

Complaints (Administrative Actions) Policy



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OBJECTIVES

The objectives of this policy are to:

- ensure that the process for managing a complaint about an administrative action of Council is fair, effective, objective, transparent and consistent across Council
- facilitate the use of the information obtained from the complaints management process to improve overall service delivery
- ensure that administrative complaints are responded to quickly and efficiently

Key Focus Area	Corporate governance, organisational capability and customer contact
Key Focus Area Outcome	Excellence in customer contact
Performance Measures	<ul style="list-style-type: none">• % of all complainants who lodge a complaint and who provide feedback that they are satisfied with the complaints management process• % of complaints acknowledged within 10 days – target 100%• % complaints fully resolved within 45 working days
Risk Treatment	Corporate Governance

POLICY STATEMENT

It is a requirement under the Local Government Act 2009 (the Act) that all Councils adopt a process for resolving administrative action complaints.

GCCC adheres to the following principles when managing administrative action complaints:

Fair and objective. All complaints are considered on their merits, the principles of natural justice are observed and complainants will not suffer any reprisal from Council for making a complaint.

Easily accessible and visible. Information about the complaints process is available on Council's website and on request, is easy to understand, and assistance will be provided to people with language and communication difficulties.

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GF09.1125.006/ G09.1130.011
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Confidential. Complaints are managed according to Council's information management policies and relevant legislation.

Client focus and responsive to the complainant. Complainants lodging complaints will be treated with respect, courtesy, dignity, and fairness. Council will respond to complaints quickly and efficiently, and appropriate training will be provided to complaints handling officers.

Effective. The complaints process addresses the specific issues raised by the affected person and results in the achievement of the correct outcome and appropriate redress where necessary.

Continuous improvement. Council recognises that complaints provide an opportunity for identifying business improvements. Where applicable, the outcomes from a complaint management process are applied to improve business operations, policies and procedures.

Open and accountable. The reasons for decisions and outcomes regarding a complaint are made available to the affected person, subject to statutory provisions, along with advice on other avenues of review.

Courtesy and consideration for complainants and Council officers. The policy aims to ensure the safety of Council officers who manage complaints and that courtesy and consideration is given to all concerned when a complaint is lodged with Council.

What is an administrative action complaint?

An *administrative action complaint* (complaint) is defined in this policy as "a complaint about an *administrative action* of Council by an *affected person*". A complaint should not be confused with service requests (see definitions below for examples).

Where a complaint that is not an administrative action complaint is received, it is to be handled in the same way as a request for service or feedback and must be recorded in Council's Customer Relations Management System (under development) as a 'complaint not handled under Council's Complaints Process Policy'.

A request for a review or waiver of a penalty infringement notice (PIN) issued under Council's Local Laws or other legislation is not deemed a complaint unless it is about the conduct of an officer issuing the PIN. All requests for waiver or review, including those alleging officer misconduct, are dealt with under a separate standard operating procedure (currently being developed).

Complaints model

Wherever possible, Council will aim to address a complaint at the first point of contact (**Initial Consultation**) with Council. If a complaint cannot be resolved at the first point of contact, the following process will occur.

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- The complainant will be referred for **Initial Review** to the Manager of the area where the original decision was made who will determine the appropriate officer to undertake the review.
- If the complainant remains dissatisfied they may apply for an **'Independent Review'** by a designated Complaints Officer, usually from within the Branch or Directorate where the original decision was made. The Complaints Officer cannot have been involved in the original decision, must have no conflict of interest, and must be no less senior than the officer who undertook the administrative action.
- If the complainant remains dissatisfied after the independent review, they will be advised of external review options such as through the Queensland Ombudsman's Office, Office of Information Commissioner for Privacy Complaints and the Queensland Civil and Administrative Tribunal.

Not all complaints will be investigated. Clause 2.3 of the attached *Complaints (Administrative Actions) Policy Procedures (C(AA)PP)* outlines the assessment criteria that will be used in determining whether a complaint will be investigated. Examples of complaints that will not be investigated include those that are vexatious or trivial, have already been dealt with or relate to an incident more than 12 months old.

Council's complaints review process does not limit an affected person's ability to make a complaint directly to the Queensland Ombudsman, Office of Information Commissioner for Privacy Complaints or any other external complaints review process such as a judicial review or through the Queensland Civil and Administrative Tribunal.

If the Ombudsman, under the Ombudsman Act 2001, refers a complaint to Council, before being processed as a complaint, the complaint will be investigated by Council in accordance with the process outlined above, unless otherwise determined by the CEO.

In accordance with the Information Privacy Act 2009, Council will not generally make available to complainants personal information about a person being complained about, including information about action Council is taking to address the complaint e.g. the issue of a show cause notice.

A complaint about an administrative action of Council is to be managed according to the procedures described in the attached *Complaints (Administrative Actions) Policy Procedures (C(AA)PP* (Attachment 1).

SCOPE

This policy provides the principles and a process for managing a complaint about an administrative action of Council, by an affected person, regardless of whether the complaint is verbal or in writing, which area of Council it relates to, how quickly it was resolved and whether or not it was made anonymously.

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This policy does not provide for:

- complaints not about an administrative action of Council or by a person who is not an affected person *NB: these complaints along with all communications are covered by Council's Customer Contact Policy*
- a request for service or information, or provision of feedback in negative terms
- a request for a waiver or review of a penalty infringement notice (separate procedure under development)
- complaints about Councillors including the Mayor
- complaints about Council decisions which should be directed to the local Councillor
- a complaint about official misconduct or a criminal matter
- a competitive neutrality complaint
- disputes about legal liability
- social media comments are excluded and are exempt from investigation

DEFINITIONS

Administrative action of Council includes a decision, or a failure to make a decision, a failure to provide a written statement of reasons for a decision, an act, or a failure to do an act, the formulation of a proposal or intention or the making of a recommendation.

Affected person is a person who is apparently directly affected by an administrative action of Council. In this policy and procedure, the affected person is referred to as the complainant.

Administrative action complaint is a complaint about an 'administrative action' of Council by an 'affected person', and is not the same as a *request for service* (see definition below). Examples of administrative action complaints include:

- failure to take action after a request has been received to fix a pothole in the complainant's street or other place they regularly travel
- a development approval by Council affecting a neighbour or a person in the neighbourhood
- general quality of park maintenance where the person complaining is an affected person
- failure to take appropriate action following a request to investigate a barking dog or a noisy air conditioner in accordance with Council's policies and where the person requesting is directly affected by the noise
- conduct of a Council employee where it directly impacts the person
- inappropriate disclosure of a person's personal information (breach of privacy)
- amount of a Council charge or rate unless the charge or rate is set by legislation

Complainant is the *affected person who complaint to Council*.

