



# Complaints Management POLICY

## Purpose

The purpose of this Winton Shire Council Complaints Management Policy is to establish Council's commitment to ethically, fairly, transparently, and compliantly, managing and resolving all complaints.

This policy provides a single framework for identifying, assessing, recording, managing, and resolving complaints.

Council is committed to providing a quality level of customer service that does not attract complaints. Council seeks to resolve individual complaints and identify opportunities to make systemic improvements.

## Scope

This policy applies to the management of all complaints regarding Winton Shire Council actions, services, Councillors, Council employees, contractors, and volunteers.

## Definitions

Term	Meaning
Administrative Action	As defined in the <i>Local Government Act 2009</i> , includes 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; or the making of a recommendation.
Administrative Action Complaint AAC	An expression of dissatisfaction by a person who is directly affected by an administrative action of Council, including a failure to take action. An administrative action complaint can be in relation to: the lack of timeliness, quality or communication. A safety / risk concern, nonconformance of a policy or procedure or an unsatisfactory decision.
Affected Person	As defined in the <i>Local Government Act 2009</i> , a person who is apparently directly affected by an administrative action of a local government.
Chief Executive Officer (CEO)	A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> or is acting in this position.
Council	Winton Shire Council (WSC)
Council Employee	Local government employees, including the CEO or a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Councillor Inappropriate Conduct	As defined in the <i>Local Government Act 2009</i> Part 3 Dealing with inappropriate conduct, misconduct, and corrupt conduct. 150K What is inappropriate conduct
Councillor Misconduct	As defined in the <i>Local Government Act 2009</i> Part 3 Dealing with inappropriate conduct, misconduct, and corrupt conduct. 150L What is misconduct
Duty of Care (Legal obligation)	An obligation recognised by law to avoid conduct with unreasonable risk of danger to others and to the organisation, in particular to reduce any vicarious liability risks.

Term	Meaning
Frivolous Complaint	<ul style="list-style-type: none"> <li>• A complaint which is considered to be made without evidence to cause annoyance.</li> <li>• Frivolous complaints may be:</li> <li>• Regularly focused on a trivial matter to the extent which is out of proportion to its significance and the complainant continues to focus on this matter.</li> <li>• Continually lodged to invoke a desired response.</li> <li>• On a matter which the complainant persists in pursuing despite Council's reasonable efforts to help them specify their concerns, and/or where the concerns identified are not within the realm of Council to investigate, and/or where Council has advised the complainant that the matter has been investigated and resolved.</li> </ul>
Industrial Relations Matters	Disputes between an employee and the employer in respect to Council's certified agreements and relevant industrial instruments and matters that relate.
Maladministration	<p>As defined in the <i>Public Interest Disclosure Act 2010</i></p> <p>An administrative action that was:</p> <ul style="list-style-type: none"> <li>(a) Taken contrary to law; or</li> <li>(b) Unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>(c) In accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances;</li> <li>(d) Taken: <ul style="list-style-type: none"> <li>(i) For an improper purpose; or</li> <li>(ii) On irrelevant grounds; or</li> <li>(iii) Having regard to irrelevant considerations; or</li> </ul> </li> <li>(e) An action for which reasons should have been given, but were not given; or</li> <li>(f) Based wholly or partly on a mistake of law or fact; or</li> <li>(g) Wrong.</li> </ul>
OIA	Office of Independent Assessor
Public Interest Disclosure	As defined in section 11 of the <i>Public Interest Disclosure Act 2010</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to, in accordance with sections 12 and 13 of the <i>Public Interest Disclosure Act 2010</i> .
Unit of Public Administration UPA	<p>As defined in the <i>Crime and Corruption Act 2001</i>, includes the following:</p> <ul style="list-style-type: none"> <li>(a) The Legislative Assembly, and the parliamentary service;</li> <li>(b) The Executive Council;</li> <li>(c) A department;</li> <li>(d) The police service;</li> <li>(e) A local government;</li> <li>(f) A corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act;</li> </ul>

Term	Meaning
	(g) A noncorporate entity, established or maintained under an Act, that: <ul style="list-style-type: none"> <li>(i.) Is funded to any extent with State moneys; or</li> <li>(ii.) Is financially assisted by the State;</li> </ul> (h) A State court, of whatever jurisdiction, and its registry and other administrative offices; and           (i) Another entity prescribed under a regulation.
Vexatious Complaint	Considered to be: <ul style="list-style-type: none"> <li>• Made maliciously to damage a person’s career or reputation, or the reputation of Council,</li> <li>• A threat of violence against others or property.</li> <li>• Collusion between others, in an effort to discredit others or take retribution or to have an employee removed from the workplace.</li> </ul>
Volunteer	A person who of their own free will offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO, Directors or their delegates.

