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COMPLAINTS MATTER

A review of the complaints management systems of local councils in Queensland

September 2010

Report of the Queensland Ombudsman

Complaints matter

A review of the complaints management systems
of local councils in Queensland

September 2010

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15 September 2010

The Honourable John Mickel MP
Speaker
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Mickel

In accordance with s.52 of the *Ombudsman Act 2001*, I hereby furnish to you my report, *Complaints matter: A review of the complaints management systems of local councils in Queensland*.

Yours faithfully

A handwritten signature in black ink, appearing to read "D Bevan", with a long horizontal flourish extending to the right.

David Bevan
Queensland Ombudsman

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Dictionary and abbreviations

AACP	Administrative action complaints process
Administrative action	An action about a matter of administration, including a decision or act, a failure to make a decision or act, failure to provide a written statement of reasons, the formulation of a proposal or intention and the making of a recommendation (s.501C of the LGA)
Affected person	A person is apparently directly affected by an administrative action of a council or an alleged minor breach by a councillor of the council's code of conduct (s.501B of the LGA)
Agency	A Queensland government department, local government (council) or public authority
Australian Standard	Australian Standard <i>Customer satisfaction—Guidelines for complaints handling in organizations</i> AS ISO 10002-2006
CEO	Chief executive officer
CMP	Complaints Management Project
Complaint	Complaint under a council's GCP but excludes complaints under Chapter 11 competitive neutrality
Complaints officer under the GCP	Person appointed to investigate a complaint
Council	Local government
Councillor code of conduct	A code of conduct for councillors adopted by a council under s.250C of the LGA
DIP	Department of Infrastructure and Planning
DLGPS&R	Former Department of Local Government, Planning, Sport and Recreation
GCP	General Complaints Process
LGA	<i>Local Government Act 1993</i>
LGA 2009	<i>Local Government Act 2009</i>

LGLAA	<i>Local Government Legislation Amendment Act 2005</i>
LGOR	Local Government (Operations) Regulation 2010
LGRIR	Local Government Reform Implementation Regulation 2008
Local Government Bulletin 15/05	Bulletin issued by DLGPS&R providing guidelines on the GCP for councils
Minor breach	Breach by a councillor of an obligation stated in the code of conduct under s.250F(2) of the LGA other than a meeting breach
Model GCP	The model GCP document contained in appendix J of Local Government Bulletin 15/05 (available at http://www.dip.qld.gov.au/newsletters/local-government-bulletins.html)

Executive summary

Background

One of my Office's functions under the *Ombudsman Act 2001* is to help public agencies improve the quality of their decision-making and administrative practices. A fair and effective process for handling complaints is an important component of good public administration.

In 2003, my Office commenced the Complaints Management Project, a long term initiative to assist agencies, including local governments, to improve the way they manage complaints.

In December 2005, I published a report on Phase 1 of the project. In Phase 1, we assisted 11 participating agencies, including three local councils, to develop complaints management systems that met recognised standards for good complaints management. It was also our intention that the systems developed by the 11 agencies would act as models for other agencies to adopt or adapt.

In February 2010, I published a report on Phases 2 and 3 of the project, titled *Complaints matter: A review of the complaints management systems of Queensland Government agencies*. These phases involved my Office's review of the complaints management systems of 38 Queensland Government agencies to assess the extent to which they had complied with a Directive, issued by the former Public Service Commissioner in 2006, requiring them to implement complaints management systems that met criteria specified in the Directive.

Audit of council complaints processes

During 2009, we conducted a similar audit of the complaints management systems of 57 local councils. This review assessed the extent to which councils were complying with the General Complaints Process (GCP) requirements in the *Local Government Act 1993* and other indicators of best practice complaints management. Since 1 March 2006, councils have been required to implement a GCP meeting 11 minimum requirements, the key requirement being that they have an independent process for reviewing complaints. They also have to report on complaints resolved under their GCPs in their annual reports.

This report discusses the results of:

- our review of their GCPs
- our assessment of the visibility and accessibility of complaints information on councils' websites, and
- our review of councils' reporting in their annual reports on complaints resolved through their GCPs.

Findings

Our review revealed that, with the exception of one council, all councils had approved a GCP. Forty-four councils had adopted fully, or with minor amendment, the model GCP developed and recommended by the former Department of Local Government, Planning, Sport and Recreation. Twelve councils had developed their own GCPs.

Our review found that almost half of the GCPs we examined failed to comply in one or more significant respect with the minimum requirements under the Local Government Act. In addition, the GCPs of the 12 councils that had developed their own had limited compliance with other best practice indicators.

Our assessment of the availability and accessibility of complaints information on council websites found that approximately half of the websites reviewed provided only a limited level of visibility and accessibility to such information.

Our review of councils' annual reports also revealed limited compliance with the requirement to report on complaints resolved through their GCPs. However, our major finding from reviewing annual reports was that very few complaints were reported by councils as having been resolved through their GCPs. Specifically, in 2008 and 2009, only 138 and 165 complaints respectively were reported by councils as having been resolved under this process.

It is difficult to accept that many of the city and new regional councils could have received so few complaints when my Office alone received nearly 2,000 complaints about councils in each of those years.

Overall, I concluded that the legislatively mandated scheme for dealing with complaints has been ineffectual because, although councils have adopted GCPs, they have not been using that process to deal with the vast majority of complaints they receive. Instead, they have been using other informal processes as a result of which there is likely to be little consistency in how these complaints are dealt with and recorded. My report discusses a number of possible reasons for councils' apparent reluctance to deal with complaints under their GCPs.

New complaints scheme

In light of the problems our review identified with the operation of council GCPs, I made submissions to the Department of Infrastructure and Planning (DIP) on the draft Local Government (Operations) Regulation 2010 and draft Local Government (Finance, Plans and Reporting) Regulation 2010 which contained new requirements for GCPs.

I recommended that the new complaints process requirements be strengthened and made more flexible to ensure that all complaints are dealt with under the complaints management process, in accordance with best practice complaints management principles. I also recommended that councils be required to report on the performance of their complaints process in their annual reports.

I am pleased to report that my main recommendations have been incorporated into the new regulations, which commenced on 1 July 2010. Councils have until 30 June 2011 to implement a complaints management process that complies with the new regulations.

Publication of this report

Under s.52 of the Ombudsman Act, I consider it appropriate in the public interest to give this report to the Speaker for tabling in the Legislative Assembly for the following reasons:

- members of the community have a growing expectation that councils will act fairly and reasonably in making decisions that adversely affect them and, where this has not occurred, they expect that councils will have in place fair and effective processes for reviewing their decisions
- to provide a resource for councils to use in developing their new complaints systems in compliance with the new Act and Regulations.

I encourage all councils to consider the contents of this report. I also encourage them to have regard to our complaints management resources (available on our website) and to any relevant practice guidelines issued by DIP.

Chapter 1: Introduction

1.1 Local government complaints handling

Until 2005, Queensland had no legislative requirement for local governments (councils) to have in place a complaints management process.

The *Local Government Act 1993* (LGA) was amended in 2005 to require all councils to establish a General Complaints Process (GCP) by 1 March 2006.¹ The key element of the GCP is the requirement for an independent process to review complaints about administrative actions of councils and alleged minor breaches of the councillor code of conduct.

Councils play an important role in communities by making and administering local laws, providing facilities and delivering services. Their responsibilities include local roads, waste management, water supply and sewerage, infrastructure, planning, environmental health, public health and community services. Councils are also involved in the social, economic and cultural development of their communities and in improving the liveability, sustainability and prosperity of their regions.²

Consequently, councils make many significant decisions affecting individuals as well as their communities. It is therefore inevitable that councils will receive complaints. In 2009-2010, we received 2,256 complaints about the administration and service delivery of councils.³ There are currently 73 local councils in Queensland, including 16 indigenous councils.

Councils have considerable autonomy in making decisions and delivering services. However, as public agencies, they are also expected to act fairly and reasonably in making decisions that affect individuals or the community, as well as being accountable for their decisions.

Complaints are an essential part of any accountability process and there is significant public interest in councils responding appropriately to complaints about their decisions and actions.

