

Policy



STRATEGIC

COMPLAINTS MANAGEMENT

Head of Power

Local Government Act 2009

Local Government Regulation 2012

Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan (2017-2022):

- 5.2 Excellence in customer service to our community
- 5.4 Commit to open and accountable governance to ensure community confidence and trust in council and our democratic values.
- 5.7 Compliant with relevant legislation.

Definitions

<i>Administrative Action Complaint</i>	administrative method of handling and resolving complaints made by affected persons about: <ul style="list-style-type: none">• a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;• an act, or failure to do an act;• the formulation of a proposal or intention; and/or• the making of a recommendation.
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In accordance with section 306 (5) of the *Local Government Regulation 2012* an administrative action complaint is still relevant regardless of:

- how quickly the complaint was resolved; or
- to which area of the Local Government the complaint was made; or
- whether the complaint was written or verbal; or
- whether the complaint was anonymous.

<i>Privacy Complaint</i>	a complaint made by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation to comply with the privacy principles or an approval under section 157 (<i>Information Privacy Act 2009</i>).
<i>Human Rights Complaint</i>	a complaint made by an individual about an act or practice of a relevant entity in relation to the individual's human rights that is a breach of the relevant entity's obligations under the <i>Human Rights Act 2019</i> .

Policy Objective

This policy has been established to provide a clear process for the handling and resolving of Administrative Action Complaints, Privacy Complaints and Human Rights Complaints made against Council, including the conduct of its staff.

Policy Statement

Council acknowledges the right of the public to complain when dissatisfied with a decision made by Council, how Council has dealt with personal information or that Council has acted or made a decision that is not compatible with Human Rights. Council recognises that it should be open and accountable for the decisions it makes and provide proper consideration to human rights.

While Council endeavours to resolve issues before they become complaints, there are instances where this may not be possible. Council is committed to ensuring all Administrative Action, Privacy and Human Rights complaints are dealt with in a confidential, efficient, effective, fair, transparent and economical manner.

A complainant is entitled to:

- an acknowledgement of council's receipt of the complaint (unless made anonymously)
- a prompt response to the complaint
- be kept informed of the progress and outcome of the complaint
- confidentiality of personal details (insofar as this is possible within the law)
- a thorough and objective investigation or review of a complaint.

Council has a staged complaints management process to allow for an efficient and effective resolution of complaints. The process allows for:

- Preliminary investigation by a staff member
- Internal review by the Complaints Officer or delegate
- External review by the appropriate external authority (i.e. Office of the Queensland Ombudsman)

Anonymous complaints are accepted by Council. These complaints are assessed to determine what action is appropriate, however the anonymity of the complaint may impact its assessment. Therefore, when the complaint cannot be actioned without further information the complaint will not be processed.

Council's complaints management process will facilitate the use of the information obtained from the process to improve overall service delivery. Reporting will be provided to management on complaint trends and monitor the effectiveness of Council's complaint management process.

Council can refuse to investigate or cease investigating a complaint if:

- the complaint is trivial, frivolous, vexatious or lacks substance
- the complainant does not have sufficient direct interest in the administrative action the subject of the complaint
- the complaint engages in unreasonable conduct, such as using rude, aggressive, abusive or threatening language, or where the complainant is physically harassing a Council officer(s)
- the complainant is pursuing the complaint through an alternative review process, such as an external agency or the complaint has already been reviewed through an alternate review process and the complainant has exhausted their appeal rights.

Complaints in relation to Councillors are handled through a different process which is outlined in the *Local Government Act 2009*.

Related Documents

Complaints Management System Procedure

Information Privacy Policy

Fraud and Corruption Control Policy

Public Interest Disclosure Policy

Information Privacy Act 2009

Human Rights Act 2019

Public Interest Disclosure Act 2010

Crime and Corruption Act 2001