## Policy statement

Council acknowledges the right of a person to lodge a complaint and is committed to upholding its legal obligation by aiming to provide an effective resolution to ALL complaints received.

Council also recognises complaint management is an essential component towards quality customer service and good corporate governance.

The objective of this policy is to:

- Provide a framework for the process of identifying, assessing, recording, managing, and resolving complaints.
- Ensuring the complaints management process is statutory compliant, ethical, fair, objective, transparent and consistent.
- Offer a complaints regime that facilitates continuous improvement of Council, service delivery, systems, processes, and employees.
- Ensure complaints are responded to in a timely manner.
- Inform the complainant of the remedy available to them if they are not satisfied with a particular outcome, decision or action that directly affects them.
- Review feedback received from complaints as an opportunity to improve Council’s systems, decision making, service delivery and customer experience where this applicable.

## Policy principles

Council complaint management principles include:

- The active interest and support of management;
- Effective policy and procedures for an effective complaints management system;
- Providing a positive environment that encourages and helps people make complaints,
- Treating all complaints seriously and treating all complainants with respect, courtesy, dignity, and fairness.
- Reviewing all complaints on merit and addressing all complaints in an equitable and impartial manner adhering to the principles of natural justice and procedural fairness.
- Acknowledging and responding to the complaint and keeping the complainant informed as to the process steps and progress.
- Managing all complaints confidentially and in accordance with the relevant legislation.
- Providing information about Council's complaints process (policy and procedure) on Council's website - complaints can be lodged in various forms (written, via email, in person).
- Providing all decisions / actions to the complainant in a timely manner.
- Identifying opportunities for improvement.

## Roles and Responsibilities

Complaints referred to external parties and in relation to Complaints about Councillors, including the Mayor are not within the scope of the Roles and Responsibilities of Councillor Officers with the exception of the Chief Executive Officer.

### Governance Coordinator

The Governance Coordinator will be responsible for the Complaints Registers, liaising with investigation personnel and the Chief Executive Officer to ensure complaints are managed efficiently and effectively and that complainants are kept informed of the progress of their complaints and concerns.

### Chief Executive Officer

The Chief Executive Officer is the final decision maker in relation to responses to complaints and the referral of matters that require further action by Council (for example, Show Cause Notice, Infringement Notice, etc.). The Chief Executive Officer also has responsibilities as detailed within this document in relation to complaints that are referred to external agencies.

### Senior Management

Senior Management are responsible for ensuring investigations into complaints are executed efficiently and with priority to ensure the complaint can be addressed in a timely manner. Senior Management will support the making of complaints and see them as an opportunity for improvement.

## Assessment of the complaint

A complaint may be received via any communication method, such as an email, letter, through the Council website, verbally (in person, by telephone) or any other communication method. Council's preferred method for receipt of a complaint is in writing.

Note: Council does not consider comments published on social media to be complaints.

Once information is received, it will be assessed to establish the information is a complaint, as defined and to determine the complaint category. Not all complaints will require a formal investigation.

The Level and Categorisation of the complaint will determine the applicable procedure to apply, including the management level to consult and liaise with.

Every effort will be made to address the complaint at the first point of contact, unless the complaint is related to:

- The conduct of a Councillor.
- Of a serious nature.
- Multiple complaint categories or the categorisation is unclear.

In these instances, the Chief Executive Officer is responsible for assessing and categorising the complaint.

## Complaint level

Level 1: Frontline complaint handling (early resolution)

Level 2: Internal assessment, investigation, or review

Level 3: External assessment, investigation, or review.

## Complaint categories

### Administrative Action Complaints (AAC)

An Administrative Action Complaint is a complaint about an administrative action of Council made by an affected person. For a complaint to be an Administrative Action Complaint, the complainant must be an affected person, including:

- Council's failure to action a request to fix a pothole in the person's street or other place they regularly travel;
- A development approved by Council affecting a person in the neighbourhood;
- A repeated complaint by an affected person about the general quality of park maintenance;
- Council's failure to take action following a request by an affected person to investigate; for example, a barking dog or noisy air conditioner;
- Inappropriate disclosure of a person's private information (breach of privacy).
- The amount of a charge or rate unless these are set by legislation or by resolution of Council;
- Online commercial advertising;
- Competitive neutrality complaint;
- Complaints received about Council's services; for example, water and sewerage services.
- A Councillor, including the Mayor, which is outside Chapter 6, Part 2, Division 6 or the *Local Government Act 2009*.
- Referrals from outside agencies; for example, the Queensland Ombudsman.

If it has been determined that the definition of a complaint has been satisfied and the complaint is not an Administrative Action Complaint, then it will generally fall into one of the following categories.

## Complaints about Councillors, including the Mayor

The most appropriate way of making a complaint will depend on the type of conduct.