It is now over four years since councils were required to adopt and implement GCPs. Therefore, each council should have in place a fair and effective GCP for reviewing its decisions and actions. An effective GCP is integral to good customer service as it enables councils to:

- rectify decisions that are unfair or wrong, and
- identify ways to improve decision-making, administrative systems and practices as well as overall service delivery.

On 1 July 2010, the new *Local Government Act 2009* and the *City of Brisbane Act 2010* and related regulations⁴ commenced. This legislation requires each council to adopt a complaints management process to resolve complaints about administrative actions by 1 July 2011. The new process must satisfy specified requirements reflecting best practice complaints management principles. Each council is permitted to continue using its GCP until 30 June 2011.

¹ *Local Government Legislation Amendment Act 2005* commenced on 31 May 2005.

² DIP website - How your council works for you.

³ Queensland Ombudsman Annual Report 2009-2010, page 49.

⁴ Local Government (Operations) Regulation 2010 and Local Government (Finance, Plans and Reporting) Regulation 2010.

1.2 Complaints Management Project

One of the Ombudsman's functions is to consider the administrative practices and procedures of agencies generally and to make recommendations or to provide information or other help to them for the improvement of their practices and procedures.⁵

In May 2003, as part of this administrative improvement function, we commenced a long-term initiative to assist agencies improve their complaints management systems. We refer to this initiative as our Complaints Management Project (CMP).

1.3 CMP Phase 1

The aim of Phase 1 was to assist 11 participating agencies to develop a complaints management system that met recognised standards for good complaints management.

We provided advice, information sheets and other resources on good complaints management practice to help agencies evaluate their system. We recommended improvements to their system and gave them extensive advice and other assistance while they were implementing our recommendations.

The Phase 1 participating agencies included three councils – the Gold Coast City Council and the former Maroochy and Boonah Shire Councils. These councils were selected as representative of large, medium and small councils respectively. Our intention was to facilitate the development of several complaints models that could be used by other councils.

We completed Phase 1 on 30 June 2005.

On 1 December 2005, our report on the Complaints Management Project Phase 1 was tabled in Parliament. Our report highlighted that the next phase of our project would focus on encouraging all other agencies to implement a best practice complaints management system.

1.4 CMP Phase 2

As noted, in May 2005, the LGA was amended to require each council to establish a GCP that met certain minimum requirements by 1 March 2006.

In the lead up to 1 March 2006, we provided practical assistance to councils to develop and implement systems that complied with the LGA requirements and the Australian Standard. This assistance included responding to council inquiries about complaints management generally, as well as working with the former Department of Local Government, Planning, Sport and Recreation (DLGPS&R) to draft a model GCP, which not only addressed the requirements of the LGA but also incorporated other elements of best practice complaints management.

We completed Phase 2 in March 2008.

⁵ Section 12(c), *Ombudsman Act 2001*.

1.5 Local government reform

In 2007, the Queensland Government implemented a state-wide local government reform program. A Local Government Reform Commission was established to make recommendations as to the most appropriate structure and boundaries for local government in Queensland. The Commission reviewed all local governments except the Brisbane City Council. Its recommendations to the government on the names, classes, boundaries and electoral arrangements for the new local government areas were delivered in May 2007. The government accepted these recommendations.⁶

To give effect to the Commission's recommendations, the *Local Government Reform Implementation Act 2007* and the Local Government Reform Implementation Regulation 2008 (LGRIR) were passed and commenced on 10 August 2007 and 15 February 2008 respectively. The reforms had the effect of reducing the number of councils from 157 to 73, in time for council elections on 15 March 2008.

The main purpose of the LGRIR was 'to support the coming into effect of reform matters'⁷ for particular new local governments, joint local governments and for Redland City Council.

Prior to the reform process each council was required to have in place a GCP. As a consequence of the reform process, it was necessary for each new merged council to adopt one GCP for its new local government area. Section 50 of the LGRIR addressed this matter and required that each new council adopt (by resolution), with or without amendment, the GCP of one of the merging councils. This was to be done at or before the new council's second meeting. The LGRIR did not otherwise affect the GCP requirements.

1.6 CMP Phase 3

Phase 3 of the CMP (local government) commenced in February 2009. Its primary objective was to assess the extent to which councils were complying with the GCP requirements under the LGA, LGRIR and other indicators of best practice complaints management.

We forwarded a self-audit questionnaire to the CEOs of 57 selected councils.⁸ We requested the questionnaire be completed and returned along with supporting documents (including relevant policy and procedures and council resolutions adopting GCPs) by 3 April 2009. We collated and analysed the completed questionnaires and supporting documents to assess compliance with the GCP requirements and the other indicators of best practice complaints management.

We also reviewed council websites to assess the levels of visibility and accessibility of complaints information to the public and reviewed council annual reports for 2007-2008 and 2008-2009 to assess compliance with the requirement in the LGA that councils report on their GCPs in their annual reports.⁹

We completed Phase 3 on 25 February 2010.

⁶ DIP website - History of the reform process and commission.

⁷ LGRIR, s.2 Main purpose of regulation.

⁸ 16 indigenous councils and the Weipa Town Council were not included in our audit (see section 4.1.1 of this report).

⁹ Section 534, LGA, Content of report about other issues of public interest (1)(n) number of complaints resolved under the local government's GCP during the year and the number of those complaints that related to an alleged breach by a councillor.

The purpose of this report is to summarise the outcomes of Phases 2 and 3.

1.7 Why publish this report?

Under s.52 of the Ombudsman Act, I consider it appropriate in the public interest to give this report to the Speaker for tabling in the Legislative Assembly for the following reasons:

- members of the community have a growing expectation that councils will act fairly and reasonably in making decisions that adversely affect them and, where this has not occurred, they expect that councils will have in place fair and effective processes for reviewing their decisions
- to provide a resource for councils to use in developing their new complaints systems in compliance with the new Act and Regulations.

Chapter 2: CMP Phase 2

2.1 Objective

The objectives of Phase 2 were to actively encourage all councils not involved in Phase 1 to implement their own quality complaints systems and to assist councils to comply with the GCP requirements under the LGA.

We implemented the following strategies and activities to achieve these objectives.

2.2 Dissemination of CMP Phase 1 report

In December 2005, we wrote to 122 councils, enclosing a copy of our Phase 1 report. We emphasised that our report explained the benefits in implementing an effective complaints system and included resources that provided a step-by-step guide to developing and implementing such a system.

We received considerable positive feedback from these councils about our report and resources.

2.3 Communication plan

In January 2006, we prepared and implemented a communication plan to promote awareness throughout the public sector of:

- our role in assisting agencies, including councils, to improve their complaints management;
- Phase 2 of the CMP; and
- the availability of our CMP resources.

We also developed a database of agency and council contacts (liaison officers) for ongoing communication. Appendix 1 contains a list of the 15 councils that participated in CMP Phase 2.

2.4 Complaints management resources

In Phase 1 we developed the following resources to assist agencies to develop an effective complaints system:

- a set of *Effective Complaints Management Fact Sheets*
- a self-audit checklist for agencies to use in assessing the effectiveness of their own complaints systems
- a guide to developing effective complaints management policy and procedures.

We distributed these publications to councils and made them readily available on our website. We continued to update these resources during Phase 2 to reflect the new Australian Standard *Customer satisfaction—Guidelines for complaints handling in organizations* AS ISO 10002-2006 which was published on 5 April 2006.

We also continued to give advice to councils on effective complaints management in our Ombudsman newsletters, *Local Perspective* and *Frontline Perspective*.

2.5 Developing guidelines and model GCP

We worked with the former DLGPS&R to prepare guidelines for the GCP and a model GCP policy/procedures document that met the requirements of the LGA and the Australian Standard.

The guidelines and model GCP were finalised and circulated to all councils by Local Government Bulletin 15/05 in December 2005. We encouraged councils to consider adopting the model GCP. We also responded to any inquiries from councils about complaints management best practice. DLGPS&R was responsible for responding to inquiries from councils concerning the LGA requirements.

2.6 Review of compliance

In March 2006, councils were required to have a GCP in place that met the LGA minimum requirements.

In May 2006, we asked councils to provide us with a copy of their GCPs so that we could review their compliance with LGA requirements and the model GCP. This review was a broad analysis only. It did not involve a detailed review of each system or a detailed comparison between each system and the model GCP.