Complaints Officer is an officer authorised by an Instrument of Appointment to undertake an independent review of a complaint.

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Complaints Review Coordinator is a Council officer appointed to coordinate the management of complaints.

Enquiry is a request for clarification, advice, information or further information about Council services, policies or procedures. Enquiries can usually be resolved in a one-off communication.

Frivolous or trivial complaint is a complaint which, at the discretion of the Complaints Review Coordinator and relevant Manager, is considered to be minor or without merit and therefore not worthy of action.

Information Privacy Complaint – is an expression of dissatisfaction by an individual about an act or practice of Council or Council's bound contracted service provider, which may be a breach of Council's obligations under the *Information Privacy Act* in relation to the individual's personal information.

Information Privacy Principles – obligations contained in the *Information Privacy Act* (Ch 2 Transfer of private information outside of Australia, conditions attached to public interest approved under section 157 of the Information Privacy Act and the Information Privacy Principles) which Council is bound to comply with in relation to the collection, handling, use, security, storage and disposal of personal information.

Independent Review is a review of a complaint by an authorised Complaints Officer.

Initial Review is a review by the Manager or officer designated by the Manager within the area where the original decision was made.

Personal Information – is information or an opinion, including information or an opinion that forms part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Queensland Office of Information Commissioner – is an independent review agency for Right to Information and Privacy access/amendment decisions and privacy complaints.

Queensland Ombudsman's Office is an independent complaints investigation agency.

Request for service is a request for Council to take action on a matter, for example:

- to fix a pot hole, mow grass, pick up a missed wheelie bin, or clean a Council barbecue
- to investigate a structure that is apparently inconsistent with Council's Planning Scheme, where the structure was not approved by Council
- to take action about a barking dog or a noisy air conditioner

Vexatious complaint is a complaint which, at the discretion of the Complaints Review Coordinator and relevant Manager, is considered to be mischievous, without sufficient grounds or serving only to cause annoyance.

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RELATED POLICIES / LEGISLATION

Local Government Act 2009
Local Government (Operations) Regulation 2010
Information Privacy Act (Qld) 2009
Right to Information Act 2009
Public Interest Disclosure Act 2010
Information Management and Information Privacy Policy
Customer Contact Strategy
Customer Contact Policy
Delegated Power and The Appointment of Statutory Authorised Persons and Administrative Authorised Officers Policy

RELATED DOCUMENTS

Complaints (Administrative Actions) Policy Procedures (Attachment 1)

RESPONSIBILITIES

Policy Sponsor	CEO
Policy Owner	Manager, OCEO
Policy Implementation	Complaints Review Coordinator, OCEO

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Complaints (Administrative Actions) Policy Procedures

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NB: Flowcharts are provided at Appendix 1 which provide a brief overview of the process described in the following procedures. Officers handling a complaint must be familiar with the full policy and procedure to ensure complaints are handled correctly.

1 INTRODUCTION

1.1 WHAT IS A COMPLAINT?

It can sometimes be difficult to discern whether a communication from a customer is a request for service or action, an opinion, or an administrative action complaint.

Under section 268(2) of the Local Government Act 2009, an *administrative action complaint* (complaint) is defined as a complaint about an *administrative action of Council* by an *affected person*, where:

- an *administrative action of Council* includes, for example, 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 a failure to do an act, the formulation of a proposal or intention and the making of a recommendation
- an *affected person* is a person who is apparently directly affected by an administrative action

A complaint is about the failure of Council to provide an appropriate response to a request for service and should not be confused with service requests (see examples below).

Expressions of dissatisfaction which may appear to be complaints but fall outside the scope of the *Complaints (Administrative Actions) Policy* (C(AA)P), and therefore these procedures, include requests for service, opinions, requests for waiver of penalty infringement notices and issues covered by other processes (see the C(AA)P for further information about its scope and examples of complaints and requests for service).

Where a complaint is received that does not meet the definition of an administrative action complaint, it is to be handled in the same way as a request for service or feedback and must be recorded in Council's Customer Relations Management System (under development) as a 'complaint not handled under Council's C(AA)P.

Examples of administrative action complaints falling within the scope of the C(AA)P

- failure to take action after a request has been received to fix a pothole in the complainant's street or other place they regularly travel
- a development approval by Council affecting a neighbour or a person in the neighbourhood
- general quality of park maintenance where the person complaining is an affected person
- failure to take appropriate action following a request to investigate a barking dog or a noisy air conditioner in accordance with Council's policies and where the person requesting is directly affected by the noise
- conduct of a Council employee where it directly impacts the person
- inappropriate disclosure of a person's personal information (breach of privacy)

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- amount of a Council charge or rate unless the charge or rate is set by legislation

Examples of requests for service commonly mistaken for an administrative action complaint

A request for service is a request for Council to take action on a matter, for example:

- to fix a pot hole, mow grass, pick up a missed wheelie bin, or clean a Council barbecue
- to investigate a structure that is apparently inconsistent with Council's Planning Scheme, where the structure was not approved by Council
- to take action about a barking dog or a noisy air conditioner

1.2 HOW TO MAKE A COMPLAINT

A complaint may be made:

- in person to a Customer Service Officer located at one of Council's administrative centres or branch offices; or
- by telephone. The general phone number for Council is 1300 694 222 (1300 MYGCCC); or
- in writing by letter, facsimile or email.
- Complaints are to be addressed to:

Chief Executive Officer
Gold Coast City Council
PO Box 5042
Gold Coast Mail Centre Q 9729
Email: gccmail@goldcoast.qld.gov.au
Facsimile: 55963653

- Online. A complaint form is available on the Council website www.goldcoast.qld.gov.au or from a Council office (see Appendix 3).

A complainant who makes a verbal complaint should be strongly encouraged to commit the complaint to writing to ensure that it is clearly understood by the officer investigating it. Where a valid reason is provided, assistance can be provided to make a complaint – see clause 1.3 below.

The Manager of the relevant area may decide not to investigate a complaint not made in writing if it is considered complex.

1.3 ASSISTANCE AND VISIBILITY

Assistance will be provided to any person with a valid reason for requesting it. This may include a Council officer hearing the complaint verbally and compiling notes on behalf of the customer, or directly assisting the customer to complete the Complaints Form.

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Language assistance:

If the complainant needs an interpreter they can call the National Translating and Interpreting Service (TIS) on 131 450 to speak to a Council Officer. This is a free service for Council related business.

National Relay Service:

People who are deaf or have a hearing or speech impairment can call the Council through the National Relay Service (NRS):

- Teletypewriter (TTY) users, phone 133 677 then enter the customer service number 1300 694 222
- Speak and Listen (speech-to-speech relay) users, phone 1300 555 727 then ask for Customer Service on 1300 694 222
- Internet relay users, connect to the NRS (www.iprelay.com.au) and then enter the customer service number 1300 694 222

Council's *Complaints (Administrative Actions) Policy and Procedure* is available on Council's website.

