



# Gladstone Regional Council

## Corporate Standard

<b>Title</b>	<b>COMPLAINT MANAGEMENT PROCESS</b>
<b>Corporate Standard No.</b>	<b>CS-11-2018</b>
<b>Business Unit/s</b>	<b>FINANCE GOVERNANCE &amp; RISK CUSTOMER EXPERIENCE</b>
<b>Date of Approval by Council</b>	<b>4 DECEMBER 2018 – G/18/3595</b>
<b>Date of Effect</b>	<b>4 DECEMBER 2018</b>
<b>Review Date</b>	<b>4 DECEMBER 2021</b>
<b>Date Repealed</b>	

### 1.0 PURPOSE:

This Corporate Standard outlines what processes and procedures will be applied in the management of complaints lodged with Gladstone Regional Council.

### 2.0 SCOPE:

This corporate standard applies to all complaints lodged with Gladstone Regional Council including Administrative Action Complaints as defined in Section 268(1) of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*. This policy does not include the management of Customer Service Requests.

### 3.0 RELATED LEGISLATION:

*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Public Interest Disclosure Act 2010*  
*Crime and Corruption Act 2001*  
*Right to Information Act 2009*  
*Information Privacy Act 2009*

### 4.0 RELATED DOCUMENTS:

Complaint Management Policy  
Public Interest Disclosure Procedure Corporate Standard  
Reporting Corrupt Conduct Corporate Standard  
Dealing with Complaints involving the Chief Executive Officer Policy  
Councillor Conduct Code Policy  
Code of Conduct Policy (for employees)  
Unreasonable Customer Conduct Policy  
Unreasonable Customer Conduct Corporate Standard  
Petitions Corporate Standard  
Information Privacy Policy

## 5.0 DEFINITIONS:

To assist in interpretation of this corporate standard, refer to the Complaint Management Policy for definitions in addition to those listed below:

**Subject Matter Expert/s** means those Council Employees who have special skills or knowledge on a particular matter or topic.

## 6.0 CORPORATE STANDARD STATEMENT:

Council has classified complaints into the following categories which will be managed by the process and procedures set out in this Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Public Interest Disclosure<sup>1</sup>;
3. Petition;
4. Complaint regarding the conduct of an Employee/s;
5. Complaint regarding the conduct of the Chief Executive Officer;
6. Complaint regarding the conduct of the Mayor and Councillors<sup>2</sup>;
7. A Statutory Review or Appeal;
8. Competitive Neutrality Complaint (CNC)<sup>3</sup>.

### 6.1 Identification and Assessment of Complaint/s

On receipt of a potential complaint, the Council Employee receiving the matter must assess:

- (a) whether it is a complaint, and if so,
- (b) what category of complaint; and
- (c) if assessed as an Administrative Action Complaint; Competitive Neutrality Complaint or Statutory Review or Appeal, whether the complaint has been lodged by an Affected Person.

In some instances, a complaint may contain content in more than one category.

Following is additional information and criteria that may assist in the assessment of whether a matter is a complaint:

- it is not a request for service;
- the word complaint does not have to be used;
- represents the gap between the agency's actions and the person's expectations;
- doesn't have to be reasonable, have merit or be complex or serious in nature - it may involve a simple and/or minor matter;
- doesn't need to be an escalation of a previously raised issue - it may involve an issue raised for the first time.

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<sup>1</sup> Refer to Sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council's Public Interest Disclosure Policy and Procedures

<sup>2</sup> Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors

<sup>3</sup> Refer Section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints

An Administrative Action Complaint is an expression of dissatisfaction by an Affected Person who is directly affected by an administrative action of Council including a failure to take action, and can have its basis in:

- lack of timeliness;
- lack of quality;
- lack of communication;
- a safety / risk concern;
- a policy or procedure not followed;
- an unsatisfactory decision.

### 6.2 Notification - Where a Complaint cannot be Progressed

Where it has been determined that a complaint is:




1. frivolous; or
2. vexatious; or
3. in breach of a Customer Contact Restriction, or
4. where there has been insufficient information provided;





the person making the complaint must be advised. Those Officer/s responsible for providing the Outcome Advice as nominated in Section 6.3 are responsible for making the determination on whether a complaint is frivolous or vexatious.

For complaints where insufficient information has been received, the response should include advice on what additional information the person can provide to progress the concerns as a complaint.




