

Complaint Management Policy

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Responsible Branch	Workplace & Governance

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1 OUTCOMES

- 1.1 Complaint Management is an important aspect of achieving good customer service
- 1.2 QPRC's Complaint Management Policy is intended to ensure that we handle complaints fairly, efficiently and effectively.
- 1.3 Our Complaint Management Framework is intended to:
 - Provide a clear and transparent system for dealing with complaints
 - Enable us to respond to issues raised by people making complaints in a timely and cost-effective way
 - Boost public confidence in our administrative process and customer service
 - Provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling
- 1.4 This organisation expects staff at all levels to be committed to fair, effective and efficient complaint handling

2 POLICY

- 2.1 This policy forms part of QPRC's Complaint Management Framework (see Appendix 1) which aims to provide for the transparent, efficient and effective management of complaints.
- 2.2 This policy also provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.
- 2.3 Council has developed a *Charter of Individual Rights and Mutual Responsibilities of the Parties of a Complaint* (see Appendix 2) which sets out the obligations and responsibilities of all parties which are involved in the processing of a complaint.

3 SCOPE OF THE POLICY

- 3.1 This policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.
- 3.2 Staff grievances, Code of Conduct complaints, Public Interest Disclosures, Service Requests and requests for Access to Information are dealt with through separate mechanisms and do not form part of QPRC's Complaint Management Framework.

4 DEFINITIONS

- 4.1 *Complaint* – An expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
- 4.2 *Complaint Management Framework* - QPRC has developed a Complaint Management Framework (see Appendix 1) which sets out the parameters of its complaint management system. The core aspects of its Framework are:
 - Charter of Individual Rights and Mutual Responsibilities of the Parties of a Complaint
 - Complaint Management Policy
 - Unreasonable Complainant Policy
 - Competitive Neutrality Complaints Policy

The Framework notes that the following are not covered within our Complaint Management system:

- **Staff Grievances** (see our grievance procedures)

- **Public Interest Disclosures** made by our staff and councillors (see Public Interest Disclosure – Internal Reporting Policy)
- **Code of Conduct complaints** (see Code of Conduct)
- **Responses to requests for feedback** about the standard of our service provision (refer to definition of ‘feedback’ below)
- **Reports of problems or wrongdoing** merely intended to bring a problem to our notice with no expectation of a response (see definition of ‘feedback’ below)
- **Service Requests** (see definition of ‘service request’ below)
- **Requests for Information** (refer *Government Information (Public Access) Act 2009*)

4.3 *Complaint Management System* – QPRC’s Complaint Management System consists of a Three Tier Model of Complaint Handling as advocated by the NSW Ombudsman. This consists of:

- **Tier 1:** Frontline Complaint Handling – where we empower staff to try and resolve complaints at the first point of contact.
- **Tier 2:** Internal Review – where a complaint is escalated internally to be investigated by a more senior officer
- **Tier 3:** External Review – where a complainant is provided the opportunity to have an external agency review their complaint.

4.4 *Dispute* – An unresolved complaint escalated either within or outside of our organisation

4.5 *Feedback* – the transmission of evaluative or corrective information about an action, event, or process to the original or controlling source.

4.6 *Service Request* – A request via Council’s Customer Response Management System (CRMS) by a member of the public relating to the delivery of a Council provided service. This is likely to include:

- Requests for approval
- Requests for action
- Routine inquiries about the organisation’s business
- Requests for the provision of services and assistance
- Reports of failure to comply with laws regulated by the organisation
- Requests for explanation of policies, procedures and decisions

These types of request do not constitute a ‘complaint’ and fall outside the parameters of Council’s Complaint Management Framework.

4.7 *Grievance* – a clear, formal written statement by an individual staff member about another staff member or a work-related problem. Again, these types of request do not constitute a ‘complaint’ and fall outside the parameters of Council’s Complaint Management Framework.