A summary fact sheet of the policy and procedure, in nine (9) languages, is available on the website, at libraries and at customer service counters.

1.4 LODGING A COMPLAINT ON BEHALF OF ANOTHER PERSON

If the complainant is unable to lodge their complaint personally due to poor health, distance, language, legal or other reasons, the complaint may be lodged by another person or agent on their behalf.

An officer who receives a complaint will take all reasonable steps to confirm that the person claiming to act on behalf of the complainant has the appropriate authority to do so. Written authorisation by the complainant must be provided, as well as for any matter that involves disclosing personal information.

If a complaint is formally lodged by an authorised agent, such as a solicitor or accountant acting on behalf of the complainant, responses will be provided directly to that agent.

1.5 COMPLAINTS ABOUT PRIVACY

The Information Privacy Act 2009 (IP Act) contains a number of privacy principles which set out the rules for how personal information is to be collected, managed, used, disclosed and disposed of.

From 1 July 2010, an individual can make a complaint that a local government has, in relation to the individual's personal information, breached its obligations under the IP Act to comply with:

- the privacy principles
- the transfer of personal information outside of Australia principles

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- the conditions attached to a public interest approval granted under section 157 of the IP Act.

The IP Act states that individuals must first bring their privacy complaint to the relevant agency and give the agency at least 45 business days to deal with it.

If the individual does not receive a response from the agency within the time limit, or is not satisfied with the response received, they can bring the complaint to the Office of the Information Commissioner.

Complaints to Council under the IP Act will be dealt with using the general process set out in these procedures. Where the process varies, for example, in relation to timeframes, it is noted within the relevant sections of these procedures.

1.6 REQUESTS FOR REVIEW OF PENALTY INFRINGEMENT NOTICES (PINS)

Council has a separate process for dealing with requests for review of PINs (under development).

2 COUNCIL'S COMPLAINTS PROCESS

2.1 COMPLAINTS MODEL

1. **Initial Consultation.** Wherever possible, Council will aim to address a complaint at the first point of contact with Council. This may be possible if the complaint is received by a Customer Contact Officer who has access to information which will enable them to respond to the complaint. It may also be possible if the complainant directly calls the area where the original decision was made.

Generally (see exceptions below), if a complaint cannot be resolved at the Initial Consultation, it will be referred as follows.

2. **Initial Review.** If the complaint is not resolved at initial contact it will be forwarded to the Manager of the relevant area for Initial Review by either the original decision maker, the Manager or other officer in the branch nominated by the Manager. The aim of this Initial Review is to attempt to resolve the complaint – mediation, negotiation and informal resolution are the preferred processes at this stage to achieve an outcome.
3. **Independent Review.** If the complainant remains dissatisfied after the Initial Review, they may apply for an Independent Review by a designated Complaints Officer, or for complaints about information privacy, by the Legal Services Branch.

If the complainant remains dissatisfied after the Independent Review, they will be advised of external review options such as through the Queensland Ombudsman's Office, the Office of the Information Commissioner (for Information Privacy Complaints) or the Queensland Civil and Administrative Tribunal (QCAT).

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Exceptions to the above:

- (a) *Urgent situation* - any complaint believed to be urgent should be telephoned through to the appropriate Council officer for immediate action.
- (b) *Officer conduct* - if the complaint is about officer conduct it should be referred directly to the Manager of the relevant area, unless the complaint is about a Manager in which case it should be forwarded to the Office of the Chief Executive Officer.
- (c) *Serious or complex complaints* - a complaint believed to be serious or complex should be referred immediately to the Manager of the relevant area, or CEO if deemed appropriate. The Manager or CEO may deem it more appropriate for a complaint to be referred for external review by the CMC or the Queensland Police Service if it is about serious misconduct or possible criminal activity, respectively.
- (d) Requests for review of PINs are dealt with in a separate procedure (under development).

2.2 OVERVIEW OF STEPS IN THE COMPLAINTS PROCESS

It is essential that officers investigating a complaint are familiar with all of the detailed steps from clause 2.2 to 2.17 below.

A summary of the steps involved in dealing with a complaint follow, with a Flow Chart version available at Appendix 1.

It is important, when processing a complaint, to practice the principles outlined in the C(AA)P of treating all complainants with respect, courtesy, dignity and fairness, while maintaining objectivity, openness, accountability, confidentiality, and client responsiveness. No complainant will suffer reprisal as a result of lodging a complaint.

2.2.1 Initial Consultation

- (a) Complaint is received by customer contact centre or other officer who attempts to resolve complaint at first point of contact. If resolved, officer completes 'Complaints Register' (see clause 2.14)
- (b) Urgent complaints are referred immediately to the Manager of the relevant area by telephone.
- (c) Apparent serious or complex complaints, or complaints about officers conduct are referred to the Manager of the relevant area, unless the complaint is about a Manager in which case it is referred to the Office of the CEO (OCEO).

2.2.2 Initial Review

1. If the complaint is not resolved at the 'Initial Consultation' it is referred to the Manager of the relevant area who assesses it against the complaint 'assessment criteria' (see clause 2.3) to determine if it should be investigated.
 - a. if it is not to be investigated, the complainant is advised within 10 business days (see clause 2.12) and the 'Complaints Register' completed (see clause 2.14).

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- b. if it is to be investigated, the Manager refers it to the original decision maker or other officer in the branch for 'Initial Review'.
2. Officer conducting the 'Initial Review':
 - a. registers the complaint in the complaints register and updates it as the complaint progresses (see clause 2.14)
 - b. acknowledges the complaint and contacts the complainant within 10 days:
 - i. to check whether assistance is required to explain complaint, clarify the complaint and what the complainant is expecting (see clause 2.10)
 - ii. to allow opportunity for provision of further information (see clause 2.9)
 - iii. to, if appropriate (e.g. the matter is straightforward), attempt to reach a resolution acceptable both to Council and the complainant (see clause 2.6)
 - iv. if not easily resolved advise the expected length of time to resolve it (see clause 2.12)
 - c. assesses/investigates the complaint in consultation with the complainant and Manager/Supervisor as appropriate with the aim of reaching a resolution acceptable both to Council and the complainant (see clause 2.6)
 - d. makes a decision on the outcome of the complaint and the appropriate remedy/redress, if required (see clause 2.13)
 - e. advises the complainant of the outcome, including a statement of reasons (see clause 2.11)
 - f. if complaint is upheld, advise of any remedy/redress, the timeframe in which it will be provided, and if the investigation has led to policy/process/product change, details of the change and timeframe for implementation
 - g. if complaint not upheld, advise of the opportunity for Independent Review within Council and other review processes available (see clause 2.16)
 - h. complete 'Complaints Register', including details of any process/policy/product change and any learnings from the complaint (see clause 2.14)

2.2.3 Independent Review

1. Complaint received requesting an Independent Review and is referred to the Manager of the relevant area who assesses it against the complaint 'assessment criteria' (see clause 2.3) to determine if it should be investigated.
 - a. If it is not to be investigated, the complainant is advised within 10 business days (see clause 2.12) and the 'Complaints Register' completed (see clause 2.14).
 - b. if it is to be investigated, the Manager appoints an authorised 'Complaints Officer' to conduct an Independent Review normally from the same branch or directorate (see clause 2.5).