2.7 Queensland Ombudsman website link on council websites

It is important that councils inform people that the Ombudsman may externally review councils' decisions and actions. Accordingly, we recommended to councils that they put our website link on their websites. Councils responded positively to these recommendations.

We also reviewed council websites to see whether they contained a link to our website and found that 65% had such a link.

We completed this review in June 2006.

Chapter 3: CMP Phase 3

3.1 Objectives

The objectives of Phase 3, which commenced in February 2009, were to assess councils' compliance with GCP requirements under the LGA, LGRIR, the model GCP and other indicators of best practice complaints management and, where appropriate, to make recommendations to improve their GCPs.

3.2 LGA – GCP requirements

As mentioned, in May 2005, the LGA was amended to require each council to establish a GCP by 1 March 2006. According to the Minister's second reading speech, the government recognised there was a gap in the accountability framework of councils in the area of complaints management.¹⁰

3.2.1 Objective of GCP requirements

The stated purpose of the GCP in the LGA is to resolve complaints by affected persons about the administrative actions of a council and an alleged minor breach of a councillor code of conduct.¹¹ The key requirement is that there is an independent review process for complaints.

3.2.2 GCP requirements

Under the LGA,¹² the GCP must include at least the following 11 requirements:

- (a) the process for selecting and appointing a complaints officer to investigate complaints
- (b) preliminary procedures before an affected person can make a complaint
- (c) the way an affected person may make a complaint
- (d) sending complaints to, and their investigation by, the complaints officer
- (e) giving an affected person who makes a complaint an opportunity to give the complaints officer further information about the complaint
- (f) a requirement that the complaints officer give the council and affected person notice of a decision made by the officer under s.501F and the reasons for the decision
- (g) a requirement that, if the complaint is not resolved to the affected person's satisfaction through the GCP, the complaints officer give the council and the affected person a written report on the results of the officer's investigation of the complaint and any recommendation in relation to the complaint the officer considers appropriate
- (h) the time within which the complaints officer must give the report and any recommendation mentioned in paragraph (g) to the council
- (i) if a report and any recommendation mentioned in paragraph (g) is given to the council - a requirement that the council give the affected person notice of the outcome of the council's consideration of the report and recommendation
- (j) recording the number of complaints made and resolved through the GCP.

¹⁰ Local Government Legislation Amendment Bill - second reading speech by the Hon D Boyle, Minister for Environment, Local Government, Planning and Women on 19 April 2005, Hansard, page 899.

¹¹ Section 501D - GCP must be adopted by council resolution.

¹² See s.501E.

Additionally, the person appointed as complaints officer to investigate a complaint must not be involved with the administrative action or alleged minor breach of the code of conduct that is the subject of the complaint.

A complaints officer may refuse to investigate a complaint or refuse to continue an investigation only if reasonably satisfied one or more of the following grounds exist:¹³

- the complaint is trivial, or
- the complaint concerns a frivolous matter or was made vexatiously, or
- the complainant does not have sufficient direct interest in the administrative action or alleged minor breach complained of, or
- the complainant has a right of appeal, reference or review, or another remedy that is not exhausted and it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the officer investigates or continues to investigate the complaint, or
- in the circumstances, investigating the administrative action or the alleged minor breach of the code of conduct complained of is unnecessary or unjustifiable.

3.2.3 Councillor code of conduct minor breach requirements

The scope of the GCP not only includes complaints about administrative actions of councils and their officers, but also deals with complaints about alleged minor breaches of the councillor code of conduct. Where a council receives a complaints officer's report about an alleged minor breach of the councillor code of conduct, it may decide by resolution to take no further action if satisfied it concerns a frivolous matter or was made vexatiously.¹⁴

If the council doesn't assess the complaint as frivolous or vexatious then it must decide by resolution whether the councillor committed the alleged minor breach. If council decides the councillor committed a minor breach it may choose to take no further action, impose a penalty or, if it considers the breach may be a repeat breach, refer a complaint of repeat breach to the conduct panel for review.

Importantly, the LGA expressly requires councils to comply with principles of natural justice in deciding whether a councillor breached a code of conduct and whether to impose a penalty.¹⁵

On 3 December 2007, the Ombudsman's *Councillor Code of Conduct Report* was tabled in Parliament. The report outlined our investigation into the then Redland Shire Council's management of a complaint against a councillor. This case revealed a number of areas of concern in the council's process for handling complaints against councillors. For the benefit of all councils, we prepared a list of important considerations when dealing with complaints about councillor conduct (other than meeting breaches). This list titled 'General principles for investigations' appears in Chapter 8 of that report.¹⁶

From 1 July 2010, complaints concerning councillor minor breaches are no longer covered under council GCPs. Complaints about the conduct and performance of councillors are now governed by the requirements in the LGA 2009.¹⁷

¹³ See s.501F, LGA.

¹⁴ See s.250S, LGA.

¹⁵ *ibid.*

¹⁶ <http://www.ombudsman.qld.gov.au/PublicationsandReports/InvestigativeReports/CouncillorCodeofConductReport.aspx>.

¹⁷ Chapter 6, Part 2, Division 6 refers.

3.2.4 Annual reporting requirement - GCP complaints

The LGA required councils to report in their annual reports on the complaints resolved through their GCP each year.¹⁸

Specifically, an annual report must contain the number of complaints resolved under the council's GCP during the year and the number of those complaints that related to an alleged breach by a councillor.¹⁹

3.2.5 Excluded complaints

Although the term 'administrative action' is widely defined in the LGA²⁰ to include a decision or act, failure to make a decision or act, proposals, intentions and recommendations (similar to the definition in the *Ombudsman Act 2001*²¹), the GCP does not cover all complaints that can be made to a council about its actions.

Complaints about activities of council business entities not complying with competitive neutrality principles are excluded from the GCP. Processes for dealing with these complaints are specifically covered in Chapter 11 of the LGA.²²

Similarly, complaints that raise a suspicion of official misconduct or amount to a public interest disclosure are not covered under the GCP because of the specific statutory requirements applying to the handling of those complaints under the *Crime and Misconduct Act 2001* and the *Whistleblowers Protection Act 1994*.

3.2.6 Complaints by affected persons

The GCP appears to be confined to resolving complaints from affected persons. The term 'affected person' is defined as 'a person who is apparently directly affected by the administrative action of a local government or the alleged minor breach by a councillor of the local government's code of conduct'.²³

A complaints officer may refuse to investigate a complaint if the officer reasonably considers the complainant does not have sufficient direct interest in the administrative action or the alleged minor breach of the councillor code of conduct.²⁴ However, it is important to note that this is a discretionary power which may or may not be exercised. Accordingly, a complaints officer could, depending of the particular circumstances, decide to accept a complaint for investigation despite the complainant not having a sufficient direct interest in the matter.

It is inevitable that councils will receive complaints about their administrative actions from people who are unaffected or only indirectly affected by those actions. These complaints could raise serious public interest matters warranting action. It is important that these complaints are assessed against the same criteria as any other

¹⁸ See s.534, LGA.

¹⁹ See s.534(1)(n)(v), LGA.

²⁰ Section 501C Definition of administrative action - Action about a matter of administration and includes a decision and act, a failure to make a decision or to do an act, including failure to provide a written statement of reasons for a decision, the formulation of a proposal or intention and the making of a recommendation.

²¹ See s.7, *Ombudsman Act 2001*.

²² Section 501B Definition of complaint does not include a complaint that could be made under the complaints process provided for under Chapter 11 (complaints about competitive neutrality).

²³ See s.501B, LGA.

²⁴ See s.501F(1)(c), LGA.

complaints, such as the nature and seriousness of the matters raised, and any environmental, safety or health implications.

Failing to properly consider a complaint merely because the complainant has an insufficient direct interest in the matter is contrary to best practice complaints management.

3.2.7 Anonymous complaints

It is unclear whether anonymous complaints are intended to be dealt with under the GCP or other council processes.

The GCP requirements do not expressly deal with anonymous complaints. However, the Local Government Bulletin model GCP states that '... anonymous complaints will not be dealt with under the GCP. They may be dealt with under another administrative process'. Clearly, not all of the statutory GCP requirements can be complied with when dealing with anonymous complaints, specifically, the requirements to give the affected person:

- an opportunity to provide further information;
- a copy of the complaints officer's investigation report; and
- advice of the outcome of council's consideration of the complaint.