4.8 *Public Interest Disclosure* – a report about wrongdoing made by a public official in NSW that meets the requirements of the *Public Interest Disclosures Act 1994*. Again, these types of request do not constitute a ‘complaint’ and fall outside the parameters of Council’s Complaint Management Framework.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- Local Government Act 1993
- Practice Note No.9 – Complaints Management in Councils, DLG and NSW Ombudsman, August 2009

- AS/NZ 10002: 2014 Guidelines for Complaint Management in Organisations, October 2014
- ISO 10002 Quality Management – Customer Satisfaction – Guidelines for Complaint Handling in Organisations, 2018
- Effective Complaint Handling Guidelines, NSW Ombudsman, 3rd Edition, February 2017

6 CONTENT

- 6.1 QPRC has developed a Complaint Management Framework to assist staff and customers to better understand the parameters of Council's Complaints Management System. This Framework consists of:
- 6.1.1 A Charter – sets out the mutual rights and responsibilities of the various parties involved in the management and processing of a complaint
- 6.1.2 A Complaint Management Policy
- 6.1.3 An Unreasonable Complainant Conduct Policy
- 6.1.4 A Competitive Neutrality Complaints Policy
- 6.1.5 THE CEO is responsible for ensuring Council's Complaint Management Framework is implemented in accordance with its policies.
- 6.2 Council will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.
- 6.3 The guiding principles for QPRC's complaints management framework are:
- 6.3.1 **People Focus** – We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling
- 6.3.2 **Responsiveness** – We will respond to complaints in a timely manner and will keep complainants informed on outcomes
- 6.3.3 **Objectivity and Fairness** – We will address each complaint with integrity and in a equitable, objective and unbiased manner.
- 6.3.4 **No Detriment** – We will take all reasonable steps to ensure people making complaints are not adversely affected because they made a complaint.
- 6.3.5 We will address all complaints within the context of these principles
- 6.4 Where possible we will endeavour to resolve complaints at the first point of contact. When this cannot occur we will process the complaint as per Clause 6.7 of this policy. Relevant staff members will be given delegated authority by the CEO to deal with complaints and investigate complaints referred to them.
- 6.5 QPRC has a *Charter of Individual Rights and Mutual Responsibilities of the Parties to a Complaint* to clearly set out the obligations and responsibilities of all the parties which are involved in the processing of a complaint. The Charter will be issued to persons who formally lodge a complaint so that they fully understand their rights and responsibilities as Council deals with the complaint.
- 6.6 Anonymous Complaints:
QPRC accepts anonymous complaints and will carry out an investigation of the issue/s raised where there is enough information provided. However, due to the complaint's anonymity this may mean that the complainant will not receive acknowledgement, updates and reports on the outcome of the complaint.

- 6.7 When responding to complaints, staff will act in accordance with our Complaint Management System. The five key stages of our Complaint Management System are:
- Receive
 - Acknowledge
 - Assess and Investigate
 - Provide reasons for decision
 - Options for redress and close complaint
- 6.7.1 **Receipt of complaints**
Unless a complaint has been resolved at the outset, we will record the complaint and its supporting information within our records system
- 6.7.2 **Acknowledgement**
We will acknowledge receipt of each complaint promptly, and preferably within two working days. Consideration will be given to the most appropriate medium (eg. Email, letter) for communicating with the complainant.
- 6.7.3 **Assessment**
We will confirm the parameters of the complaint to be investigated and whether the issues raised within the complaint are within our control. We will also consider the outcomes sought by the person making the complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.
- 6.7.4 **Investigation**
After assessing the complaint we will investigate the claims made in the complaint. As part of the process we will keep the complainant up to date on our progress, particularly if there are any delays.
- 6.7.5 **Providing reasons for decisions**
Following consideration of the complaint and its investigation we will contact the complainant to advise them:
- The outcome of the complaint and any action we took
 - The reason/s for our decision
 - The remedy/resolution/s that we have proposed or put in place
 - Any options for review that may be available to the complainant, such as internal review, external review or appeal
- 6.7.6 **Closing the complaint**
Once the complaint has been finalised we will keep comprehensive records about:
- How we managed the complaint
 - The outcome/s of the complaint
 - Any outstanding actions that need to be followed up, and we will ensure that outcomes are properly implemented, monitored and reported to senior management
- 6.8 **Confidentiality**
We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws and confidentiality obligations.
- 6.9 Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issue/s raised. If a matter concerns an immediate risk to safety and security the response will be immediate and will be escalated appropriately.