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2. The Complaints Officer:
 - a. checks that he/she has no conflict of interest in the complaint and has not previously been involved in the matter
 - b. registers the complaint in the Complaints Register and updates as complaint progresses (see clause 2.14)
 - c. acknowledges the complaint and contacts the complainant within 10 days:
 - i. to check whether assistance is required to explain complaint, clarify the complaint and what the complainant is expecting (see clause 2.10)
 - ii. allow opportunity for provision of further information (see clause 2.9)
 - iii. if appropriate (e.g. the matter is straightforward) attempt to reach a resolution acceptable both to Council and the complainant (see clause 2.6)
 - iv. if not easily resolved, advise the expected length of time to resolve it (see clause 2.12)
 - d. assesses/investigates the complaint in consultation with the complainant and Manager/Director/Complaints Review Coordinator) as appropriate (see clause 2.6)
 - e. makes a decision on outcome of the complaint and the appropriate remedy/redress if required (see clause 2.13)
 - f. advises the complainant of the outcome, including a statement of reasons (see clause 2.11)
 - g. if complaint is upheld, advise of any remedy/redress, the timeframe in which it will be provided, and if the investigation has led to policy/process/product change, details of the change and timeframe for implementation
 - h. if complaint not upheld, advise of other review processes available (see clause 2.16)
 - i. complete Complaints Register, including details of any process/policy/product change and any learnings from the complaint (see clause 2.14)

2.3 'ASSESSMENT CRITERIA' FOR DECIDING WHETHER A COMPLAINT SHOULD BE INVESTIGATED

Section 119 (3) (c) of the Local Government (Operations) Regulation 2010 states that a local government's complaint management process should include the criteria considered when assessing whether to investigate a complaint. In general, every complaint will be assessed/investigated, unless it falls into one of the following categories:

- a. it is considered by the relevant Manager and Complaints Review Coordinator to be trivial, frivolous or vexatious*, lacks substance or credibility and therefore investigating the administrative action is deemed unnecessary or unjustifiable or an inappropriate use of resources

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- b. it is made using rude or intemperate language, or where the complainant is physically harassing or stalking a Council officer. These complaints may not be answered or may be returned
- c. it is made 12 months after the event that gave rise to the complaint, unless extenuating circumstances exist
- d. the complaint is made anonymously and the Manager determines there is insufficient information to investigate it
- e. the Manager determines the complaint is complex and the complainant refuses to put it in writing
- f. if the complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternative review process, e.g. through the Queensland Civil and Administrative Tribunal (QCAT), the Animal Management (Cats and Dogs) Act 2008, or the Ombudsman's Office.
- g. the CEO or Complaints Review Coordinator or relevant Manager may determine that an investigation be discontinued by a Council officer in regard to a complaint if the complainant fails to provide sufficient information about the complaint, or in some way inhibits the investigation (e.g. by failing to respond to requests for information within a reasonable time period or by refusing to give access to a property in relation to a complaint investigation)

** examples of trivial, frivolous, or vexatious complaints may include the following:*

- matters judged minor in relation to higher priorities that are not likely to cause threat to public safety or financial loss to Council or others e.g. a complaint about a person illegally parked may not be given priority unless the situation was judged dangerous
- follow up calls about matters referred to above
- requests for rhetorical information for example, 'can anyone at Council add up?'
- any complaint from a complainant who has consistently, over a period of time, called Council about minor matters or the same matter, not judged to be a priority in relation to maintaining public safety or avoidance of financial loss, resulting in unnecessary and costly consumption of Council resources, unless the subject matter is deemed by the relevant person to be worthy of investigation
- a complainant who refuses to accept the decision of the Complaints Officer

2.4 ROLES OF THE COMPLAINTS REVIEW COORDINATOR, OCEO, AND LEGAL SERVICES (FOR PRIVACY COMPLAINTS)

The Complaints Review Coordinator coordinates Council's complaints management process by:

- (a) coordinating the appointment of Council's Complaints Officers
- (b) coordinating the annual review, the evaluation and reporting of complaints to the Executive Leadership Team and the Council
- (c) coordinating training and managing communication for officers involved in receiving and investigating complaints
- (d) reviewing the C(AA)P and C(AA)PP as required

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The Complaints Review Coordinator is also a Complaints Officer.

The Complaints Review Coordinator may recommend to the CEO that an instrument of appointment be withdrawn from a Complaints Officer.

For Information Privacy Complaints, Legal Services Branch is responsible for:

- (e) referring requests for an independent review to designated Complaints Officers and monitoring their progress
- (f) reporting to the Office of the Information Commissioner on privacy complaints
- (g) making recommendations to the CEO and reviewing and reporting on operational changes in relation to Information Privacy Compliance

2.5 APPOINTMENT AND AUTHORITY OF COMPLAINTS OFFICERS

Complaints Officers are appointed by the Chief Executive Officer to investigate and decide the outcomes of the request for independent review of a decision or an information privacy complaint. Generally, a Complaints Officer will review a complaint from within their own Directorate.

The Complaints Officer must be at either the same level or a more senior level than the maker of the original decision, must not have been involved in the original decision and must have no conflict of interest (ie not have a personal interest in the outcome).

The Complaints Officer will have the necessary expertise, access to relevant material and personnel and the full cooperation of the organisation, in investigating the complaint.

A Complaints Officer must have the appropriate knowledge of Council's complaints management process and must have undergone training in Council's complaints management policy and procedures and information privacy.

Before a Complaints Officer makes a final decision on the outcome of a complaint they should, where appropriate, invite comments from the relevant Manager and Council officers.

A Complaints Officer must act impartially – he/she must make their decisions strictly on the facts and not without appropriate corroborating evidence where possible, or not by simply accepting a Council officer's version of events when it conflicts with the complainant's.

2.6 ASSESSING/INVESTIGATING A COMPLAINT, INCLUDING PRIVACY COMPLAINTS

An initial assessment of the complaint will include its severity, any safety implications, and the need for immediate action.