### 6.3 Procedure for Managing Complaint Categories


#### 6.3.1 Administrative Action Complaints

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is an Administrative Action Complaint and if so, lodges it in Councils Complaint Management System (currently Pathway)	Acknowledgement Advice	Receiving Officer / Case Manager
	The assigned Case Manager will liaise with the relevant General Manager/s to determine Subject Matter Experts (SMEs)	Briefing to General Manager/s	Case Manager Customer Solutions and relevant GM/s
	The assigned Case Manager will liaise with nominated Subject Matter Experts (SMEs) to investigate the complaint. The Group Leader of the SME Section/s and the Case Manager are to agree on an appropriate response.		Case Manager Customer Solutions

	The relevant General Manager/s will be briefed on the proposed response and once approved by the relevant GM/s the Case Manager Customer Solutions will provide the customer with the approved Outcome Advice	Outcome Advice (to include reasons for the decision and provides information on the option for an Internal Review if not satisfied)	GM/s and Case Manager Customer Solutions
	Where a customer is not satisfied with an AAC outcome and elects for an internal review, the Case Manager must assign the complaint to the Complaint Review Panel via Governance	Acknowledgement Advice	Complaint Review Panel
	The Complaint Review Panel will investigate and respond to the customer. Where there is a recommendation on improvements and/or cross organisational involvement, the relevant General Managers must be consulted prior to the Outcome Advice being given to the customer.	Outcome Advice (to include reasons for the decision and provides information the option for an External Review with the Qld Ombudsman if not satisfied)	Complaint Review Panel
	If contacted by the Queensland Ombudsman, Governance will liaise with the Qld Ombudsman and provide all necessary information to assist with the external investigation	Qld Ombudsman will liaise with customer	Governance Section (Council's Complaint Review / Qld Ombudsman Register to be updated)




### 6.3.2 Public Interest Disclosure

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information from the customer (internal or external) is a PID		Receiving Officer & Manager Governance
	Where Governance determines the matter is a PID, it must be assigned to the PID Coordinator (Manager Governance) for management in accordance with the Public Interest Disclosure Procedure Corporate Standard. This may include nominating a PID Officer to investigate the matter.	Acknowledgement Letter	* Manager Governance
	Where Governance determines the matter may also involve Corrupt Conduct, the Manager will report the matter to the CEO and the Crime and Corruption Commission		* Manager Governance




	The nominated PID Officer must follow the process set out in the Public Interest Disclosure Procedure Corporate Standard in consultation with the PID Coordinator	Outcome Advice <sup>4</sup>	Assigned PID Officer and/or PID Coordinator
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\* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.



### 6.3.3 Petition

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is a Petition		Receiving Officer
	The assigned Case Manager to acknowledge receipt of the petition and make an assessment that the Petition meets the requirements of Section 6.1 of the Petitions Corporate Standard and if not, liaise with the customer	Acknowledgement Letter and/or Advice on Petition requirements	Case Manager Customer Solutions
	Case Manager refers Petition to relevant General Manager to follow the process contained in Council's Petitions Corporate Standard	Outcome Advice	General Manager

### 6.3.4 Complaint regarding the Conduct of an Employee (excluding PIDs)




	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information is an Employee Conduct Complaint or a PID. Regardless all employee complaints must be lodged in Councils Complaint Management System (currently Pathway) as a staff complaint for recordkeeping statistics.		Receiving Officer & Manager Governance
	Where the Manager Governance determines it is an Employee Conduct Complaint, it must be assigned to People Culture & Safety (PCS)	Acknowledgement Advice	PCS
	Where Governance determines the matter may also involve Corrupt Conduct, the Manager will report the matter to the CEO and the Crime and Corruption Commission		* Manager Governance

<sup>4</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice


	For complaints that do not involve Corrupt Conduct, People Culture & Safety will investigate the matter. Where an external party has lodged a complaint a Team Leader Customer Solutions will also be assigned to assist PCS in managing customer contact and response	Outcome Advice	PCS / GM PCS & Team Leader Customer Solutions
	For complaints that may involve Corrupt Conduct, Council must await advice from the CCC on whether it will investigate matter. Where the CCC does not investigate, the Manager Governance will liaise PCS and/or Ethics Integrity and Audit to investigate or oversee the investigation of the matter	Outcome Advice <sup>5</sup>	* Manager Governance / PCS / Ethics Integrity & Audit Specialist

\* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

### 6.3.5 Complaint regarding the Conduct of the Chief Executive Officer (excluding PID)


Procedure	Customer to Receive	Responsible Officer/Group
		Receiving Officer & Manager Governance
	Acknowledgement Advice	Mayor or GM PCS
	Outcome Advice <sup>6</sup>	Mayor or GM PCS

### 6.3.6 Complaint regarding the Conduct of the Mayor and Councillors (excluding PID)







Procedure	Customer to Receive	Responsible Officer/Group
	If required, letter advising of referral	Receiving Officer

<sup>5</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice

<sup>6</sup> Where a complaint is made anonymously it is not possible to provide an Outcome Advice




	responsible for receiving and assessing Councillor complaints. Details for the Independent Assessors Office are to be provided to the customer for lodging the complaint or alternatively, details can be taken and the matter referred to the Independent Assessor's Office on behalf of the customer.		
	Where a complaint involving a Councillor has been referred to the Independent Assessor's Office, the Manager Governance is to be notified who will in turn notify the CEO accordingly.		Manager Governance