However, with the exception of these requirements, we consider that, generally, anonymous complaints should be accepted, considered (against the same criteria as other complaints) and investigated if appropriate.

We included a recommendation to this effect in our submission to DIP on the draft Local Government Operations Regulation (Part 4 Process for administrative action complaints).²⁵

3.3 Local Government Bulletin 15/05 General Complaints Process for Councils – model GCP

This bulletin was released to councils in December 2005. Its purpose was to provide guidelines to assist councils comply with the GCP requirements. The bulletin noted that a council GCP should, apart from incorporating the minimum requirements, also include other features to give effect to the intent of the legislation.

Importantly, the bulletin included a model GCP which it said incorporated the GCP requirements and other features considered desirable for an effective complaints process to meet Australian and International Standards on complaints management. The bulletin recommended councils consider the model GCP and indicated that it could be adapted to suit each council's own requirements.

3.4 LGRIR - GCP requirements

The LGRIR commenced on 15 February 2008 in time for the local government elections on 15 March 2008. Its main purpose is to help give effect to certain reforms, including some relating to particular new local governments. In relation to complaint processes, the LGRIR,²⁶ provided that each new council had to adopt (by resolution),

²⁵ See chapter 5 for details of our submission.

²⁶ See s.50.

with or without amendment, the GCP of one of the merging councils at or before the new council's second meeting.

Under the LGA,²⁷ each council was required to hold a meeting within 14 days after the conclusion of an election and hold other meetings at least once in each month for a regional or city council and at least one meeting every three months for shire councils.

3.5 Other indicators of best practice complaints management

The statutory GCP requirements are not a complete statement on best practice complaints management. This is acknowledged in the requirements themselves by the use of the words 'include at least the following elements' and in the explanatory notes to the Local Government Legislation Amendment Bill 2005, which included the following:

New section 501E sets out the minimum requirements councils must address in developing their complaints process ... Apart from these minimum requirements, councils may exercise a wide discretion in determining the operations of their general complaints process.

Australian Standard *Customer satisfaction—Guidelines for complaints handling in organizations* (AS ISO 10002-2006) is widely recognised as setting the standard for best practice complaints handling in organisations. The standard outlines nine guiding principles underlying best practice complaints management - visibility, accessibility, responsiveness, objectivity, charges, confidentiality, customer-focused approach, accountability and continual improvement.

We prepared an *Effective Complaints Management Fact Sheet* series to assist councils to implement complaint systems that would meet the community's expectation that councils will be client focused and responsive to feedback, particularly complaints.

The fact sheet series incorporates our views on the features of good complaints management, based on more than 30 years experience in handling complaints in the Queensland state and local government sectors. The fact sheets are consistent with the Australian Standard on complaints handling.

²⁷ Section 442 Post election meetings and s.444 of the LGA Other meetings.

Chapter 4: CMP Phase 3 – measuring compliance

4.1 Document based audit

4.1.1 Self-audit questionnaire

In February 2009, we commenced the audit of local government compliance with the LGA, LGRIR, model GCP and other indicators of best practice complaints management as outlined in our *Effective Complaints Management Fact Sheet* series.

We developed a self-audit questionnaire based on those requirements. We also prepared instructions for councils on how to complete the questionnaire.

The questionnaire is set out in Appendix 2. It is divided into the following parts:

- Part A Council's identifying and contact details
- Part B Details about council's GCP (policy, procedures, database and resources)
- Part C Compliance with the requirements of the LGA and LGRIR (Questions 1-4)
- Part D Compliance with additional indicators of complaints management best practice (Questions 5-14).

Part B of the questionnaire recognised that a number of councils may have adopted the model GCP included in Local Government Bulletin 15/05, which DLGPS&R had recommended to councils as complying with the statutory GCP requirements and incorporating other features of good complaints handling in the Australian Standard.

Accordingly, we asked councils to indicate at Part B item (f) whether they had adopted either in full or with minor amendments the model GCP and, if so, to identify the nature of any amendments and the relevant pages/sections of the GCP amended. Councils responding affirmatively to this question were not required to complete Parts C and D of our questionnaire. Their responses indicated that 41 councils (72%) had adopted the model GCP either fully or with minor amendment. However, our review of their policies and procedures indicated that 44 councils (77%) had adopted the model (see section 4.2.3 of this report).

Where a council indicated the model GCP had not been adopted, it had to complete Parts C and D, which contained 14 questions covering important items such as the 11 statutory requirements²⁸ and other indicators of best practice. Overall, Parts C and D required councils to address 67 individual items.

We forwarded the questionnaire to 57 councils comprising seven city councils, 28 regional councils and 22 shire councils. A list of these councils appears in Appendix 3. Of these 57 councils, 29 new councils had been established in March 2008 as a result of the reform process.

We did not include the following 16 councils in our audit as most of them are partway through a five year process of transitioning from councils under the *Local Government (Community Government Areas) Act 2004* (repealed) to councils under the LGA 2009 (formerly the LGA):

²⁸ See section 3.2.2 for a list of the requirements in s.501E of the LGA.

- Cherbourg Shire Council, Doomadgee Shire Council, Hope Vale Shire Council, Kowanyama Shire Council, Lockhart River Shire Council, Mapoon Shire Council, Napranum Shire Council, Palm Island Shire Council, Pormpuraaw Shire Council, Woorabinda Shire Council, Wujal Wujal Shire Council and Yarrabah Shire Council²⁹
- Aurukun Shire Council and Mornington Shire Council³⁰ (established in 2008)
- Torres Strait Island Regional Council and Northern Peninsula Area Regional Council.³¹

Nor did we include the Weipa Town Council, which is established under the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957* and is not subject to the GCP requirements of the LGA.

We requested each council to complete the questionnaire and send its response, including its supporting policy and procedures and council resolution adopting the GCP, to us by 3 April 2009.³²

4.1.2 Response to self-audit questionnaire

Initially we received and responded to a number of inquiries from councils about the purpose of the audit and how to complete and return the questionnaire. All 57 councils returned a completed questionnaire with supporting documents. Twenty-two councils (39%) returned their completed questionnaire by the due date. We followed up outstanding responses and received good cooperation from council officers. The final two completed questionnaires were received in June and September 2009.

The councils selected for our audit accounted for approximately 98.7% of the (1,979) complaints we received about councils in 2008-2009 (26 complaints received during 2008-2009 concerned 11 of the 17 councils listed above that were excluded from our audit).

We evaluated compliance by assessing councils' responses to the questionnaire as well as their policies, procedures and copies of council resolutions they provided with their responses.

We initially assessed councils' compliance with the requirement to adopt a GCP within the specified timeframes by reviewing council resolution documents provided with the self-audit responses. As noted, councils were required to adopt by resolution a GCP at the latest by 1 March 2006.³³ New councils established as a result of the reform process in March 2008 were required to adopt by resolution (with or without amendment) one of the merging council's GCPs by the second meeting.³⁴ Our overall findings on this review are discussed in this report at 4.2.

We then assessed the GCP documents of councils that had developed their own model against Parts C and D of the questionnaire. For councils that had adopted the model GCP (fully or with minor amendment) we assessed their GCP documents against 27 elements in the model. We identified various areas of non-compliance with the model GCP or Parts C and D, which we discuss in this report at 4.2.4 and 4.2.5.

²⁹ *Local Government (Community Government Areas) Act 2004* (repealed).

³⁰ *Local Government (Aboriginal Lands) Act 1978*.

³¹ *Local Government Act 1993* (repealed).

³² One self-audit questionnaire was not sent to the council until early September 2009.

³³ Section 501D, LGA.

³⁴ Section 50, LGRIR.