Before proceeding with a review or investigation of a complaint the Council officer is to assess whether the complaint meets the 'assessment criteria' outlined in clause 2.3 above. If the relevant Manager or Complaints Officer decides the complaint should not be investigated, the complainant is advised accordingly and also advised of other review options.

It is important that the officer undertaking the review understands the true nature of the complaint, the issues for investigation, and the outcome or remedy sought by the

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complainant (this would usually involve contacting the complainant) – it may be possible to amicably and informally resolve the matter quickly and without detailed investigation.

Wherever possible, less formal styles of complaint resolution including negotiation, mediation or informal resolution are preferred. The level of investigation should be consistent with the seriousness and impact of the complaint. The assessment may determine that an investigation is unnecessary to reach an appropriate outcome as the facts are clear and undisputed. In other cases, investigation will be necessary but may simply involve talking to a few people or inspecting some records.

If an investigation is required, investigating officers should:

- (a) ensure they act within their power and understand their role
- (b) establish a list of people to interview and files or locations to be inspected
- (c) conduct interviews and inspect sites and documents
- (d) gather and properly record information by e.g. talking to both sides
- (e) provide relevant information to those involved in the investigation
- (f) give people an opportunity to comment on information adverse to them before deciding to act on it (natural justice – see clause 2.6.1 below)
- (g) observe any legal requirements involved in making decisions
- (h) research and apply any relevant legislation and policy
- (i) evaluate the evidence impartially and make findings
- (j) identify factors that contributed to the complaint arising
- (k) assess the merit of the decision made including legality and fairness
- (l) formulate recommendations including remedies
- (m) prepare a report clearly summarizing the matter and results of the investigation setting out findings and recommendations
- (n) provide advice to the complainant as appropriate, including a Statement of Reasons if the investigation is an Independent Review (see clauses 2.10 and 2.11 below)

Privacy complaints – responding quickly

Complaints about privacy breaches are to be responded to as quickly as possible, including an acknowledgement within three (3) days (see clause 2.12). Once 45 days have elapsed, the complainant automatically has recourse to external review by the Office of the Information Commissioner.

If a privacy breach has occurred act promptly to stop it and prevent it from happening again. The Office of the Information Commissioner advises that if a complaint can be responded to orally by the officers involved in delivering the service, the complainant is more amenable to resolution.

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2.6.1 Principles of natural justice

When investigating a complaint, Council is required to comply with the principles of natural justice. There are two aspects to a duty to provide natural justice:

- *a person whose rights, interests or legitimate expectations could be affected by a decision should be given a right to a hearing on any adverse material which is credible, relevant and significant*
- *a person is entitled to an impartial hearing*

The right to a hearing applies only to material sourced from a place or person other than the applicant and does not apply to any evaluative material or preliminary decisions.

The person must be given reasonable notice to respond and complaints officers must give genuine consideration to any submission

Natural justice does not require the source of confidential information to be disclosed; it may be sufficient to provide a summary of the effect of the material, or, to provide a copy with the confidential information blacked out.

2.7 PRIVACY AND CONFIDENTIALITY

Information Privacy Principle 11 (1), provides that Council must not disclose personal information to an entity other than the individual the subject of the personal information, unless—

- (a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
- (b) the individual has expressly or impliedly agreed to the disclosure; or
- (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- (d) the disclosure is authorised or required under a law (e.g. section 119(3)(d)).

Section 119(3)(d) of the Local Government (Operations) Regulation 2010 requires Council to inform an affected person of its decision about the complaint and the reasons for the decision unless the complaint was made anonymously.

Council's *Information Management and Information Privacy Policy* and associated procedures provide further information about how personal information is to be collected, managed, used, disclosed and disposed of.

2.8 HANDLING ANONYMOUS COMPLAINTS

Provided that sufficient information is provided to allow an investigation, anonymous complaints are to be handled in the same manner as all other complaints with the exception of provision of advice to the complainant.

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2.9 OPPORTUNITY TO PROVIDE ADDITIONAL INFORMATION

After initially assessing the complaint, the investigating officer will (if deemed appropriate) invite the complainant to provide further information to assist in fully understanding the complainant's concerns and the issues to be investigated and the outcome or remedy sought by the complainant. The complainant should also be invited to comment on any additional information obtained during the course of the investigation (see natural justice principles in clause 2.6.1).

2.10 PROVISION OF ADVICE AND COMMUNICATING WITH THE COMPLAINANT

It is important to communicate clearly with the complainant at all times about the process to be undertaken in reviewing the complaint, who will undertake the review and how, and how long it is expected to take. Progress reports should be made as appropriate. Clause 2.12 below outlines the timeframes for acknowledging and resolving complaints.

Some initial consultations with complainants making a complaint, especially those made by phone, may be resolved by phone, with appropriate recording in the Complaints Register (see clause 2.14 below). In these cases, it is not necessary to provide further advice to the complainant.

Acknowledgement of a complaint may be in writing (letter or email) or by telephone, according to the preference expressed by the complainant. If the complaint is made in writing, an initial telephone call will allow clarification of the complaint and may assist its early resolution. A telephone call at this stage should also clarify the preferred method of future contact for the complainant.

The acknowledgement must specify an estimation of the amount of time required to resolve the complaint, the frequency with which updates will be provided and how the updates will be provided.

Progress reports, and the final advice in response to straightforward complaints resolved at the Initial Review, can be provided by telephone or in writing (email or letter), according to the preference of the complainant.

The final advice in response to a more complex Initial Review and all Independent Reviews must be made in writing (email or letter according to the preference of the complainant) and include a Statement of Reasons (see clause 2.11 below) .

If the complaint is upheld, the final advice must include details of any remedy/redress, the timeframe in which it will be provided, whether the investigation has led to policy/process change, details of the change and timeframe for implementation.

If the complaint is not upheld, the complainant must be advised of other review options such as an Independent Review within Council (following an Initial Review) or external review with an agency such as the Queensland Ombudsman, Office of Information Commissioner for privacy complaints, or the Queensland Civil and Administrative Tribunal (QCAT).

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2.11 STATEMENT OF REASONS

A Statement of Reasons must be provided to the complainant, with a copy to the relevant Manager, at the conclusion of an Independent Review or a more complex Initial Review. The Statement must include the following:

- (a) relevant Council policies, local laws and other statutory provisions, such as the source of legislation
- (b) correspondence and other communications relating to the complaint
- (c) evidence and other material available to Council
- (d) findings of fact
- (e) any decisions made by Council in regard to the complaint
- (f) the reasons for Council's decision

2.12 TIMEFRAMES, INCLUDING PRIVACY COMPLAINTS

The Act requires that local governments respond quickly and efficiently to complaints.

