducted in competition, or potential competition, with the private sector (including for example Council's Water Services or Resource Recovery Team, off-street parking, quarries, sporting facilities); and
- (b) meets the threshold prescribed under a regulation.

However, a **significant business activity** does not include a business activity that is—

- (a) a building certifying activity; or,
- (b) a roads activity; or,
- (c) related to the provision of library services.

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 Council has no legislative power to maintain, control or enforce.

Type of Unreasonable Behaviour	Definition	Examples
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, and • 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.

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.

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. Procedure

This procedure provides guidance to workers about Council's complaints management system and establishes the process that Council will follow to manage all complaints received.

This procedure is intended to:

- enable workers to handle complaints fairly, efficiently and effectively;
- enable workers to respond to issues raised by people making complaints in a timely and cost-effective way;
- boost public confidence in Council's administrative process; and,
- provide information that can be used by Council to deliver quality improvements in its services, workers and complaint handling.

6.1. Complaint Management Process (General)

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

- facilitation;
- receipt;
- acknowledgement;
- assessment and investigation (where applicable);
- decision and/or resolution;
- communication of options for redress; and,
- closure of complaint.

6.2. Administrative Action Complaints

6.2.1 Overview

6.2.1.1 Early Resolution

Council aims to resolve administrative action complaints at the frontline. Workers will endeavour to resolve these complaints at a very early stage and informally, for example, by providing an explanation for their action in the particular case. The person making the complaint may accept that the complaint has been resolved, or withdraw the complaint, at any time by giving a clear indication to that effect.

6.2.1.2 Escalation to a Complaints Officer

When an early resolution is not possible, Council will escalate the complaint to a Complaints Officer, who will manage the complaint as set out in this procedure.

6.2.1.3 Seeking of Further Technical Advice, Physical Inspection, etc.

If a complaint is referred to another worker for further technical advice, physical inspection or any other reason, the Complaints Officer must monitor the progress to ensure that the matter is brought to a successful resolution.

6.2.1.4 Communication of Actions or Decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the person, verbally or in writing, making the complaint and advise them about:

- the outcome of the complaint and any action taken;
- the reasons for the decision;
- the remedy or resolutions that Council has proposed or put in place; and,
- any options for review that are available to them, such as an internal review, external review or appeal.

If, in the course of investigation, the Complaints Officer makes any adverse findings about a particular individual, the Complaints Officer will consider their privacy obligations before sharing findings with the person making the complaint.

When determining the remedy that Council intends to provide, the Complaints Officer will give preference to the overall community interest, then to the interest of the person making the complaint.

6.2.1.5 Internal and External Review

When a person making a complaint is dissatisfied with a Complaints Officer's decision, they may apply for an internal review. The business unit of Council will conduct a review of the decision, but where the matter is particularly complicated, or where Legal Services agree, Legal Services may conduct an internal review of the complaint. The internal review will be conducted as if it were an initial complaint and will consider the material available to Council in conducting that review. Where appropriate, the internal review may seek further material from the relevant business area in order to review the decision. If the person remains dissatisfied by the outcome of Council's review of their complaint, they may seek an external review of the decision (e.g. by the Ombudsman).

6.2.2 Management Process

The process includes the following steps:

Step	Definition
1 - Facilitation	<p>Council will assist and encourage people to make complaints by:</p> <ul style="list-style-type: none">• providing them with information about Council's complaint handling process;• providing them with multiple and accessible ways to make complaints;• listening to them, treating them with respect and actively involving them in the complaint management process; and• providing them with necessary assistance including translating and interpreter services and services for people with vision, hearing, or speech impairments.• providing clarification on the difference between a complaint and a service request, where required. <p>If a person prefers or needs another person or organisation to assist or represent them in the making or resolution of their complaint, upon the person providing Council with a written authority, workers will communicate with them through their nominated representative.</p> <p>Council will:</p> <ul style="list-style-type: none">• take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.• accept anonymous complaints and will carry out an investigation of the issues raised if there is enough information provided.• protect the identity of people making complaints to the extent that it is practical and appropriate to do so. Workers will disclose personal information that identifies individuals only as permitted under the relevant privacy laws.• address each complaint with integrity and objectivity. Council will ensure that the person managing a complaint is different from any worker whose conduct or service is being complained about.
2 - Receipt	<p>Submission of Complaints</p> <p>Council will accept verbal or written complaints. Council will always encourage people to put their complaint in writing because that helps workers to clearly understand the complaint. People wishing to make a verbal complaint that they can do so by telephone or in person at any Council Customer Service Centre. Written complaints may be submitted to Council by addressing the correspondence to the CEO and either:</p> <ul style="list-style-type: none">• delivering the complaint in person to a Council Customer Service Centre;• posting it addressed to: Attention Customer Service