The 27 elements of the GCP model are:

- 1 Title and authorisation
- 2 Effective date
- 3 Amendment of the process
- 4 Scope of the process
- 5 Objectives
- 6 Policy commitment
- 7 Definitions
- 8 Complaints handling framework (stages 1-3)
- 9 Preliminary procedures
- 10 The way a complainant may make a complaint
- 11 Process for selecting and appointing a complaints officer (including internal and external review and appointment of reviewer)
- 12 Sending complaints to, and their investigation by, the complaints officer
- 13 Opportunity for complainant to provide further information about the complaint
- 14 Grounds for refusal to investigate complaint
- 15 Investigating a complaint
- 16 Obligation on complaints officer on completion of investigation
- 17 Remedies
- 18 Consideration of report by council
- 19 Notice to complainant about outcome of complaint
- 20 Implementation of remedy
- 21 Council review if complainant dissatisfied with outcome of complaint
- 22 Stage 3 review by Ombudsman or other complaints entities
- 23 Reporting on complaint trends
- 24 Responsibilities of officers
- 25 Related policies or procedures
- 26 Evaluation and review of complaints process
- 27 Communication.

We used the model GCP because, as mentioned earlier, the former DLGPS&R had recommended it to councils (in Local Government Bulletin 15/05) as meeting the statutory GCP requirements as well as other features of good complaints management contained in the Australian Standard.

We also reviewed the model against Parts C and D of the self-audit questionnaire.

In relation to Part C, the model specifically complies with:

- the 11 minimum GCP requirements³⁵
- the requirements for a council dealing with a complaints officer report on an alleged minor breach of the councillor code of conduct;³⁶ and
- the annual reporting requirement to report on resolved GCP complaints.³⁷

Our review found that the model GCP correctly incorporated these requirements.

³⁵ See s.501E & F, LGA.

³⁶ See s.250S, LGA.

³⁷ See s.534(1)(n)), LGA.

Part D relates to additional indicators of complaints management best practice and specifically covers the following elements:

- Commitment
- Visibility and access
- Responsiveness
- Assessment and action
- Feedback
- Monitoring effectiveness.

Our review found that the model addresses many aspects of the above elements. However, the following aspects of those elements of best practice (indicated in our questionnaire) were not included in the model.

Visibility and access

A council's GCP should require that:

- information on where and how to make a complaint is available on council websites
- online complaint forms are available to people who wish to make a complaint
- customer-friendly brochures or other material on the GCP are readily available at council offices and service centres
- a copy of the GCP is available on request
- complaints made anonymously are properly assessed.

Responsiveness

A council's GCP should:

- specify when and how complaints will be acknowledged
- require that complainants be provided with indicative timeframes when making a complaint
- require that the GCP policy and procedures are available to staff on the council's intranet.

Assessment and action

A council's GCP should provide clear information about the roles and responsibilities of staff in the complaints handling process. (In this regard, the model GCP did not specify the roles and responsibilities of staff in the complaints handling in stage 1 preliminary procedures).

Feedback

A council's GCP should provide that complainants are to be advised of:

- any available statutory review/appeal
- the option of internal review if they indicate disagreement with the original decision on their complaint
- external review by the Ombudsman if they indicate disagreement with the internal review decision.

Monitoring effectiveness

A council's GCP should:

- specify how complaints will be classified to allow meaningful analysis of complaints data
- require the outcome of the review and recommendations for improvement to the GCP to be reported to senior management
- require designated officers to follow up to ensure the implementation of accepted recommendations.

4.2 Outcome of document based audit

4.2.1 Council approved GCP in place

We found that 53 of the 57 councils audited (93%) had adopted by resolution an approved GCP for their local government area (as at the start of our audit in February 2009).

Three councils still had in place approved GCPs for previous merging councils and had not taken action to adopt one GCP for their new local government area as required by the LGRIR.³⁸ As a result of taking part in our audit, these councils identified this omission and took steps to approve new GCPs during July and August 2009. We then assessed these new GCPs in our audit.

The remaining council appeared to have no approved GCP in place. In response to our audit, the council provided a Customer Service Policy approved in April 2009. The policy cited s.793 of the LGA as the authority for the policy and referred to the section³⁹ requiring councils to establish a process for resolving complaints about council business entities not complying with competitive neutrality principles in carrying out their activities. In fact, it was s.501D of the LGA that required councils to establish a GCP. This council's policy did not address any of the minimum GCP requirements.

4.2.2 Council resolution adopting GCP within required time

We found that only 33 councils (58%) had adopted by resolution a GCP within the statutory timeframes. New councils were required to adopt, with or without amendment, one of the merging council's GCPs before or at the second meeting following the 15 March 2008 council elections. Councils (unaffected by the reform process) were required to have adopted by resolution a GCP by 1 March 2006.

Therefore, 24 councils (42%) had failed to comply. Specifically, 18 council resolutions were outside the 1 March 2006 timeframe and six (new) council resolutions were outside the second meeting (after 15 March 2008) timeframe. The remaining council did not appear to have an approved GCP as mentioned at section 4.2.1.

None of the 24 councils provided reasons for failing to adopt their GCP within the required timeframe.

A possible reason for the 18 councils not meeting the 1 March 2006 deadline may have been that they were awaiting the release of the Local Government Bulletin

³⁸ Section 50, LGRIR.

³⁹ See chapter 11 of the LGA.

15/05, which provided guidelines and the model GCP. This was not released to councils until December 2005.

A possible reason for the six new councils not adopting their GCP at their second meeting may have been the tight timeframe and the many issues they had to attend to following the mergers. As mentioned, new councils had up to and including the second meeting to adopt one of the merging council's GCPs. They were required to hold their first meeting 14 days after the conclusion of the election and their second meeting in the next month (April).

4.2.3 Councils adopting model GCP

Overall, the responses to our questionnaire indicated that 41 councils considered they had adopted, either fully or with minor amendment, the model GCP.

However, our review indicated that 44 councils (77%) had adopted the model fully or substantially. Accordingly, we assessed those GCPs against the model.

We considered that the other 12 councils (four city, seven regional and one shire) had developed and approved a GCP that was significantly different from the model. We assessed those GCPs against Parts C and D of our questionnaire.

4.2.4 Outcomes of review - councils adopting model GCP

We reviewed the policies and procedures of the 44 councils that had followed the model to assess whether they had, in fact, complied with the model. This involved a review of compliance with the statutory requirements and also with other aspects of good complaints practice dealt with in the model.

1 Compliance with statutory requirements

The statutory requirements are covered in the model under the following topics:

- 9 Preliminary procedures
- 10 The way a complainant may make a complaint
- 11 Process for selecting and appointing a complaints officer
- 12 Sending complaints to and their investigation by the complaints officer
- 13 Opportunity for complainant to provide further information about the complaint
- 14 Grounds for refusal to investigate complaint
- 15 Investigating a complaint
- 16 Obligation on complaints officer on completion of investigation
- 18 Consideration of report by council
- 19 Notice to complainant about outcome of complaint
- 23 Reporting on complaint trends.

We found that the GCPs of 31 of the 44 councils complied fully with the statutory requirements. We considered 13 GCPs did not comply in one of more significant respects.

In relation to the GCPs of those 13 councils, we identified 29 instances of non-compliance with the statutory requirements. The main areas of non-compliance related to:

- scope of the process - certain categories of complaints were excluded from the GCP

- opportunity for complainant to provide further information on complaint - this requirement had been deleted or changed to discretionary
- investigation of complaint by complaints officers – the investigation process integral to this requirement had been deleted
- period in which complaints officer's report was required to be given to council - requirement deleted or changed
- complaints officer's report to be considered by council - requirement deleted or changed
- reporting on complaint trends - requirement to record complaints made and resolved deleted.

The highest area of non-compliance related to the limited scope of councils' complaints processes. Some councils apparently considered they could limit the scope of their GCP by approving policies/procedures that totally excluded certain types of complaints about council decisions and administration from the GCP, for example, complaints about:

- documents that have been adopted by council
- contractual disputes
- the extent of resources devoted to a particular service as determined by the annual budget process
- anonymous complaints
- civil and/or insurance matters
- matters that can be dealt with under a formal complaints process adopted by a council business unit
- matters where a separate legislative appeals process is available
- development issues as defined under the *Integrated Planning Act 1997*
- matters where a formal objection and appeal process exists under the *Integrated Planning Act* or *Building Act 1975*
- actions and decisions taken under other legislation which provides for separate avenues of appeal, such as prosecutions made under local laws that are appellable to a magistrates court.