Acknowledgement of complaints must be made within 10 business days (see exception below for privacy complaints) in accordance with Council's Customer Contact Policy (formerly the *Acknowledgement of correspondence policy*). The acknowledgement advice must include an estimate of the time it will take to investigate and resolve the complaint. The acknowledgement should state the length of time between when progress reports/updates will be provided.

The timeframe for completing Initial and Independent Reviews will depend on the circumstances including the seriousness, urgency and complexity of the matters to be investigated. However, regard must always be had to meeting the requirements of the Act in relation to timeliness.

In general (see below for privacy complaints which differ), the following timeframes will be aspired to:

- if complaint is not to be investigated, within 10 business days of receipt
- Initial Review of a complaint will be finalised within 30 business days of receipt
- Independent Review will be finalised within 45 business days of receipt
- progress reports/updates (whether by phone or in writing (see clause 3.8) will be provided every month unless otherwise arranged with the complainant.

Privacy complaints

The time frame for privacy complaints is:

- acknowledgement within three (3) business days
- response within 45 business days

2.13 POSSIBLE REMEDIES AND REDRESS

If a complaint is upheld, consideration needs to be given to an appropriate form of redress that is fair to both the complainant and Council. Examples include:

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- (a) admission/acknowledgement of fault
- (b) apology issued
- (c) change of decision
- (d) change of policy, procedures, practice or product
- (e) change of law
- (f) refund, remission of penalty, reimbursement or waiver of debt
- (g) correction of misleading or incorrect records
- (h) explanation of how the problem occurred and action is to be taken to prevent it recurring
- (i) repair or rework
- (j) technical assistance
- (k) officer training/discipline

Similar remedies should be offered to all persons in a similar situation.

2.14 RECORDING, MONITORING, EVALUATION, AND REPORTING

Recording

Officers involved with handling complaints at either the first point of contact, the Initial Review or the Independent Review must keep full and accurate records of all complaints in accordance with the provisions of the Act, Council's information management policies and any relevant information storage and retrieval systems.

Details of all communications, deliberations and related documentation about the complaint must be placed on the relevant file(s) and saved to Council's iSPOT system to ensure a clear trail of the complaint investigation. Details of all oral communications related to the complaint resolution must be recorded in a file note and then saved to iSPOT.

Complaints register

Every complaint received by Council that is within the scope of the C(AA)P, regardless of how quickly it is resolved, must be entered into the Directorate/Branch Complaints Register by either the person taking the initial call, or the people investigating the complaint (ie, either the original decision maker, or the Complaints Officer) to allow tracking, monitoring and reporting. The register forms the basis for Council's review and reporting of its Complaints Management Process and its outcomes including improvements to business practices and policies.

The Complaints Register includes provision to record any identified system problems of business improvements resulting from investigation of complaints including new or revised processes, practices and policies. The officer investigating the complaint must also report such problems and improvements to the relevant Manager who is responsible for implementing change and reporting.

The Complaints Register details the way in which complaints are to be classified to assist in meaningful analysis and reporting.

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Evaluation

The Office of the CEO will conduct an evaluation of the complaints management process every three (3) years to ensure it is meeting its desired objectives and report to Executive Leadership Team and Council on trends, the effectiveness of the process and success in achieving the CPP performance measures.

The evaluation process will be carried out by the Complaints Review Coordinator OCEO and may include:

- an analysis of complaints recorded in the Complaints Register including timeliness of response
- a survey of officers who had investigated complaints and complainants who had lodged complaints to ascertain satisfaction with the process

Reporting

Each Directorate must conduct an annual review of complaints received in the preceding 12 months, using the template at Appendix 4, and return it to the Complaints Review Coordinator by end of August each year. The template includes provision for reporting on business improvements realised as a result of the complaints process.

The Complaints Review Coordinator will prepare a summary of complaints across the organisation and report on the results, to the Executive Leadership Team and Council in September each year. This information is also to be included in Council's annual report.

2.15 EXTERNAL REVIEW

In some instances, as determined by the CEO, the relevant Manager or the appointed Complaints Officer, a suitably qualified independent external investigator may be appointed to review a complaint on behalf of Council. Examples of instances where this might occur include alleged official misconduct or criminal activity which would be more appropriately investigated by the CMC or Queensland Police Service, respectively, or a private investigative agency.

2.16 OTHER AVENUES OF APPEAL

Council's internal complaints review process does not limit a person's ability to make a complaint directly to the Queensland Ombudsman or through any other external complaints review process. Where a complaint has been referred directly to the Queensland Ombudsman, the Ombudsman may choose to refer the matter to Council for an investigation beforehand. In such cases, unless otherwise determined by the CEO, the complaint will be investigated in accordance with the Initial and Independent Review processes.

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An affected person may also choose to pursue a complaint through the courts or under the provisions of the Judicial Review Act 1991 or, if the matter relates to misconduct, the Crime and Misconduct Commission under the provisions of the Crime and Misconduct Act 2001 or if appropriate the QCAT.

Information Privacy

The Office of the Information Commissioner requires that before making a complaint under the provisions of the Information Privacy Act, a complaint must first be brought to Council. Where the complainant is dissatisfied with the outcome after 45 days from the date Council receives the complaint, the complainant has recourse to make a complaint to the Office of the Information Commissioner.

2.17 COMPLAINTS ABOUT THE MAYOR OR A COUNCILLOR

Any complaint about the conduct or performance of the Mayor or an individual Councillor must be referred to the CEO and will be dealt with under a separate process in accordance with the provisions of the Local Government Act (2009).

2.18 WHISTLEBLOWERS (PUBLIC DISCLOSURE)

Complaints about Council officers made under the Public Disclosure Act (formerly whistleblowers legislation) are dealt with by Council's Fraud Prevention Unit.

3 TRAINING AND COMMUNICATION

All officers who have the potential to be involved in handling a complaint at any stage must receive initial and refresher training every two years in Council's complaints management process and information privacy.

In addition, officers with decision making powers who therefore have the potential to be required to conduct an Initial Review of a complaint, must be trained in 'good government decision making'.

