

**1. How to make a complaint**

- 1.1 A complaint by an affected person may be made in writing or verbally. Complainants are encouraged to use Council's Complaints Form to ensure all required details are noted and to distinguish the complaint from a general 'comment of dissatisfaction'.
- 1.2 Council officers should use the Complaints Form to capture the nature of verbal complaints and should seek to confirm these details with the complainant.
- 1.3 A verbal or written complaint lodged by a legal representative acting for an affected person must be accompanied by a letter of authority by the affected person.
- 1.4 Anonymous complaints are valid, but do not allow for either the nature of the complaint to be confirmed (with regards to verbal complaints) or the results of the investigation to be advised to the complainant.

**1.5 Written Complaints**

- 1.5.1 The preferred format for a written complaint is Council's Complaint Form, addressed to the CEO, Hinchinbrook Shire Council, PO Box 366, Ingham, QLD 4850
- 1.5.2 *Complaints Forms* are available from Council's website or the customer service counter at Hinchinbrook Shire Council office, 25 Lannercost Street, Ingham.
- 1.5.3 The Records & Customer Service Manager is responsible for entering the details of the complaint into the confidential Complaints Register.
- 1.5.4 The Records & Customer Service Manager will then forward the complaint to the relevant Officer or Manager who is known to handle that type of complaint for their action, or to the CEO if unsure. The Officer in charge then has 30 working days to provide a response to the CEO, with a copy to the Records & Customer Service Manager.
- 1.5.5 At the same time, and within 5 business days of receipt of the complaint, the Records & Customer Service Manager must prepare and send a written acknowledgement of the complaint to the affected person including the name of the Officer in charge of resolving the complaint and their contact details along with information on how to access the Complaints Management Policy and Procedure.
- 1.5.6 The responsibility to meet the timeframes provided rests with the Officer handling the complaint.
- 1.5.7 Once 25 working days have passed, if the Records & Customer Service Manager has not received documents demonstrating that the complaint is finalised or an extension timeframe has been applied, he/she should remind the officer in charge of the timeframes for providing a response to the affected person.
- 1.5.8 Once 30 working days have passed, if the Records & Customer Service Manager has not received documents demonstrating that the complaint is finalised or an extension timeframe has been applied, he/she should advise the CEO and it becomes the responsibility of the CEO to follow up.
- 1.5.9 The Records & Customer Service Manager is responsible for ensuring all documentation relating to the complaint is returned to him/her, for filing and recording in the Complaints Register.

**Administrative Action Complaints Management**

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**1.6 Verbal Administrative Action Complaints**

1.6.1 Frontline employees (e.g. outdoor workers or customer service employees) may resolve minor matters within the scope of their role, but must refer complaints which they are unable to address to their supervisor.

1.6.2 Verbal complaints (by phone or in person) can only be recognised as such where they are made to an officer who is on duty.

1.6.3 Any verbal complaint, although often one of a more serious nature, may be made to the CEO as follows:

- By phone: (07) 4776 4602
- In person: Please phone (07) 4776 4602 first for an appointment.

1.6.4 If the relevant Officer or their Manager is not present and able to take the complaint, the frontline employee should encourage the complainant to complete Council's *Complaint Form*. In certain situations, the frontline employee may write down the details of the complaint onto the Complaint Form and forward this to the Records and Customer Service Manager for processing.

1.6.5 The responsible Officer will:

- provide the original *Complaint Form* to the Records & Customer Service Manager immediately and work from a copy;
- confirm with the affected person the accuracy of what has been recorded;
- explain what will happen next;
- investigate the Complaint as quickly as is practicable and inform the person verbally of any proposed action that can be taken;
- follow up with written confirmation of any action taken or intended to be taken within the timeframes allowed (even if the person states they do not agree with the action);
- inform the person in writing of the availability of the internal and external review processes;
- finalise the complaint and forward all information to the Records & Customer Service Manager.

1.6.6 The Records & Customer Service Manager will enter the details of the Complaint into the Complaints Register and will close the file.

**1.7 Verbal Complaints Concerning Employees or the CEO**

1.7.1 Any verbal Complaint concerning the conduct of an employee should be made directly to the employee's immediate Supervisor/Manager who is obliged to document the Complaint on the *Complaint Form* and to follow the requirements outlined in this procedure.

1.7.2 Any Complaint concerning the conduct of the CEO must be made to the Mayor.

**1.8 Complaints Concerning Councillors**

1.8.1 Any complaint concerning the conduct of a Councillor must be directed to the CEO, who will adhere to the legislative requirements outlined in section 177 of the Local Government Act 2009.