Step	Definition
	<p>Townsville City Council PO Box 1268 Townsville Qld 4810; or,</p> <ul style="list-style-type: none"> • sending it via e-mail to enquiries@townsville.qld.gov.au. <p>Receipt and Recording</p> <p>Council will record the complaint and its supporting information and assign a unique identifier to the complaint file. The record of the complaint will document:</p> <ul style="list-style-type: none"> • the contact information of the person making the complaint; • issues raised by the person making the complaint and the outcomes they want; • any other relevant details; and • whether the person making a complaint has requested additional support, and if so, the nature of the support that has been requested. <p>As soon as possible after a complaint is received, it will be allocated a complaint number and assigned to the section of Council to which the complaint primarily applies. That section will have primary responsibility for dealing with the complaint.</p>
<p>3 - Acknowledgement</p>	<p>Council will acknowledge receipt of the complaint, either verbally or in writing, within three business days and at that time provide to the person making the complaint:</p> <ul style="list-style-type: none"> • contact details for the Complaints Officer who will manage their complaint; • an outline of Council's complaints management process; and • an estimate of the time frames for Council's actions. <p>Council will assess and prioritise complaints in accordance with the urgency, seriousness and complexity of the issues raised. If a matter concerns an actual and immediate risk to safety or security the response will be as immediate as possible and will be escalated appropriately.</p> <p>Workers will inform the person making the complaint as soon as possible about:</p> <ul style="list-style-type: none"> • the progress of Council's response to their complaint and the reasons for any delay; • their likely involvement in the process; • the possible or likely outcome of their complaint; • (if applicable) Council being unable to meet its time frames for responding to their complaint and the reason for delay; and, • (if applicable) Council being unable to deal with any part of their complaint and if possible provide advice about where those issues or complaints may be directed.

Step	Definition
4 - Initial Assessment and Investigation (where applicable)	<p>After acknowledging receipt of the complaint, Council will confirm whether the issues raised in the complaint are within Council's control. If they are not, Council will promptly convey that to the person who made the complaint.</p> <p>Council will consider the outcomes sought by the person making the complaint and, when more than one issue has been raised, determine whether each issue needs to be separately addressed.</p> <p>Council will advise the person making the complaint about the range of remedies that Council considers may be appropriate if their complaint is established.</p> <p>When determining how a complaint will be managed, Council will consider:</p> <ul style="list-style-type: none"> • whether the complaint raises a concern about any person's health or safety; • the classification and type of complaint and whether any specific additional processes must be followed; • how the person making the complaint is being affected; • the risks involved if resolution of the complaint is delayed; and • whether a resolution requires the involvement of other organisations. <p>Resolution Timeframes</p> <p>Unless there are exceptional circumstances, workers will endeavour to resolve the complaint within 30 business days.</p>
5 - Decision and/or Resolution	<p>Refusal to Investigate</p> <p>Council may refuse to investigate a complaint or, having started to investigate a complaint, refuse to continue the investigation, if it reasonably considers that:</p> <ul style="list-style-type: none"> • the complaint is trivial; • the complaint was made vexatiously or otherwise is an example of Unreasonable Customer Behaviour (see the definition above and section 6.6 below); • the person making the complaint does not have a sufficient direct interest in the administrative action complained of; or • both of the following apply: <ul style="list-style-type: none"> (i) the person making the complaint has a right of appeal, reference or review, or another remedy, that the person has not exhausted; and (ii) it would be reasonable in the circumstances to require the person making the complaint to exhaust the right or remedy before the officer investigates, or continues to investigate, the complaint; or • insufficient details or evidence have been provided to investigate the complaint;