### 6.3.7 Statutory Review or Appeal

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is a request for a Statutory Review or Appeal and if so, lodge in Councils Complaint Management System (currently Pathway)		Receiving Officer / Case Manager
	The Case Manager is to acknowledge receipt of the request and refer it to subject matter experts to provide background for the review and to place a hold on enforcement action/payments.	Acknowledgement Advice	Case Manager Customer Solutions
	Subject matter experts are to provide all the necessary background information and comments for a review and refer it to Governance to conduct the review.		Subject Matter Experts
	Governance will conduct the review and make a recommendation on the request to the appropriate decision maker.		Governance
	Once the review outcome has been approved the customer will be advised.	Outcome Advice including their options for further review (if available)	Governance
	The complaint outcome is to be referred back to the Case Manager to close out all associated administrative processes		Case Manager



### 6.3.8 Competitive Neutrality Complaint

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information is a Competitive Neutrality Complaint		Receiving Officer & Manager Governance
	Where Governance determines it is a Competitive Neutrality Complaint, it must be assigned to the General Manager Finance Governance and Risk (GM FGR) who will advise the CEO and report the complaint to the Qld Productivity Commission (QPC) and follow the complaint process as defined in Division 7, Chapter 3, Part 2 of the <i>Local Government Regulation 2012</i>	Acknowledgement Advice	GM FGR
	Once the QPC investigation is complete and Council has considered and resolved whether to accept the QPCs recommendation, the QPC and person making the complaint will be advised of the outcome.	Outcome Advice	GM FGR

### 6.4 Timeframes

The timeframe for processing complaints will be managed in accordance with Council's Customer Service standards, processes determined by Customer Solutions and the governing legislation applying to the respective categories of complaints. Customers will be given regular updates on progress with their complaints in accordance with the Customer Service Charter and processes.

### 6.6 Recording of Complaints and Outcomes

All Administrative Action Complaints and Employee Conduct Complaints will be recorded in and managed by Council's Pathway Software System and will be supported by document storage within Council's central recordkeeping system (ECM) as required.

All other complaints will be centrally recorded in either Pathway or ECM and determined by the most appropriate recordkeeping system for the type of complaint (for example, statutory reviews of infringements are recorded in the Infringements Module in Pathway).

### 6.7 Confidentiality and Privacy

The identity of a Complainant and copies of all relevant documentation, including the original complaint, any investigation report and all correspondence between the complainant and the investigator, will be treated as confidential information and kept in accordance with relevant legislative requirements.



Confidentiality about the complaint and any subsequent investigation will be maintained to the extent that it can reasonably be achieved, subject to other legal and legislative requirements relating to the disclosure of information<sup>7</sup>.

### **6.8 Dealing with Multiple Complaint Categories in one Document or Report**

Where a person lodges a complaint that contains information containing more than one category of complaint, the matter will be managed via the primary complaint category process. The assigned Officer for the complaint will ensure that all other necessary actions are also addressed as part of the overall management of the complaint. For example, where a complaint primarily relates to an allegation of inappropriate employee conduct which may also have an element of PID, the assigned officer will ensure that all matters relating to the PID corporate standard are addressed as part of managing the complaint as an Employee Conduct issue.

Where an external party lodges a complaint regarding an Employee Conduct matter or where the complaint may involve more than one category of complaint, a Team Leader Customer Solutions will be assigned to assist People Culture and Safety in managing customer contact and response. For example, if a complaint involves an Employee Conduct complaint and an Administrative Action Complaint, the complaint will be assigned to People Culture & Safety and a Team Leader from Customer Solutions will be assigned to assist. The Team Leader will liaise with subject matter experts on the AAC whilst PCS will manage the Employee Conduct matter, with the Team Leader Customer Solutions coordinating the contact with the customer including the Outcome Advice.

### **6.9 Monitoring, Reporting and Review**

Reporting is to be undertaken as per Section 6.9 and 6.10 of the Complaint Management Policy.

General Managers will monitor the progress of complaints relevant to their Business Unit and ensure follow up action is taken as required.

Council's Customer Experience Business Unit may also develop and prepare reports that will provide information to assist management in monitoring its complaint management effectiveness.

Quality control of complaints will be undertaken by Council's Customer Solutions Team Leaders and the General Manager Customer Experience who will be responsible for ensuring the accuracy of data entered into the complaint record and for ensuring compliance with the Complaints Management Policy and this Corporate Standard.

## **7.0 ATTACHMENTS:**

Nil

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<sup>7</sup> For example applications made under the *Right to Information Act 2009 & Information Privacy Act 2009*

**8.0 REVIEW TRIGGER:**

This corporate standard will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of effect.

<b>TABLE OF AMENDMENTS</b>		
<b>Document History</b>	<b>Date</b>	<b>Notes (including the prior CS No, precise of change/s, etc)</b>
Originally Approved	17 March 2015	
Amendment 1	1 November 2016	
Amendment 2	4 December 2018	Resolution of Council for adoption (G/18/3595) in accordance with Local Government Act.

**APPROVED:**

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**LEISA DOWLING**  
**CHIEF EXECUTIVE OFFICER**