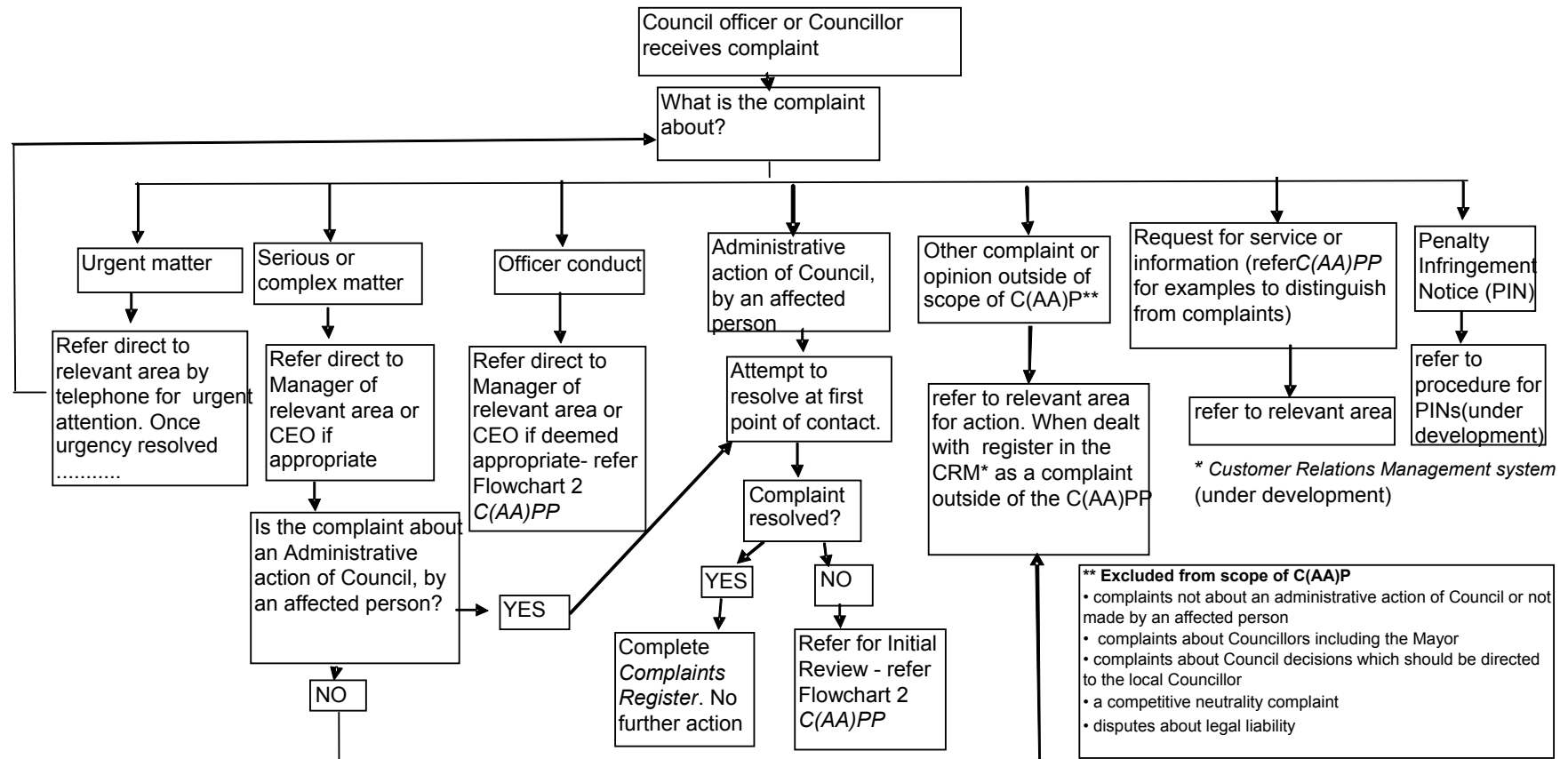
Officers working in customer contact areas must also receive training in customer service and in managing conflict.

Council's Complaints Coordinator is responsible for coordinating opportunities for training and learning.

Council's commitment to excellence in customer contact is stated in its Customer Contact Policy. Council's Customer Contact Branch is responsible for Council's communication program to promote excellence in customer contact including effective and efficient handling of customer complaints.

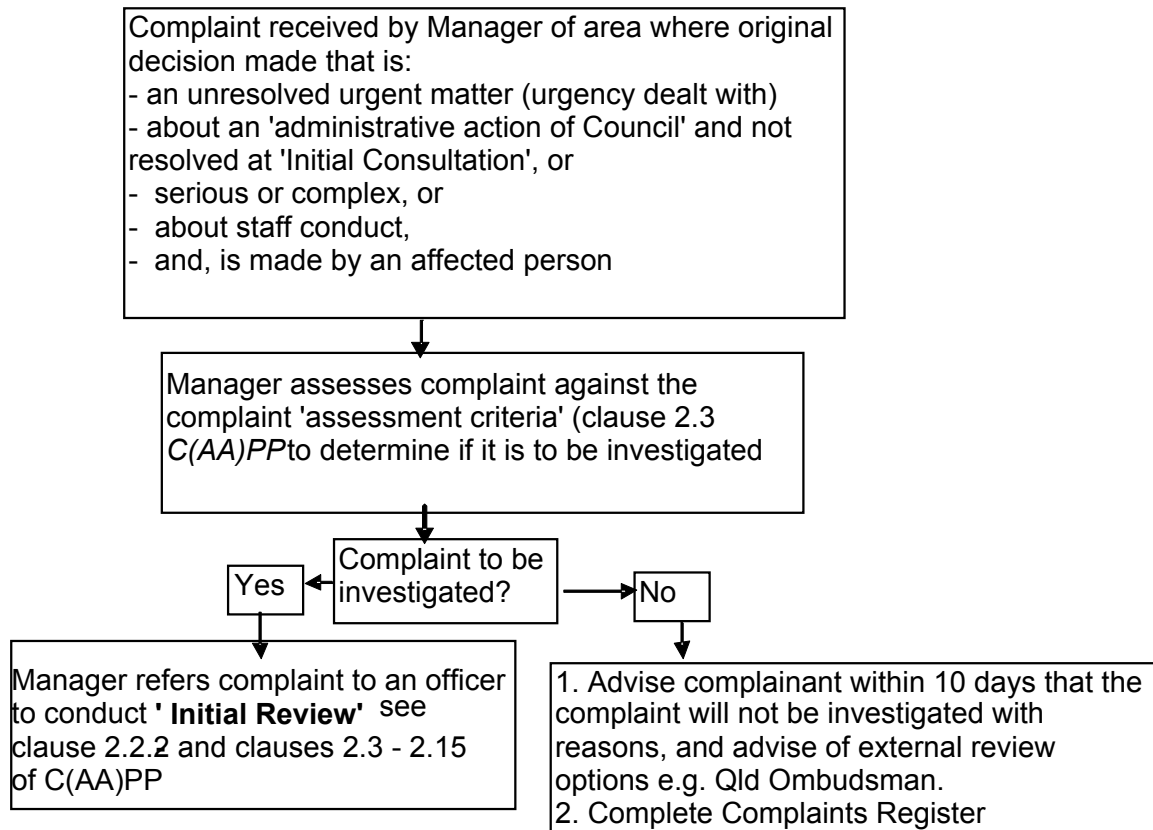
Complaints (Administrative Actions) Policy