Step	Definition
	<ul style="list-style-type: none"> in the circumstances, investigating the administrative action complained of is unnecessary or unjustifiable. <p>Council will give the person making the complaint notice of and reasons for its deciding to refuse to investigate within 10 business days of making that decision.</p> <p>Requests for Further Information about the Complaint</p> <p>If necessary, Council will invite the person making the complaint to provide further information to assist Council's understanding of the complaint.</p> <p>Workers will record a fair summary of any verbal information received and will confirm with the person making the complaint in an appropriate manner that the summary accurately reflects the information provided by the person making the complaint.</p> <p>Addressing Complaints</p> <p>After assessing the complaint, workers will consider how to manage it, which may involve a range of things, including:</p> <ul style="list-style-type: none"> give the person making a complaint information or an explanation; gather information from the person or area that the complaint is about; or, investigate the claims made in the complaint. <p>Workers will record notes about every step taken to manage the complaint.</p> <p>Workers will keep the person making the complaint up to date on its progress, particularly if there are any delays. They will also communicate the outcome of the complaint using the most appropriate medium.</p>
6 - Communication of Options for Redress	<p>If through the complaints management process that the complaint is not resolved to the satisfaction of the person making the complaint, Council will give alternative avenues for dealing with complaints;</p> <ul style="list-style-type: none"> a written report about the results of the investigation; any recommendation in relation to the complaint Council considers appropriate; and, advice about how to request an internal review of Council's decision. <p>Internal review, conciliation and investigation of complaints does not always result in resolution of a complaint to the satisfaction of the person making the complaint. In these situations referral to an external agency may be the most appropriate action. External sources may include the following:</p> <ul style="list-style-type: none"> Queensland Ombudsman Judicial Review (local government is subject to the <i>Judicial Review Act 1991</i>)

Step	Definition
	<ul style="list-style-type: none"> • Tribunals • Courts • Other bodies e.g. Queensland Building Tribunal; Anti-Discrimination Commission; Magistrates Court, Queensland District Courts including Planning & Environment Court, Supreme Court and Crime & Corruption Commission (CCC).
7 - Closure of Complaint	<p>Workers will keep comprehensive records about:</p> <ul style="list-style-type: none"> • how the complaint was managed; • the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations; and, • any outstanding actions that need to be followed up. <p>Workers will ensure that outcomes are properly implemented, monitored and reported to relevant management.</p>

6.3. Competitive Neutrality Complaints

Council will deal with competitive neutrality complaints following the process set out in Division 7 of Part 2 of Chapter 3 of the *Local Government Regulation 2012*.

These complaints will be received through the general complaint process and allocated to Legal Services.

6.3.1 Early Resolution

Council invites any person who is considering making a competitive neutrality complaint to meet with Council representatives to enable:

- the person to explain their concerns about the alleged failure of Council's business entity to comply with the competitive neutrality principle in conducting the business activity;
- the person and Council to clarify and, if possible, resolve the matter before a complaint is made; and,
- Council to maintain a record about potential competitive neutrality complaints so that Council can understand and monitor trends to inform the taking of necessary remedial action.

Council will offer to meet with the person within five working days of being notified of the person's concerns.

6.3.2 Facilitation

Council will assist and encourage people to make competitive neutrality complaints by providing them with information about how to contact the Office of Productivity and Red Tape Reduction (OPRTR) and about the steps they must take to lodge a complaint with the OPRTR, including that they must provide the OPRTR with all of the following:

- details of Council's business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint;
- information that shows that the person is, or could be, in competition with Council's business entity;
- information that shows how the person is, or may be, adversely affected by Council's business entity's alleged failure; and,
- information that shows that the person has made a genuine attempt to resolve the complaint directly with Council.

