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Complaints Management - Council Policy

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Policy Owner	<i>Customer Support & Governance Manager</i>
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Related Legislation	<i>Local Government Act 2009 Local Government Regulation 2012 Crime and Corruption Act 2001 Human Rights Act 2019</i>
Related Documents	<i>Complaints Management Standard Work Practice (SWP) Complaints about the Chief Executive Officer (Section 48A of the Crime & Corruption Act 2001) - Council Policy Code of Conduct Customer Service Charter Guide: Handling Handling Human Rights Complaints (Version 1 October 2019)</i>

Policy Version	Approval Date	Adopted/Approved
<i>1</i>	<i>03/12/2008</i>	<i>Ordinary Meeting of Council</i>
<i>2</i>	<i>06/04/2011</i>	<i>Ordinary Meeting of Council</i>
<i>3</i>	<i>04/04/2012</i>	<i>Ordinary Meeting of Council</i>
<i>4</i>	<i>03/04/2013</i>	<i>Ordinary Meeting of Council</i>
<i>5</i>	<i>03/12/2014</i>	<i>Ordinary Meeting of Council</i>
<i>6</i>	<i>15/03/2017</i>	<i>Ordinary Meeting of Council</i>
<i>7</i>	<i>19/08/2020</i>	<i>Ordinary Meeting of Council</i>

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1. PURPOSE

The objectives of this policy are:

- a. To ensure that the process for managing complaints relating to administrative actions is consistent with legislative requirements.
- b. Ensure complaints are dealt with in a fair, objective, effective, transparent, consistent and accountable manner.
- c. Facilitate the use of the information obtained from the complaints management process to improve Council's overall service delivery.

2. SCOPE

This policy applies to all administrative action complaints made to Western Downs Regional Council. This policy has been adopted in accordance with Council's obligations under Section 306 of the *Local Government Regulation 2012 (Chapter 9, Part 4 – Process for resolving administrative action complaints)*.

3. POLICY

3.1 Complaints Management Principles

Visibility and Access

- a. Complaints about Council's administrative actions can only be lodged by a person directly affected (i.e. an affected person);
- b. Information about where and how to lodge a complaint is available on Council's website and at Council's customer service offices;
- c. Complaints are accepted verbally and in writing through a variety of channels such as in person, telephone, letter, email, facsimile or internet;
- d. Persons with a disability are offered every opportunity and assistance in accessing Council's complaints processes. Reasonable assistance is also provided to any complainant upon request; and
- e. Council's complaints management process and complaints information is available to the public, customers and staff.

Responsiveness

- a. Council will inform staff of the existence and operation of its complaints management process;
- b. Council will respond to complaints in a timely manner;
- c. Council will monitor timeframes for resolution of complaints; and
- d. Council will communicate with the relevant parties about the progress of the investigation and resolution.

Assessment and Action

- a. Council will ensure that complaints are dealt with fairly and objectively;
- b. Council will assess the nature of complaints, how complaints should be dealt with and by whom; and
- c. Council will refer complaints to external agencies, where required.

Feedback

- a. Council will provide complainants with timely feedback;
- b. Council will provide complainants with available review options; and
- c. Council will provide feedback to relevant areas of the organisation where potential system improvements are identified.

Monitoring and Review

- a. Council will meet any statutory, policy or procedural reporting requirements;



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- b. Council will identify complaint trends; and
- c. Council will monitor the time taken to resolve complaints.

3.2 Legislative Context

Section 268(2) of the *Local Government Act 2009* (the LG Act) defines an '**administrative action complaint**' as a complaint that—

- (a) is about an administrative action of a local government, including the following, for example—
 - (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - (ii) an act, or a failure to do an act;
 - (iii) the formulation of a proposal or intention;
 - (iv) the making of a recommendation; and
- (b) is made by an affected person.

Western Downs Regional Council recognises that an individual has the right to provide feedback, both positive and negative, on its services and to lodge a complaint about an administrative decision made by Council.

However, if a complaint is determined to be frivolous and vexatious, or lacking in substance or detail, Council may elect to take no further action in relation to the matter and provide the complainant with written advice of the decision and the reasons for it.

The *Human Rights Act 2019* (HR Act) places requirements on Council to act and make decisions in a way that is compatible with human rights. The objects of the HR Act are:

- a. to protect and promote human rights; and
- b. to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c. to help promote a dialogue about the nature, meaning and scope of human rights.