In our opinion, these exclusions are contrary to the statutory GCP requirements. The GCP is there to manage and resolve complaints about the full range of council decisions, actions and services.⁴⁰

The LGA expressly excludes only one type of complaint from the GCP, namely, complaints that could be made under the complaints process provided under Chapter 11 (that is, complaints about the activities of council business entities that breach competitive neutrality principles). There is no power in the LGA for councils to exclude from the GCP other types of complaint about their administrative actions.

The LGA indicates that a complaint can be made under the GCP about a matter even if there is another statutory or administrative right of review/appeal or other remedy. This is reflected in s.501F(1)(d) which provides that a complaints officer may decline to investigate, or may discontinue an investigation of, a complaint where the complainant has a right of appeal/review or remedy that the person has not exhausted and it would be reasonable in the circumstances to require the complainant to exhaust that right or remedy. The complaints officer has a

⁴⁰ Until 1 July 2010 when the LGA 2009 commenced, the GCP was also intended to manage and resolve complaints about councillor conduct that may have constituted an alleged minor breach of the councillor code of conduct.

discretionary power to either investigate or not investigate such complaints after considering their individual circumstances.

The scope or application of council GCP policies and procedures must be consistent with the LGA.

We consider that councils should have adopted the scope of the complaints process as recommended in the model GCP. Section 4, *Scope of the complaints process*, in the model provides the following:

The complaints process has been established for resolving complaints by affected persons about administrative action of the council or an alleged minor breach by a councillor of the council's Code of Conduct for Councillors. However, the complaints process doesn't apply to a complaint:

- 1 that could be made under chapter 11 about competitive neutrality issues
- 2 about official misconduct that should be directed to Crime and Misconduct Commission
- 3 made under the *Whistleblowers Protection Act 1994*
- 4 about a meeting breach, a repeat breach or a statutory breach under the code of conduct for councillors.

Complaints which raise a suspicion of official misconduct or amount to a public interest disclosure must be managed in accordance with the *Crime and Misconduct Act 2001* and the *Whistleblowers Protection Act 1994*.

Opinion 1

The GCPs of councils that excluded from their application categories of complaints other than those listed in s.4 of the model GCP did not comply with s.501D of the LGA.

2 Compliance with other features of the model

We also reviewed whether council GCPs substantially met the other features of the model.

We found that 15 councils complied fully with the model.

Overall, we identified 100 instances where GCPs failed to comply with significant elements of the model.⁴¹ Main areas of non-compliance were as follows:

- the requirement that amendments be approved by resolution had been deleted
- restricting the way in which complaints can be made (for example, prohibiting anonymous complaints and/or oral complaints)
- making no provision for giving reasonable assistance to complainants
- omitting the requirement that a complaints officer must be equal to or senior to original decision-maker
- deleting or changing the process for sending complaints to the complaints officer and the timeframes for their investigation
- deleting references to available remedies
- deleting the requirement to report on complaint trends
- omitting reference to any related policies
- deleting the requirement to review and evaluate the GCP at regular intervals.

⁴¹The elements are listed at 4.1.2 of this report.

4.2.5 Outcome of review - councils that had not followed the model

As mentioned earlier, 12 councils had developed their own GCPs rather than following or adapting the model GCP and one council had no GCP policy and procedures. We assessed their GCP policy and procedures documents against Parts C and D of our questionnaire. Part C outlines the requirements under the LGA and Part D outlines other indicators of best practice complaints management.

With the introduction of the GCP requirements under the LGA in 2005, councils had the opportunity to develop or make improvements to their own GCPs as long as they met the minimum requirements. Unfortunately, it appears from our review that only a few councils seized this opportunity.

Overall, we considered that the GCP policy/procedures of only three councils achieved a satisfactory level of compliance with the minimum requirements as well as other best practice indicators. These councils appeared to have developed their GCP from an entire complaints management system approach rather than developing policy/procedures to merely address the minimum requirements.

Part C - Compliance with LGA requirements

In assessing each of these 12 councils' compliance with the LGA requirements, we examined:

- the scope of the process (s.501D)
- the extent of compliance with the 11 minimum requirements (s.501E & F)
- compliance with the requirement on how to deal with a complaints officer's report for an alleged minor breach of the councillor code of conduct (s.250S).

We found that none of the 12 councils had GCP policy/procedures that complied fully with LGA requirements and that the overall level of compliance was only 47%. The highest areas in which their GCPs did not comply were that they:

- excluded certain types of complaints from the GCP; in this regard, seven council GCPs excluded complaints about decisions/actions where a specific statutory review/appeal exists. One council excluded complaints about liability claim decisions
- did not specify that the complainant had to be given the opportunity to give further information on the complaint
- did not require the complaints officer to give notice of decision (and reasons) not to investigate the complaint
- did not specify the time within which the complaints officer is to give their investigation report and any recommendation to council
- did not require council to give the complainant notice of the outcome of its consideration of the investigation report.

In respect of alleged minor breaches of the councillor code of conduct, we also found that the GCPs of nine of the 12 councils did not incorporate the requirements of s.250S of the LGA about how a council must deal with a complaints officer's report on an alleged minor breach.

Part D - Compliance with other indicators of best practice

We examined council GCP policies/procedures in terms of the following additional best practice indicators - commitment, visibility and accessibility, responsiveness, assessment and action, feedback and monitoring effectiveness. Each of these indicators has a number of elements listed in our questionnaire (Part D).

We found that none of the 12 councils had GCP policy/procedures that complied fully with all the best practice indicators. Overall, our review indicated limited compliance with the best practice indicators.

Our assessment of councils' performance in relation to each best practice indicator is set out below.

Commitment

No council was fully compliant. The highest area of non-compliance concerned council GCPs not containing clear statements of commitment to:

- ensuring complainants will not suffer any reprisal for making a complaint
- appropriately training and resourcing of staff who handle complaints
- providing complaints staff with appropriate authority to take action to resolve complaints
- management being responsible for the system's effectiveness.

Visibility and accessibility

No council was fully compliant. The highest area of non-compliance concerned council GCPs not requiring that:

- complaints policy/procedures are to be accessible on the website
- an online complaint form is to be made available on the website
- customer-friendly brochures or other material on the GCP are to be made available at council offices and service centres
- reasonable assistance is to be given to people wishing to make a complaint
- a copy of the GCP is to be provided on request
- anonymous complaints are to be received and assessed in the normal way.

Responsiveness

No council was fully compliant. The highest area of non-compliance concerned council GCPs not providing that:

- complaints are to be prioritised on criteria such as urgency, complexity, seriousness
- complainants will be provided with indicative timeframes
- complainants will be provided with progress reports
- GCP policy/procedures are to be made available to staff on the intranet
- staff are made aware of the existence and operation of the GCP at induction and through other internal communication mechanisms
- staff with any role in complaints handling are to be appropriately trained.

Assessment and action

No council was fully compliant. The highest area of non-compliance concerned council GCPs not providing for:

- a process for identifying and referral of complaints that are subject to specific procedures (for example, complaints of official misconduct)
- how complaints are to be assessed
- how complaints are to be investigated
- how natural justice, privacy and confidentiality are to be observed
- an appropriate range of options for redress/remedy.

Feedback

No council was fully compliant. The highest areas of non-compliance concerned council GCPs not providing that:

- complainants are to be advised of outcomes and reasons as soon as possible after the decision is made
- complainants are to be advised of the option of requesting an internal review if they indicate they are dissatisfied with the original decision.

Monitoring effectiveness

No council was fully compliant. The highest areas of non-compliance concerned council GCPs not providing for internal reporting of complaint information and for the monitoring of the effectiveness of the GCP.

In relation to the internal reporting of complaints information, the GCPs did not provide for:

- monitoring of the time taken to resolve complaints
- how complaints will be classified to allow meaningful analysis of aggregate complaints data
- analysis of complaints data at regular intervals
- the investigation of complaint trends to identify underlying systemic causes
- the results of complaint trend analyses and recommendations to be reported to management and relevant areas
- follow up of implementation of accepted recommendations.

In relation to the regular review of effectiveness, the GCPs did not require that:

- the outcome of the review and recommendations for improvement be reported to management
- follow up of implementation of accepted recommendations.

4.3 Website based audit (visibility and access)

In May 2009, we conducted an audit of the websites of 57 councils to evaluate the extent to which their GCPs were both visible and accessible.