- 6.10 If a person prefers or needs another person or organisation to assist or represent them in making and/or resolving their complaint, we will communicate with them through their representative if that is their wish. Anyone may represent a person to make a complaint with their consent.
- 6.11 Council will advise people making complaints if we are unable to deal with any part of the complaint and will provide advice about such issues and/or complaints may be redirected (if known and appropriate).
- 6.12 Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular Tier 2 Internal Reviews will be conducted by an officer other than the original decision-maker.
- 6.13 **Competitive Neutrality Complaints**
Complaints relating to competitive neutrality issues in respect of the delivery of Council services will be dealt with under the provisions of QPRC's Competitive Neutrality Complaints Policy.
- 6.14 **Ownership of a Complaint**
Once a complaint is formally lodged, the person making the complaint has transferred ownership of the complaint to the Complaint Handler (Council). It is the Complaint Handler which then becomes responsible for determining how the complaint will be dealt with, who will investigate it, and the resources and priority given to investigate the matter and the methodology to be used to investigate it.
- 6.15 **Managing Unreasonable Conduct by Complainants**
Council is committed to processing complaints as per our guiding principles for their management. However, our success in properly managing complaints depends upon:
- Our ability to do our work and perform our functions effectively and efficiently
 - Ensuring the health, safety and security of our staff
 - Our ability to allocate resources fairly and equitably across all the complaints we receive.
- Occasionally we can experience unreasonable complainant conduct which impacts directly upon our ability to properly manage a complaint. Council has an Unreasonable Complainant Conduct (UCC) Policy which addresses the issue of UCC and its management
- 6.16 QPRC's Complaint Management System consists of three tiers for complaint handling consisting of:
- Tier 1: Where we will aim to resolve complaint at the first point of contact (frontline).
 - Tier 2: Where a complaint cannot be resolved at Tier 1, the option to escalate the complaint to a more senior officer for an Internal Review will be provided.
 - Tier 3: Where the complainant is dissatisfied with the outcome of an Internal Review they may seek an External Review by an outside agency (eg. NSW Ombudsman, Office of Local Government, NCAT).
- 6.17 **Analysis and evaluation of complaints**
We will ensure that complaints are recorded within Council's record system so that information can be easily retrieved for reporting and analysis.
- 6.18 **Continuous Improvement**
Council is committed to improving the effectiveness and efficiency of our Complaint Management Framework. To this end we will:
- Support the making and appropriate resolution of complaints
 - Implement best practices in complaint handling

- Regularly review the Complaints Management Framework and complaint data, and complaints
- Implement appropriate system changes arising out of analysis of complaints data and continual monitoring of the system.