When responding to complaints, unreasonable requests or unreasonable customer conduct, Council will ensure that the matter considers, and is compatible, with human rights. Any decision will include a statement about the consideration of human rights and the extent to which the decision is compatible with human rights.

Complaints received by Council in relation to the Human Rights Act 2019 will be addressed within Council's formal complaints management process.

3.3 Complaints Management Standard Work Practice (SWP)

This policy will be supported by the Complaints Management Standard Work Practice (SWP). The Complaints Management SWP provides a three-step process for the management of complaints under this policy. These steps are:

- a. Stage 1 – Primary Investigation and Resolution by Operational Area.
- b. Stage 2 – Internal Review.
- c. Stage 3 – External Review with appropriate external agency.

3.4 Timeliness of Complaint Notification

A complaint about a decision or action of Council must be made no later than six months after the affected person was notified or made aware of the decision or action.

An Internal Review request must be received within 20 business days of receipt by the complainant of the Primary Investigation and Resolution decision.



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Complaints or applications for Internal Review received outside these timeframes will only be accepted where the Complaints Administrator or Chief Executive Officer decide that exceptional circumstances warrant consideration.

3.5 Unreasonable Requests

Ongoing, regular, repetitious enquiries or requests for information which substantially and unreasonably divert Council resources may result in action being taken to limit service or communication with a customer.

If unreasonable requests continue to be made to Council by the customer, the matter is to be referred to a Manager/General Manger to exercise their discretion in implementing this policy.

3.6 Unreasonable Customer Conduct

The Manager/General Manager may limit service or communication with a customer if there is evidence of unreasonable customer conduct.

Possible scenarios and limitations include:

1. Where a person/group is sending a constant stream of letters/emails to Council on a wide range of issues, it may be appropriate, if the demands placed on the Council by the correspondence are excessive, to notify the person or group either that:
 - a. only significant and serious issues will be addressed by the Council; or
 - b. only a certain number of issues will be addressed by the Council in any given period and therefore the person or group should limit and focus their requests accordingly.
2. Where a person is ringing or making constant visits to the Council and raising the same issues with different staff, it may be appropriate to notify them that:
 - a. only a nominated staff member will deal with them in future and they must make an appointment with that person if they wish to discuss their matter; or
 - b. all future contact with the Council must be in writing.
3. In cases where it is clear a person will not accept the Council's decision on a matter and all appropriate avenues of internal review or appeal have been exhausted, if the person continues to write, telephone or visit the Council, it may be appropriate for the Council to notify them that in future:
 - a. no phone calls will be accepted, or interviews granted concerning the specific matter already reviewed; and
 - b. all further communication with the Council must be in writing; and
 - c. correspondence will be received, read and filed but Council will only acknowledge or respond if significant new information is provided or a new issue is raised which in the Council's opinion, warrants fresh action.

If unreasonable requests continue to be made to Council by the customer, the matter is to be referred to a General Manager to exercise their discretion in implementing this policy.

3.7 Aggressive/Abusive Customers

In situations where customers at Council premises become aggressive or abusive, Senior Staff should attempt to moderate the situation and if unsuccessful, direct the offending customer to leave the Council premises.

If the person refuses to leave Council premises when requested to, the officer is to call the Police. In situations where a customer become aggressive to staff in an area that is not a Council controlled area (e.g. on the customer's property), the Council officer shall politely advise the customer that their behaviour is unacceptable and that they will not participate in the situation.

The Council Officer shall then leave the area.

Where customer behaviour on the phone is insulting, vilifying, demeaning or offensive to Council Officers:



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1. Council Officers are to issue two warnings to the customer that if language/behaviour continues, the call will be terminated.
2. If the nature of the call was such that, in the opinion of the Council Officer, the call was extremely offensive, the call should be terminated. The definition of what constitutes "Offensive" language is at the discretion of the Council Officer. A written or audio record of the incident including time, date, details of call and the name of the caller, if known, should be made as soon as possible after a call has been terminated and forwarded to the Supervisor or Manager.

Prior to terminating the call, a Council Officer must advise the customer that termination will occur: Where a Customer approaches a Council Officer when not on duty, the Officer should politely advise the Customer that this is not the time or place to discuss Council business and that, if necessary, an appointment can be made to discuss the problem with the appropriate Officer at a more appropriate time. Where necessary it may be acceptable to:

1. Walk away to avoid confrontation; or
2. If the Officer feels threatened by the language or behaviour of the customer, call the Police.

Council officers should record any instances of unreasonable customer contact by making an applicable file note in Council electronic records management system.