In addition to advising a person about how to make a competitive neutrality complaint to the OPRTR, Council will itself refer to the OPRTR as soon as practicable any details of the competitive neutrality complaint that the person has provided to Council.

6.3.3 Assisting the OPRTR

Council will assist the OPRTR to investigate and resolve each competitive neutrality complaint.

6.3.4 Publication and Consideration of OPRTR Reports

If the OPRTR provides a report to Council about an investigation into a competitive neutrality complaint, Council will make a copy of that report available as soon as practicable for inspection at Council's public office and Customer Service Centres.

Council will consider any report provided by the OPRTR within one month of receiving the report. Council will decide by resolution whether to implement the recommendations contained in that report, stating the reasons for its decision.

Council will within seven days of making the resolution, give notice about it to:

- The person who made the competitive neutrality complaint;
- The OPRTR; and,
- Council's business entity conducting the business activity that was the subject of the complaint.

6.3.5 Register of Competitive Neutrality Complaints

Council will maintain a register of business activities to which the competitive neutrality principle applies that includes:

- the business activities to which Council has applied the competitive neutrality principle, and the date from which the competitive neutrality principle applied to each business activity;
- the business activities to which the code of competitive conduct applies, and the date from which the code applied to each business activity; and,
- a list of:
 - i. current investigation notices for competitive neutrality complaints; and
 - ii. the business activities to which the complaints relate; and,
 - iii. Council's responses to the OPRTR's recommendations on the complaints.

6.4. Complaints Regarding Conduct and Performance of Councillors

Complaints regarding Councillor conduct breach or misconduct will be managed in alignment with Council's Investigation Policy, as outlined below:

Type of Breach	Management strategy
General breach of conduct	<ul style="list-style-type: none">the complaint will be reported to the CEO and OIA.
Corrupt conduct	<ul style="list-style-type: none">the complaint will be reported to the CEO and CCC.
Misconduct	<ul style="list-style-type: none">the complaint will be reported to the CEO and OIA.

These complaints will be received by through the general complaint process and allocated to Legal Services.

6.5. Complaints Regarding Behaviour and Misconduct of Workers

Complaints regarding the behaviour and misconduct of Council workers will be managed in accordance with Council's People and Culture processes and associated guidance documents.

These complaints will be received through the general complaint process and allocated to People and Culture.

6.6. 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 its resources fairly across all the complaints received.

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 will take decisive action to manage any conduct that negatively and unreasonably affects its workers or has a disproportionate or unwarranted impact upon Council resources. That action may include:

- advising the person that Council will not engage further with them about particular matters;
- limiting access to Council, such as by limiting email access to a particular email address, and/or diverting phone calls to a voice message service; or,
- choosing not to respond to complaints of a non-urgent nature where previous complaints of a similar nature have repeatedly been found not to have been sustained.

6.6.1 Importance of Workers' Health, Safety and Wellbeing

Council is committed to protecting the health, safety and wellbeing of its workers while at work, and, where possible, eliminating or reducing a worker's exposure to physical and psychosocial hazards in the workplace and while undertaking work-related activities.

Managers and workers will align their management activities relating to unreasonable behaviour by complainants with the following Council documents:

- Managing the Risk of Psychosocial Hazards at Work Administrative Directive;
- Managing the Risk of Psychosocial Hazards at Work Procedure; and,
- Work Health and Safety Policy and Policy Statement.

6.6.2 Strategies for Managing Unreasonable Complainant Behaviour

When behaviour by complainants is considered unreasonable, workers will:

- tell the individual why their behaviour is found to be unreasonable and ask them to change it; and
- apply firm and consistent management strategies and scripts in alignment with the methodology set out by the Office of the Queensland Ombudsman and with proper consideration for compatibility with relevant human rights. The table below outlines some example strategies based on the type of behaviour observed.