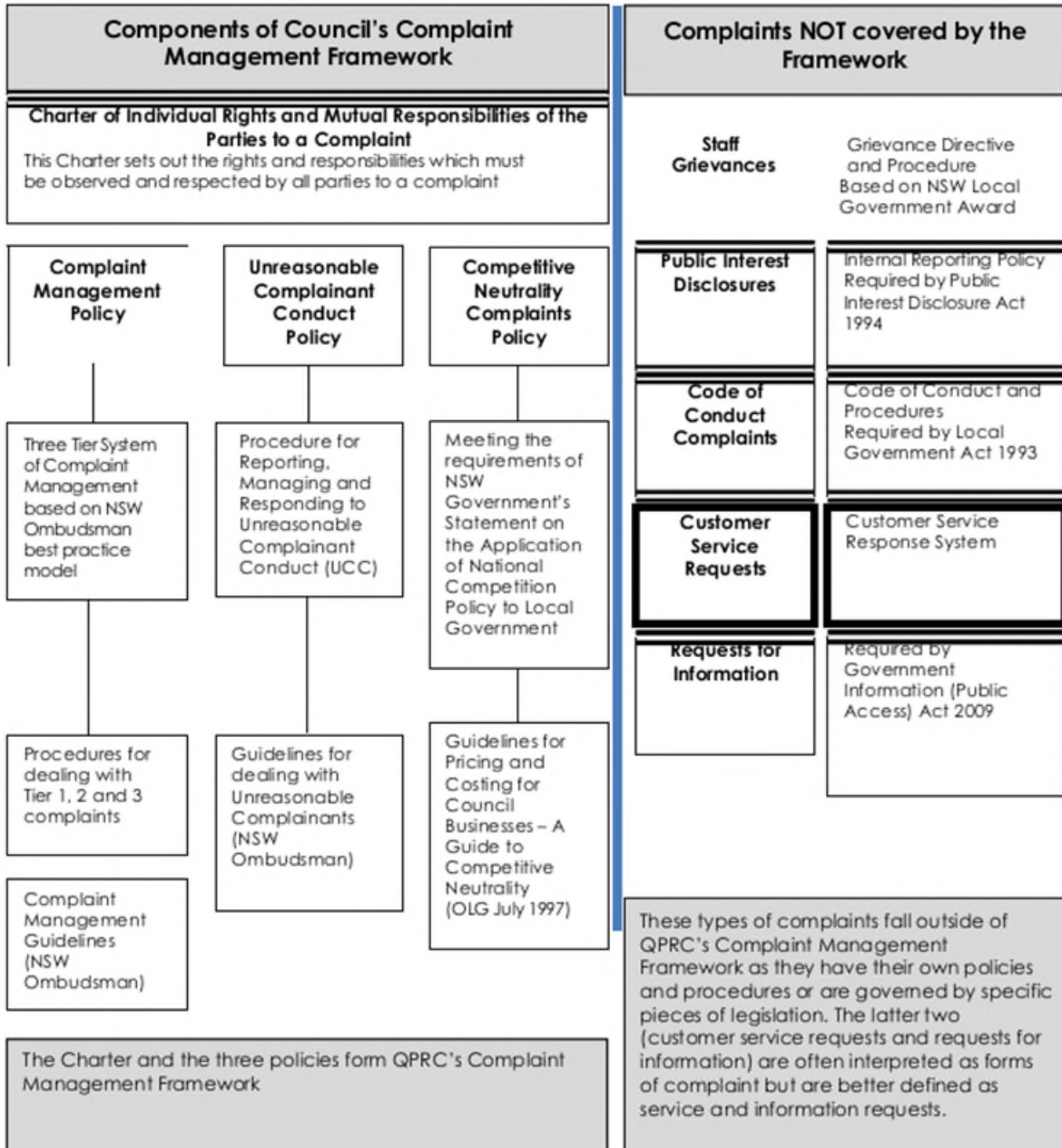
7 REVIEW

- 7.1 This policy will be reviewed and updated every two years or as necessary if:
- a) legislation requires it, or
 - b) Council's functions, structure or activities change

APPENDIX 1: QPRC's COMPLAINT MANAGEMENT FRAMEWORK

Definition of what constitutes a 'complaint' at QPRC

A Complaint is an "Expression of dissatisfaction made to us or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or required."



APPENDIX 2: CHARTER OF INDIVIDUAL RIGHTS AND MUTUAL RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT



Charter of Individual Rights and Mutual Responsibilities of the Parties to a Complaint

Queanbeyan-Palerang Regional Council is committed to ensuring that all complaints are dealt with fairly, efficiently and effectively and that workplace health and safety standards and duty of care obligations are adhered to. To assist with this, Council has developed this Charter which sets out the rights and responsibilities which must be observed and respected by all of the parties to the complaint process.

1. Individual rights

1.1 Complainants have the right:

- 1.1.1 To make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate.
- 1.1.2 To a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply.
- 1.1.3 To a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case.
- 1.1.4 To a fair hearing.
- 1.1.5 To a timely response.
- 1.1.6 To be informed, in at least general terms, about the actions taken and outcome of their complaint.
- 1.1.7 To be given reasons that explain decisions affecting them.
- 1.1.8 To at least one right of review of the decision on the complaints.
- 1.1.9 To be treated with courtesy and respect.
- 1.1.10 To communicate valid concerns and views without fear of reprisal or other unreasonable response.