Conduct	How it is to be dealt with
Unsuitable meeting conduct	Occurs in a Council meeting and is dealt with by the chairperson in a Council meeting.
Conduct breach	Make a complaint to the Office of the Independent Assessor
Misconduct	Make a complaint to the Office of the Independent Assessor
Corrupt conduct	Make a complaint to the Crime and Corruption Commission

Further information regarding Complaints about Councillors, including the Mayor are extensively covered in Winton Shire Council's Model Meeting Procedure (WSC-GOV-PRO-004), Standing Orders Policy (WSC-GOV-POL-013), and the Queensland Government Code of Conduct for Councillors in Queensland.

## Complaints about the Chief Executive Officer (CEO)

Complaints about the conduct of the Chief Executive Officer will be directed to the Mayor or their delegate who will initially assess and manage the complaint.

## Public Interest disclosure

A complaint received regarding a public interest disclosure, which identifies or alleges cases of maladministration, corrupt conduct or the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities, will be administered in accordance with the *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Policy (WSC-ADM-POL-005).

## Corrupt conduct

A complaint, information or matter that involves or may involve suspected corrupt conduct will be assessed and managed in accordance with the *Crime and Corruption Act 2001*.

The nominated person, under section 48A of the *Crime and Corruption Act 2001*, will manage complaints against the Chief Executive Officer that are reasonably suspected to involve corrupt conduct.

## Internal complaint or grievance

An internal complaint or grievance is any type of problem, concern or complaint relating to an employee's work or the work environment. A grievance can be about any act, behaviour, omission, situation, or decision affecting an employee, which the employee thinks is unfair or unjustified.

A grievance may relate to aspects of employment, such as:

- Workplace bullying including sexual harassment.
- Workplace discrimination.
- Unreasonable or lack of management action.
- Breaches of Council policy documents and legislation; that is, the Code of Conduct.



A complaint will not be deemed a grievance if it relates to reasonable management action including:

- Setting and managing performance goals and standards including dealing with unsatisfactory performance – refer to the Performance Management Policy (WSC-HR-POL-005).
- Allocating work or work location in a transparent manner.
- Implementing organisational changes or restructuring.
- Resolution for complaints or disputes pertaining to industrial relation matters.

Complaints that are considered a grievance will be administered in accordance with Council's Grievance Resolution Policy.

## Other matters governed by a Statutory review process

A complaint that has a separate statutory review process will be directed to the relevant review process, in the first instance. These include:

- Planning issues that can be addressed through the *Planning Act 2016*.
- Competitive neutrality issues that can be addressed through the *Local Government Act 2009*.
- Disputes regarding administrative decisions that can be addressed through the Queensland Civil and Administrative Tribunal.
- Disputes regarding infringement notices which can be reviewed through the Magistrate's Court.

## Other complaint

Any other type of complaint that is not within the scope of an Administrative Action Complaint or categorised within this policy will be directed to the Chief Executive Officer for assessment and review.

## Managing unreasonable conduct

Frivolous and vexatious complaints consume considerable time, resources, and finances with no benefit to the community or Council. A complaint deemed to be frivolous or vexatious will be managed in accordance with Council policy.

Frivolous or vexatious complaints include:

- Matters either deemed to be minor, in relation to higher priorities, that are not likely to cause a threat to public safety or financial loss to Council or others; that is, a complaint about a person illegally parked unless it is considered dangerous.
- A complainant who refuses to accept the decision of an authorised officer.
- A complainant who unreasonably refuses to deal with the officer appointed to undertake the review.
- A complainant who has consistently, over time, contacted Council about minor or the same matter/s, judged not to be a priority, resulting in unnecessary and costly consumption of Council resources, unless the subject matter is deemed to warrant investigation.
- Follow up calls about minor matters.
- Rhetorical comments; that is, 'can't anyone at Council do math?'



- A complainant who has a history of:
  - Making complaints and review requests about their issue / related issues and contacting or cc'ing other government agencies, Members of Parliament, Ministers or other people and organisations.
  - Complaining about Council or an officer's integrity or competence or taking their complaint to other forums alleging bias or corruption, because they are dissatisfied with the decision.
  - Giving forceful instructions about how their complaint should be dealt with and / or by whom.
  - Making unreasonable demands that organisational time and resources be spent dealing with their complaint.

## Contact with complainants

Council prefers that a complainant provides their name and contact details. This allows the Chief Executive Officer or nominated person, where necessary to invite the complainant to provide further information to assist in fully understanding the concerns, the issue to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought in accordance with Council policy.

If a person requires assistance to lodge a complaint, assistance will be provided.

Council is committed to transparency. Council will, acknowledge receipt of the complaint in a timely manner, keep the complainant appropriately informed of the process steps and progress of the complaint, and / or the investigation and the outcome / actions of the decision.