Visibility and access are essential elements of an effective complaints management system. Visibility is about making the public aware of the existence and details of the council's GCP. Accessibility is about making it easy for people to make a complaint,

as well as to contact staff who deal with complaints. Council websites are an important vehicle for making GCPs visible and accessible to the public and staff.

We rated council websites as 'high', 'satisfactory' or 'limited' in relation to their compliance with these two elements.

Visibility

High: Easily identifiable link on home page to complaints information **and** GCP policy/procedures document available online

Satisfactory: Easily identifiable link on home page to complaints information **or** GCP policy/procedures document available online

Limited: **No** easily identifiable link on home page to complaints information **and** GCP policy/procedures document not available online.

Accessibility

High: Online complaints form **and** printable complaints form **and** dedicated complaints email link

Satisfactory: Online complaints form **or** printable complaints form **or** dedicated complaints email link

Limited: **No** online complaints form **or** printable complaints form **or** dedicated complaints email link

We developed the following checklist to assist with our audit and evaluation.

Checklist

1 GCP document available

1.1 GCP document should be accessible on the website through easily identifiable link/s (that is, from the home page, from an easily identifiable complaints webpage, or through the search function using the word 'complain' or 'complaint').

2 Complaints information available

2.1 An easily recognisable link to customer-friendly complaints information should be available on the homepage (for example, through dedicated complaints link, the 'contact us' tab or the search function 'complaint/s').

2.2 Customer-friendly information about council GCP should be available on a dedicated webpage.

2.3 Complaints information webpage should include council's commitment to responsive, fair and effective complaints handling, how a complaint can be made, assistance available for people with disabilities (such as, TTY or National Relay Service for the vision or hearing impaired) or language difficulties, how complaints will be managed, including timeframes, and how people will be informed of progress and the outcome.

2.4 Complaints information webpage should advise people of their right to contact the Ombudsman if their complaint is unresolved.

2.5 Complaints information webpage should have reference to and link to council GCP document.

3 *Online complaints form available*

- 3.1 An online complaints form should be easily accessible from the complaints information webpage.
- 3.2 An online complaints form should give clear guidance on what information the complainant should provide to assist the council in understanding the complaint (that is, the decision, service or action complained about; who was involved; what, when and where it happened; why the action is unfair or wrong; and the result/outcome being sought).

4 *Printable complaints form available*

- 4.1 A printable complaints form should be easily accessible from the complaints information webpage.
- 4.2 A printable complaints form should give clear guidance on what information the complainant should provide to assist the council in understanding the complaint (i.e. the decision, service or action complained about; who was involved; what, when and where it happened; why the action is unfair or wrong; and the result/outcome being sought).

5 *Dedicated complaints email address available*

- 5.1 A dedicated complaints email address should be easily accessible from the complaints information webpage.

Website link to external review

As noted earlier in the report at 2.7, councils should promote the availability of external review of their decisions and actions. Our review in 2006 found that 65% of council websites had a link to our website.

In April 2010, we reviewed the websites of the 57 councils that participated in our audit to again check whether their websites included a link to our Office and whether a link was suitably located in GCP/complaints related area.

4.4 Outcome of web based audit

The essence of visibility in a complaints context is ensuring people can see that an organisation offers a clear process for handling complaints. The essence of accessibility is about making it easy for people to complain. There is little point in councils having an effective complaints process if either customers or staff do not know about it or if it is too difficult to use. If councils do not take steps to ensure members of the public can easily find out where and how to complain, those persons will become more dissatisfied and will look for alternative ways to complain.

The GCP requirements under the LGA did not include a requirement that councils make their GCP easily visible or accessible to the public or staff, including on the website. We address this issue further in Chapter 5. The GCP model addressed visibility under the heading 'Communication'. It provided that each council should publicise its GCP by providing information and training to staff and by placing the relevant policy and procedures on the website. However our audit indicates that, with the exception of a few councils, websites need to be significantly improved to provide a high level of visibility and accessibility to their GCPs.

I note that the LGOR⁴² provides that a council must ensure the public may inspect the complaints management process (including related policies and procedures) at the council's public office and on its website.

Visibility

In response to our questionnaire, 33 councils indicated that their website included information on the GCP. However our audit found that 31 (54%) councils had their GCP documents available on their website. 26 councils had no GCP document on their website. We also found that only 19 (33%) websites had customer-friendly complaints information available.

We assessed six websites as providing a high level of visibility. We considered that 24 websites were satisfactory and that 27 (47%) provided limited visibility.

Accessibility

Our audit found that only 15 (26%) websites had an online complaints form available. Additionally, we found that only 12 (21%) websites had a printable complaints form available and only nine (16%) had a dedicated complaints email link.

We assessed six websites as providing a high level of accessibility. We considered that 13 were satisfactory and 38 (67%) provided limited visibility.

Website link to external review

Our audit found that only 15 (26%) websites included a link to our website. We noted that seven links were located in areas unrelated to the GCP or complaints management generally. This is a disappointing result particularly when compared to the 2006 audit result of 65%.

4.5 Annual report based audit (complaints reporting)

Both the GCP requirements in s.501E of the LGA and model GCP require that complaints made and resolved under the GCP be recorded. It is important for the purposes of accountability and transparency that councils report on the operation and performance of their GCPs in their annual reports.

Section 531 of the LGA provides that a council must prepare an annual report for each financial year. One exception to this requirement is new councils established as a result of the reform process on 15 March 2008. The LGRIR required each new council to prepare a merging council annual report for the pre-changeover period, being 1 July 2007 to 15 March 2008. Accordingly, new councils were required to prepare an annual report based on the merging council's operations to 15 March 2008. New councils were not required to prepare an entire annual report for 2007-2008.⁴³

⁴² See s.119(4)(b).

⁴³ Section 36, LGRIR.

The LGA provides that a council's annual report must contain:⁴⁴

- (n) each of the following details for a financial year starting on 1 July 2005 or later—
- ...
- (v) the number of complaints resolved under the local government's general complaints process during the year and the number of those complaints that related to an alleged breach by a councillor of the local government's code of conduct.

New councils were required to include this information in their merging council annual report for the pre-changeover period.

We reviewed council annual reports for 2007-2008 and 2008-2009 to evaluate compliance with the GCP complaints information reporting requirement in s.534 of the LGA. We completed our review of these annual reports in March 2010.

4.6 Outcome of annual report based audit

Reporting publicly on complaints handling performance is not only a statutory requirement for councils but is an indicator of best practice complaints management.

Overall, our review of council annual reports for 2007-2008 and 2008-2009 indicated that there has been only limited compliance with the GCP reporting requirement. It also indicated that very few complaints are being processed through council GCPs. We discuss this issue in Chapter 5 of this report.

4.6.1 2007-2008 annual reports

We found that only 12 councils (21%) reported their resolved GCP complaints as required. Overall, councils reported only 138 complaints as having been resolved under the GCP in 2007-2008.

4.6.2 2008-2009 annual reports

We found that only 19 councils (33%) reported their resolved GCP complaints as required.

We noted that 24 councils incorrectly reported on their GCP. The errors included reporting the number of complaints received rather than resolved and reporting only on councillor code of conduct breaches or complaints.

Eleven councils failed to report on the GCP at all. At the time of our review in March 2010, the annual reports of three councils were not available. Overall, councils reported only 164 complaints as having been resolved under the GCP in 2008-2009.

Opinion 2

Based on my audit of councils' annual reports for 2007-2008 and 2008-2009, I am satisfied that, although councils have adopted GCPs, they have substantially failed to comply with the requirements of the LGA relating to their GCPs in that they have not used that process to deal with the vast majority of complaints they received.

⁴⁴ Section 534(1).

4.6.3 Possible reasons for not reporting

The reasons for this relatively low level of compliance are unclear. However, based on our review, we consider the following matters may have contributed to this situation.

The annual reporting requirement for GCP complaints (both general and councillor breaches) is contained in s.534(1)(n)(v) of the LGA. The other five subparagraphs in s.534(1)(n) deal only with complaints about breaches of the councillor code of conduct. It is possible that the councils that reported only on complaints about breaches of the councillor code of conduct overlooked the requirement in item (v) to report on general complaints as well.