## **2. Timeframes**

- 2.1 Council's aim is to finalise all Complaints and internal reviews within 30 working days of receipt although in some cases response times can be delayed due to the nature and complexity of the Complaint.
- 2.2 If the nominated timeframe for dealing with a Complaint cannot be met, the Officer handling the Complaint may, once only with the CEO's approval, extend the time for dealing with the Complaint up to another 30 working days and notify the customer verbally of the need for the extension before the expiry of the initial timeframe.

## **3. Remedial Action**

- 3.1 The CEO is responsible for ensuring that any necessary remedial/corrective action involving employees or within the organisation is commenced immediately upon the conclusion of the investigation and decision.
- 3.2 The CEO will communicate any internal problem revealed by a complaint to the area responsible for possible systemic improvement and the relevant Executive Manager will have responsibility for following this up.
- 3.3 Any corrective action involving the behaviour, performance or conduct of employees will be handled in accordance with Council's Disciplinary Policy and Procedure.
- 3.4 Appropriate remedies are to be fair to both the complainant and to Council, not limited to any of the following:
  - Council makes an admission of fault, an explanation for the action in question and/or apologises;
  - Council rectifies, revokes or amends the decision which is the cause of the Complaint;
  - Council arranges counselling, training or other corrective action to address the Complaint;
  - Where all parties agree, an impartial mediator may mediate a solution between the parties;
  - The Department Manager taking reasonable steps to avoid a recurrence of the complaint.

## **4. No action required**

- 4.1 Only the CEO may decide not to investigate or deal with a Complaint. Reasons for this decision include:
  - the person does not appear to be apparently affected by the administrative action;
  - the substance of the disclosure has been investigated or dealt with by another appropriate process;
  - the age of the information of the subject of the Complaint makes it impracticable to investigate; or
  - he/she reasonably considers that the Complaint is too trivial or frivolous to warrant investigation.
- 4.2 Where the Officer tasked with handling the Complaint, or their Manager, believes no action should be taken on one of the grounds above, they must put their case to the CEO in writing, seeking approval to take no action.
- 4.3 Where the CEO decides no action is required, the Officer or Manager handling the Complaint is responsible for providing written reasons for taking no action to the affected person together with avenues of appeal.

## **5. Right of Review**

5.1 Subject to the relevant Council Policies and Procedures, a person dissatisfied with the outcome of the assessment of their Complaint may seek an internal review or they may take the matter externally.

### 5.2 Internal Review

5.2.1 An affected person may apply to the CEO in writing for an internal review within 30 calendar days of the decision or outcome of their initial Complaint being made.

5.2.2 The request for a review must be supported by sufficient information to enable the CEO to decide on the matter.

5.2.3 The CEO or his/her appointed delegate will conduct an internal review.

5.2.4 Irrespective of the medium by which the Complaint was made, the CEO will write to the affected person within 30 days of the request advising the outcome of the review.

5.2.5 The CEO will then forward the above correspondence to the Records & Customer Service Manager to finalise the Complaints Register, record the information and to file it.

5.2.6 At the conclusion of the review, if the CEO is not satisfied with the manner in which a Complaint was handled or a decision was made, he/she may:

- counsel the Officer/Manager who initially handled the Complaint;
- institute any necessary action to achieve the desired result;
- inform the person of the outcome of his/her review in writing; and
- Inform the person of their right to seek external appeal should they be dissatisfied with the review.

### 5.3 External Review

5.3.1 If an affected person feels that Council has not properly dealt with a Complaint or internal review they may refer the matter to the Office of the Ombudsman for complaints alleging maladministration or the Crime and Corruption Commission for complaints alleging misconduct.

## **6. Recording and Monitoring of Complaints**

6.1 An internal and confidential Complaints Register of all Complaints and any internal or external review will be maintained by the Records & Customer Service Manager, accessible also by the CEO.

## **7. Analysis of Complaints**

7.1 At the end of each quarter, the CEO will provide a report to Council meetings on the complaints received and the effectiveness of the management process.

7.2 The report will be broad in its overview and will not disclose the identity of complainants, but it will include:

- a summary of the main types of complaints received over the last quarter;
- effectiveness of the complaints management process including time taken to resolve Complaints;
- an analysis of the Complaint trends that have formed, or are forming and appropriate action; and
- improvements that need to be made/have been made as a result of reviewing the Complaints.

**8. Associated Documents**

Administrative Action Complaints Management Policy  
Complaints Register (internal and confidential document)  
Complaints Form  
Code of Conduct (internal document)