Note: Anonymous complaints will be accepted and assessed where sufficient information has been provided to Council.

## Review options

Review options may include an internal review on the merits of the complaint, undertaken at the Chief Executive Officer's discretion, and / or an external review by an external agency such as the Queensland Ombudsman.

The complainant will be advised of review options when notified of the outcome of their complaint.

## Reporting an Administrative Action Complaint (AAC)

The Chief Executive Officer will report an Administrative Action Complaint in accordance with Council's Administrative Action Complaint Procedure and other legislation.

Council will maintain a record of all Administrative Action Complaints in a Complaints Register. Council's Chief Executive Officer or their delegate is responsible for:

- Assessing the complaint category and actioning the complaint accordingly.
- Conducting investigations where deemed necessary.
- Investigating complaints referred to Council either verbally or written, or by an external agency such as the Queensland Ombudsman.
- Providing advice to Council departments investigating the complaint.

- Providing progress reports to senior management, identifying, and advising of potential risks requiring immediate rectification.
- Liaising with state government agencies where required.
- Administering the complaints management process, providing formal and statistical reports, recommendations and associated administrative tasks.
- Facilitating educational awareness programs in relation to the Complaint Management policy and other related policies and procedures.
- Being the central registrar for Council's Complaint Register.
- Reviewing and reporting on complaints to Council's management team and Council as required.

## Communication

Council's management team will ensure that:

- Councillors, Council employees and members of the public have access to this policy.
- Councillors and Council employees be provided with the opportunity to be involved in the review of this policy.
- Changes and / or amendments made to this policy will be communicated to Councillors, Council employees and members of the public.

## Related Council documentation

- WSC-GOV-PRO-001 Administrative Action Complaints Procedure
- WSC-GOV-POL-004 Fraud and Corruption Management Policy
- WSC-HR-POL-012 Employee Grievance Resolution Policy
- WSC-HR-POL-019 Code of Conduct Policy
- WSC-ADM-POL-005 Public Interest Disclosure Policy
- WSC-HR-POL-003 Anti-discrimination, Bullying and Harassment Policy
- WSC-HR-POL-002 Privacy and Confidentiality Policy
- Administrative Action Complaints Register (#157254)
- WSC-GOV-POL-005 Investigation Policy
- WSC-GOV-PRO-004 Model Meeting Procedure
- WSC-GOV-POL-013 Standing Orders Policy

## Legislation, recognised Authorities, and other sources

- [Code of Conduct for Councillors in Queensland](#) (Queensland Government)
- *Anti-discrimination Act 1991 (Qld)*
- *Australian Human Rights Commission Act 1986 (Fed)*
- Councillor Conduct Tribunal  
<https://www.statedevelopment.qld.gov.au/local-government/governance/councillor-conduct-tribunal>
- *Crime and Corruption Act 2001 (Qld)*
- *Criminal Code Act 1899 (Qld)*
- *Human Rights Act 2019 (Qld)*
- *Industrial Relations Act 2016 (Qld)*
- *Information Privacy Act 2009 (Qld)*
- *Integrity Act 2009 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- Office of the Independent Assessor  
<https://www.OfficeoftheIndependentAssessor.qld.gov.au/make-a-complaint>
- Office of the Independent Assessor “Understanding Complaints”  
<https://www.oia.qld.gov.au/understanding-complaints#:~:text=for%20the%20OIA%3F-The%20OIA%20receives%20complaints%20about%20the%20conduct%20of%20all%20Queensland,actions%20and%20decisions%20of%20councils.>
- Code of Conduct for Councillors in Queensland  
[https://www.dlgrma.qld.gov.au/\\_data/assets/pdf\\_file/0017/45170/code-of-conduct-for-queensland-councillors.pdf](https://www.dlgrma.qld.gov.au/_data/assets/pdf_file/0017/45170/code-of-conduct-for-queensland-councillors.pdf)
- *Ombudsman Act 2001 (Qld)*
- *Public Interest Disclosure Act 2010 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Planning Act 2016 (Qld)*
- *Right to Information Act 2009 (Qld)*
- Winton Shire Council Website <https://www.winton.qld.gov.au/>
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

## Review of Policy

This policy will be reviewed every three years and when legislation changes and remains in force until amended or repealed by resolution of Council.

## Record of amendments and adoptions

Date	Version No	Reason for amendment	Date adopted by Council
July 2011		Adopted by Council	20 July 2011
June 2017	Version 1.0	Review by Council	16 June 2017
July 2020	Version 2.0	Review by Council	17 July 2020
March 2022	Version 3.0	Review by Council	17 March 2022
August 2024	Version 4.0	Update in line with Queensland Office of the Independent Assessor guidelines	19 September 2024