1.2 Staff have the right:

- 1.2.1 To determine whether, and if so how, a complaint will be dealt with.
- 1.2.2 To finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.
- 1.2.3 To expect honesty, cooperation and reasonable assistance from complainants.
- 1.2.4 To expect honesty, cooperation and reasonable assistance from fellow staff members, organisations and people within jurisdiction who are the subject of a complaint.
- 1.2.5 To be treated with courtesy and respect.
- 1.2.6 To a safe and healthy working environment.
- 1.2.7 To modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.



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1.3 Subjects of a complaint have the right:

- 1.3.1 To a fair and impartial assessment and, where appropriate, investigation of the allegations made against them.
- 1.3.2 To be treated with courtesy and respect by staff of Queanbeyan-Palerang Regional Council (QPRC).
- 1.3.3 To be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated.
- 1.3.4 To be informed about the substance of any proposed adverse comment or decision.
- 1.3.5 To be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made.
- 1.3.6 To be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.
- 1.3.7 To be protected from harassment by disgruntled complainants acting unreasonably.

2. Mutual responsibilities

2.1 Complainants are responsible for:

- 2.1.1 Treating staff of QPRC with courtesy and respect.
- 2.1.2 Clearly identifying, to the best of their ability, the issues of complaint, or asking for help from QPRC staff to assist them in doing so.
- 2.1.3 Providing, to the best of their ability, QPRC with all the relevant information available to them at the time of making the complaint.
- 2.1.4 Being honest in all communications with QPRC.
- 2.1.5 Informing QPRC of any other action/s they have taken in relation to their complaint.
- 2.1.6 Cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

Note: If complainants do not meet their responsibilities QPRC may consider placing limitations or conditions on their ability to communicate with staff or access certain services and facilities. QPRC has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any conduct of a criminal nature will be reported to police and in certain circumstances legal action may also be considered.

2.2 Staff are responsible for:

- 2.2.1 Providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process.
- 2.2.2 Dealing with all complainants and people or organisations that are subject of a complaint professionally, fairly and impartially.
- 2.2.3 Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant.
- 2.2.4 Giving people or organisations that are the subject of a complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made.
- 2.2.5 Informing people or organisations of the subject of the investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address.
- 2.2.6 Keeping complainants informed of the actions taken and the outcome of their complaints.
- 2.2.7 Giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them.
- 2.2.8 Treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances.
- 2.2.9 Taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint.
- 2.2.10 Giving adequate warning of the consequences of unacceptable behaviour.

Note: If QPRC or its staff fail to comply with these responsibilities, complainants may complain to the Council's Service Manager, Governance.



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2.3 Subjects of a complaint are responsible for:

- 2.3.1 Cooperating with the staff of QPRC who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction.
- 2.3.2 Providing all relevant information in their possession to QPRC or its authorised staff when required to do so by a properly authorised direction or notice.
- 2.3.3 Being honest in all communications with QPRC and its staff.
- 2.3.4 Treating the staff of QPRC with courtesy and respect at all times and in all circumstances.
- 2.3.5 Refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

Note: If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

2.4 QPRC is responsible for:

- 2.4.1 Having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints.
- 2.4.2 Decisions about how all complaints will be dealt with.
- 2.4.3 Ensuring that all complaints are dealt with professionally, fairly and impartially.
- 2.4.4 Ensuring that staff treat all parties to a complaint with courtesy and respect.
- 2.4.5 Ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence.
- 2.4.6 Finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances¹.
- 2.4.7 Implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints.
- 2.4.8 Giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

Note: If QPRC fails to comply with these responsibilities, complainants may complain to the Council's Service Manager, Governance.

Footnotes:

- ¹ The word 'rights' is not used here in the sense of legally enforceable rights, but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.
- ² The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.
- ³ Such a right of review can be provided internally by the organisation, for example by a person not connected to the original decision.
- ⁴ Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint.
- ⁵ Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc. as defined within QPRC's Unreasonable Complainant Policy.
- ⁶ For example whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings at foot.
- ⁷ Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.