Management strategies	
Type of behaviour	Management strategy
Unreasonable arguments / frivolous complaints	<ul style="list-style-type: none"> • Declining to deal with complaints where no evidence exists and advising that contact will be discontinued.
Unreasonable complainant conduct (incl. vexatious complaints)	<ul style="list-style-type: none"> • Setting limits and conditions and if necessary, applying risk management strategies. • Change or restrict a complainant's access to services as per circumstances identified in this procedure.
Unreasonable demands	<ul style="list-style-type: none"> • Limiting the parameters for contact such as how often they can phone, who they can talk to and for how long.
Unreasonable level of cooperation	<ul style="list-style-type: none"> • Setting reasonable conditions for the acceptance of a complaint (i.e. requiring that a complaint is well defined and supporting information is well organised).
Unreasonable persistence	<ul style="list-style-type: none"> • Saying 'no' without using the word (e.g. firm but polite, not defensive, or overly apologetic however should be made clear that no amount of pressure will change the decisions/position).

Refer to the Queensland Ombudsman's [Managing Unreasonable Complainant Conduct Resource](#) for additional example strategies and response scripts.

6.6.3 Steps for Managing Unreasonable Complainant Behaviour

Step 1	Step 2	Step 3	Step 4	Step 5
Identify the warning signs	Assess the reasonableness of the behaviour	Categorise the unreasonable behaviour	Consider and select strategies	Implement strategies and monitor
Indicators <ul style="list-style-type: none"> individual's complaint history communication style/ content interactions with Council outcomes sought, and reactions to advice/ outcomes Recordkeeping <ul style="list-style-type: none"> report all unreasonable conduct incidents make factual record of all interactions / observations handle initial interactions appropriately 	Criteria <ul style="list-style-type: none"> likely level of impact/ risk on workers, clients, service delivery merits of issues individual's circumstances proportionality responsiveness personal boundaries breached unreasonable under any circumstances 	Categories <ul style="list-style-type: none"> unreasonable arguments unreasonable complainant conduct (incl. vexatious complaints) unreasonable demands unreasonable level of cooperation unreasonable persistence 	Considerations <ul style="list-style-type: none"> history of interactions with Council previous successful communication techniques likely level of impact/ risk on workers, clients and service delivery personal thresholds and skill level of workers agency policy and practice jurisdictional issues 	Implement <ul style="list-style-type: none"> take actions to put strategies into practice record assessment and strategy communicate strategy Monitor <ul style="list-style-type: none"> individual's response Workers' response - signs of stress level of success for Council respond/ alter strategy as required

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

If a serious situation has occurred or if the complainant has repeatedly demonstrated unreasonable behaviour, Council may:

- change;
- restrict; or,
- in serious cases, withdraw an individual's access to workers and certain services for particular purposes.

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 (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 complainant natural justice); and
- consider the complainant's response to the proposal.

6.6.5 Who Determines a Request to Limit Access

A General Manager has the authority to assess an application made by a worker for access by an individual to be limited and make a decision accordingly. All requests to limit access are to be considered in a transparent and accountable manner.

The relevant General Manager is responsible for recording and advising the worker of their decision. The worker who made the application for access by an individual to be limited is responsible for advising the individual of this decision and their rights to appeal.

6.6.6 Timeframes on Decisions to Limit Access

A decision to limit access is implemented for the timeframe outlined in the decision made by the General Manager.

Before the expiry of a decision, the worker is to assess the requirement for the limitation to continue and:

- make a request to the General Manager for an extension of the initial decision prior to its expiration, or
- if the limitation is no longer required, there is no requirement to make a request to the General Manager. The decision can stand until it lapses (e.g. if the complainant is no longer in contact with the business area).

An extension request may be made if there is still ongoing contact with the complainant and the worker has determined there is still a need for the limitation to be in place. All evidence is to be provided to the General Manager to justify the extension.

If there is no expiration date on the limitation, the worker is to assess the current limitation decision on an operationally convenient basis (e.g. this may be annually). If there is no change required, there is no need for the General Manager to consider the matter.

6.6.7 Ability to Review a Decision Limiting Access

This procedure allows for the review of a decision to limit 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 seeking a revision of the existing limitations; or,
- the limitations are due to expire and need to be reconsidered.