Appendix 1 Flowchart 1 – Initial Consultation



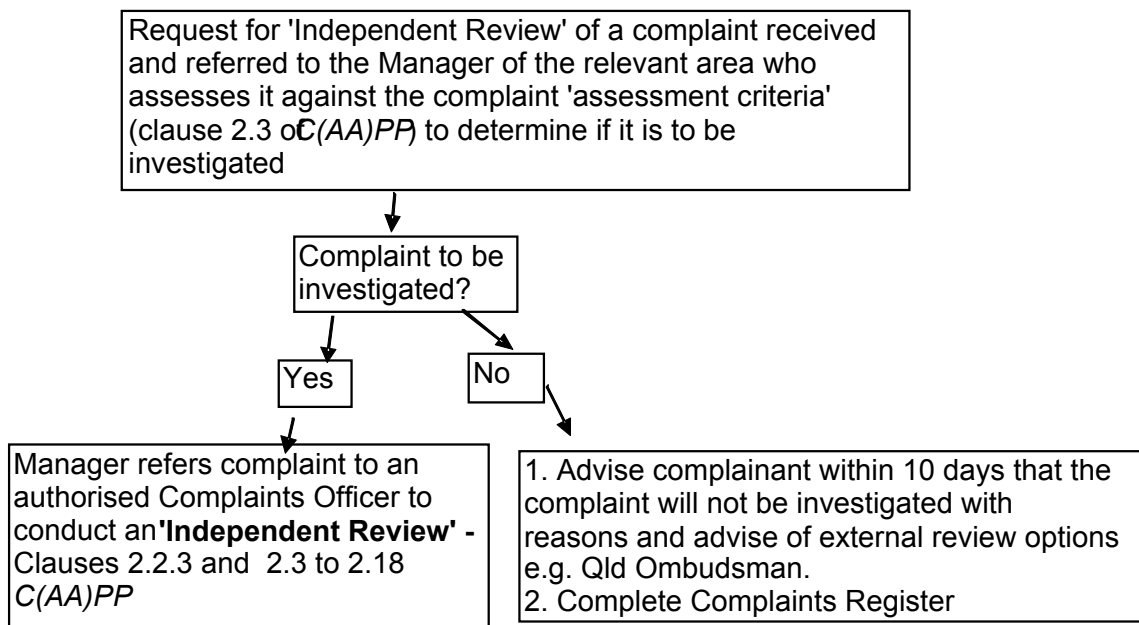
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Appendix 1 – Flowchart 2 - Initial Review



Complaints Policy (Administrative Actions) and Procedure (C(AA)PP) -

FLOWCHART 3 - INDEPENDENT REVIEW



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Appendix 2 – List of Council Offices

GCCC Administration Centres (Open from 8 am to 5 pm Monday to Friday)	
<p>Surfers Paradise 135 Bundall Road Bundall QLD 4217 Telephone: 1300 130 854 Fax: (07) 5596 3653</p>	<p>Nerang 833 Southport Nerang Road Nerang QLD 4211 Telephone: (07) 5582 8211 Fax: (07) 5596 3653</p>
GCCC Branch Offices	
<p>Coolangatta Office 3rd floor, Showcase on the Beach Griffith Street Coolangatta QLD 4225 Telephone: 1300 130 854 8.15am to 4.30pm, Monday to Friday (Closed 1pm to 1.45pm)</p>	<p>Palm Beach Office 26/11th Avenue Palm Beach QLD 4221 Telephone: 1300 130 854 8.15am to 4.30pm, Monday to Friday (Closed 12 noon to 12.45pm)</p>
<p>Broadbeach Office Corner Hooker and Sunshine Boulevards Mermaid Waters QLD 4218 Telephone: 1300 130 854 8.45am to 5pm, Monday to Friday (Closed 12 noon to 12.45pm)</p>	<p>Southport Office 47 Nerang Street Southport QLD 4215 Telephone: 1300 130 854 8.15am to 4.30pm, Monday to Friday</p>
<p>Burleigh Heads Office Park Avenue Burleigh Heads QLD 4220 Telephone: 1300 130 854 8.15am to 4.30pm, Monday to Friday</p>	<p>General telephone number for all enquires: 1300 692 222</p>



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Appendix 3 Complaints Lodgement Form

Gold Coast City Council

Privacy Notice: Gold Coast City Council collects personal information in accordance with section 268 of the Local Government Act 2009. The information will only be used by authorised Council officers to investigate complaints or in the case of escalated complaints, by authorised State government agencies for the purpose of reviewing decisions. Please consider that while Council does not disclose the identity of complainants, in certain circumstances, the subject of the complaint, of itself, will identify a complainant, e.g. a dividing fence. Information may be used to ensure Council's records are accurate. Details of complaints are stored on a secure file within Council and only de-identified information is used for reporting purposes. Personal information will not be issued unless Council has consent or is required by law to do so.

1. PERSONAL DETAILS

Name		
Address		
Telephone		
Email		
Signed		Date

Are you the person affected by the complaint? Yes No

If you are acting on another person's behalf, please provide details about the affected person

Name		
Address		
Telephone		
Email		
Your relationship to the affected person		

2. COMPLAINT DETAILS

Have you raised this complaint with GCCC before? Yes No

If yes, who did you last talk, or write, to and when?

Please describe the specific administrative action* and its effect, or minor breach of the Councillor Code of Conduct, that has led to this complaint, who was involved, where and when the action occurred. Attach further information on a separate sheet if required.

Approved:
Council:
GA11.0330.001/G11.0404.019



Complaints (Administrative Actions) Policy

Appendix 3 Complaints Lodgement Form

*Refer to definition of administrative action in the GCCC Complaints (Administrative Actions) Policy

What would you like to see happen as a result of your request?

Four horizontal lines for text input.

3. WHAT TO DO WITH THIS FORM

Please send the completed form to:

Chief Executive Officer
Gold Coast City Council
PO Box 5042
Gold Coast Mail Centre Q 9729
Email: gcccmail@goldcoast.qld.gov.au
Facsimile: (07) 5596 3653

Alternatively, the form may be left with a Customer Service Officer at any Council Administration Centre or Branch Office.

Office use only

Received by	Date	Referred to	Date

OFFICER COMMENTS

Three horizontal lines for text input.

WHAT TO EXPECT

Council takes complaints seriously. An officer will contact you within 10 working days of receiving this complaint to advise you what Council will do to address this issue and how long that will take. If you have not received a response, please phone 1300 130 854. For further details about the GCCC complaints process see Council's General Complaints Process Policy on www.goldcoastcity.com.au

Thank you .

Approved:
Council:
GA11.0330.001/G11.0404.019