The internal review will be undertaken by an internal review officer.

6.6.8 Management of Vexatious Complainants

A complaint may be regarded as a vexatious complaint where it complies with the definition above.

When a complaint has been determined to be vexatious it will not be progressed further until such time as the complainant can provide additional information or evidence that warrants further action or investigation. The Complaint Officer must advise the complainant in writing the reasons why the complaint is being considered as vexatious and allow the complainant 10 business days to respond and provide further information or reasoning as to why the complaint should be reconsidered.

If the complainant provides a response, the information provided is to be reviewed by the Complaints Officer with a final decision to be made on whether the complaint is still deemed to be vexatious.

If the Complaint Officer still deems the complaint to be vexatious, the complainant will be advised in writing that the complaint will not be examined. This must be recorded in Council's record keeping system.

If the complainant is not satisfied with the Complaint Officer's decision, the complainant may request an internal review of this decision in accordance with section 6.2.1.3 of this procedure.

If the complainant continues to contact Council about the same issues following the Complaint Officer's decision, workers and Complaint Officers are not required to continue communications with the complainant. However, if new issues are raised or further information or evidence is provided by the complainant, these must be considered in accordance with the relevant procedure.

6.7. Analysis and Evaluation of Complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. The details to be recorded include:

- the number of complaints received, other than frivolous or vexatious complaints;
- the topic of each complaint;
- the number of complaints resolved;
- recommendations to resolve the complaint to the satisfaction of both the Council and the person making the complaint; and,
- details of the decisions made to refuse to investigate complaints, including the reasons for each refusal decision.

Council will run regular reports on:

- the number of complaints received;

- the outcome of complaints, including matters resolved at the frontline;
- issues arising from complaints;
- systemic issues identified, including whether there appears to be a higher level of complaints about a particular topic; and,
- the number of requests Council receives for internal and/or external review of its complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

A summary report of complaints received will be compiled on a quarterly basis for each relevant department and forwarded to Council's Executive. The summary will contain an analysis of the data that:

- identifies complaint trends in both the recent and historical data;
- historical data;
- details proposed improvement action;
- reports about the implementation of recommendations made in respect of complaints grouped by topic; and,
- monitors the implementation of recommendations arising from the management of individual complaints.

This will enable Council to:

- identify any significant or recurring issues workers may face;
- monitor the effectiveness of its complaint management system; and,
- maintain an environment for continuous improvement.

A summary of complaints received Council's response actions will be reported on in its Annual Report and will be accessible through Council's public website.

The public may inspect Council's complaints management process via its Customer Service Centres and on the public website at www.townsville.qld.gov.au.

6.8. Continuous Improvement

Council is committed to improving the effectiveness and efficiency of its complaint management system. Council's Executive and managers will:

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and reward exemplary complaint handling by workers;
- regularly review the complaints management system and complaint data related to their respective business unit/s; and,
- implement appropriate system changes arising out of the analysis of complaints data and continual monitoring of the system.

6.9. Record-keeping

All records are to be retained, archived, and disposed of in accordance with the Queensland State Archives General Retention and Disposal Schedule for Administrative Records.

In alignment with the Queensland Ombudsman methodology, workers will:

- report all incidents involving unreasonable complainant behaviour;
- make a factual record of interactions and observations;
- handle initial interactions appropriately; and,
- ensure that records are suitably detailed with all behavioural observations, the actions and strategies engaged by Council and how the complainant responded.

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

Complaint Management Policy

Complaints about Public Official Policy

Complaints Form

Investigations Policy

Managing Risk of Psychosocial Hazards at Work Administrative Directive

Managing Risk of Psychosocial Hazards at Work Procedure

Public Interest Disclosure Policy

[Queensland Ombudsman - Managing Unreasonable Complainant Conduct Resource \(4th ed.\)](#)

Queensland State Archives General Retention and Disposal Schedule for Administrative Records

Unreasonable Customer Conduct Policy

Work Health and Safety Policy and Policy Statement