In relation to the councils that failed to report at all on their GCP complaints, our review indicated that it is likely these councils had no resolved GCP complaints to report and that they therefore considered they were not required to report a zero figure. However, the specific terms of the requirement and its purpose clearly indicate that councils were required to report on the number of resolved GCP complaints, including where they received no complaints.

The LGA does not define the meaning of 'resolved' complaints. As already mentioned, we noted that a number of councils had incorrectly reported the number of GCP complaints they received rather than the number resolved. The ordinary meaning of 'resolved' in a complaints management context is complaints finalised, not just complaints resolved in favour of the complainant.

Local Government Bulletin 15/05 guidelines recommend that councils record details of complaints made and resolved under the following categories - refused, discontinued, withdrawn, rectified and sustained. However, they also recommend that the number of complaints reported in the annual report as resolved refers only to those categorised as rectified and sustained.

We consider the bulletin guideline is inconsistent with the LGA requirement to report on resolved GCP complaints and may have confused councils about their reporting obligations. Councils are obliged to report not only on sustained complaints but also on all other finalised complaints in a particular year, that is, complaints that were refused, discontinued, withdrawn, rectified, or not sustained.

Chapter 5: New complaints process for councils

5.1 Local government Act 2009 - New complaints process

Section 268 of the LGA 2009 requires each council to adopt a process for resolving administrative action complaints.⁴⁵ Unlike the LGA, the LGA 2009 does not use the expression 'general complaints process' but refers to the 'process for administrative action complaints'.

'Administrative action complaint' and 'affected person' are defined in the LGA 2009 in similar terms to the definitions of 'administrative action' and 'affected person' in the LGA.⁴⁶ However, one major difference is that administrative action complaints do not include complaints about a minor breach of the councillor code of conduct. Complaints about the conduct and performance of councillors will be dealt with under separate processes outlined in Chapter 6, Part 2 Councillors Division 6 of the LGA 2009.

Under the LGA, competitive neutrality complaints were excluded from the GCP. This exclusion also applies to the new administrative action complaints process (AAP). Specifically, s.48 of the LGA 2009 provides that councils must adopt a process for resolving competitive neutrality complaints.

The process for handling administrative action complaints is not outlined in the LGA 2009. However, s.268(4) authorises a regulation to be made to provide for the process for resolving these complaints.

5.2 Draft Local Government (Operations) Regulation 2010 - Public consultation

In December 2009, the Department of Infrastructure and Planning (DIP) released the draft Local Government (Operations) Regulation 2010 (LGOR) for public consultation and comment. The consultation period ended on 26 February 2010.

The AAP is provided for in Chapter 6, Part 4 of the draft LGOR (ss.96 to 98 refer). In particular, s.97 outlines the requirements for the process and s.98 confers powers on a complaints officer to refuse to investigate complaints on certain grounds.

We made a submission on the draft LGOR in relation to the new complaints process. In making our submission, we considered the draft new process, the current GCP requirements and the outcomes of our audit. We delivered our submission to DIP on 25 February 2010.

5.3 Draft Local Government (Operations) Regulation 2010 - Submission on new complaints process

In our submission, we noted that the draft LGOR (Part 4) requirements for the AAP are essentially the same as the GCP requirements contained in ss.501E and 501F of the LGA and made the following points.

- Our review of council annual reports for 2007-2008 and 2008-2009 concerning the reporting of resolved GCP complaints revealed that:

⁴⁵ *Local Government Act 2009* was assented to on 12 June 2009 and commenced on 1 July 2010.

⁴⁶ Sections 501B and 501C.

- in 2007-2008 and 2008-2009, only 138 and 165 complaints respectively were reported by councils as having been resolved under the GCP
- in 2008-2009, five councils (Gold Coast, Redland, Sunshine Coast, Brisbane and Logan) accounted for 151 (92%) of the reported complaints.
- It was difficult to accept that many of the large councils could have received so few GCP complaints in the last two financial years.
- The reported numbers were so low as to lead to the inescapable conclusion that, although councils had adopted GCPs, they were not using that process to deal with the vast majority of complaints they received.
- That conclusion was supported by the fact that our Office alone had received 1,843 and 1,955 complaints about the administrative actions of councils in 2007-2008 and 2008-2009 respectively and that we had advised about half of these complainants to put their complaints in writing to the CEO of the relevant council, seeking an internal review of their matter.
- It appears that very few of the complaints we refer back to councils are being dealt with through their GCPs.
- We estimated that for every council complaint received by us, councils would receive many more times that number.

We said in our submission that the following explanations may account for councils' failure to use the GCP:

1. The GCP requirements are seen as too onerous, complex, time consuming and costly for all but the most serious complaints. Many complaints can be dealt with in a more timely and effective way through informal resolution processes.
2. Some councils have not appointed complaints officers or delegated the council's power to decide GCP complaints, which means there may be a reluctance to take up the council's time except in the most serious complaints.
3. There may be a lack of ownership of, or commitment to, the GCP, which was imposed on councils by legislation. The result was that nearly 80% of councils adopted fully or substantially the model GCP rather than develop their own GCP to suit their operational needs and local conditions.
4. Council complaint handling practices that were in place before the GCP requirement commenced may still be seen by councils as appropriate for dealing with most complaints. For example, complaints were most likely being handled by operational/service areas, managers, directors, CEOs and mayors. For some councils, the GCP is used only as an absolute last resort after all other attempts to resolve a complaint have been exhausted.
5. Complaints are not being correctly categorised as complaints but as requests for services or requests for reviews of decisions. It is unclear whether this is a deliberate attempt to mask the true number of complaints received, or if is due to lack of training of staff who assess and categorise complaints.

6. Staff have been given inadequate information and training about the existence and operation of the GCP. In this regard, responses to our audit indicated that only 23 councils have their GCP readily available to staff on their intranet.
7. Some councils have not taken the necessary steps to make their GCPs sufficiently visible to, or accessible by, the community. For instance:
 - only six councils indicated in their response to our audit that brochures/posters on their GCP are available
 - at the time of our review of council websites, only 31 had their GCP documents available on their website, only 19 had general/customer-friendly complaints process information available on their website and 15 (at the most) had an online or printable complaints form or a dedicated complaints email address
 - complainants may not be told by council staff of their right to have their complaint dealt with under the GCP
 - a council may unreasonably restrict the way a complaint can be made (for example, it may only accept written complaints).

In view of the problems we identified in the operation of council GCPs, we considered that a principles based approach to complaints management should be introduced as this would give councils the flexibility to determine the substance, form and complexity of their systems, having regard to their size, capacity, resources, physical location, structure and the nature of services provided, as well as the source, volume and type of complaints received. This approach recognises that 'the one size fits all' complaints model is not effective.

A further reason for our advocating this approach is that, at present, there are no statutory requirements or standards applicable to a council's handling of complaints, except where a complaint is formally investigated under its GCP. This is contrary to best practice in complaints management, especially as our review has established that the vast majority of council complaints (and, for many councils, all of their complaints) are dealt with outside the GCP.

In summary, our submission was that the current GCP provisions have been largely ineffectual and the new provisions proposed in the draft regulation will be no better. We recommended that the new requirements should be both strengthened and made more flexible to ensure that all complaints are dealt with under the process, in accordance with best practice complaints management principles.

We made the following seven recommendations in our submission:

Recommendation 1

The draft Regulation be amended to require councils to report in their annual reports details of their performance in handling complaints under their AACPs.

Recommendation 2

The draft Regulation be amended by:

- omitting the paragraph referring to 'preliminary procedures'
- requiring that councils' AACPs address all types of administrative action complaints and all stages of the complaints handling process
- providing the options for administrative action complaints to be dealt with under councils' AACPs by way of investigation or informal resolution processes.

Recommendation 3

The draft Regulation require councils to implement AACPs that meet recognised principles of good complaints management.

Recommendation 4

The draft Regulation provide councils with the discretion to develop and implement AACPs that meet their individual circumstances, as long as they incorporate the recognised principles.

Recommendation 5

The draft Regulation require councils to develop and implement written policy and procedures for their AACPs.

Recommendation 6

The draft Regulation require councils to accept anonymous complaints under their AACPs and have provision for how they are to be handled in the AACP policy or procedures.

Recommendation 7

When s.268 of the LGA 2009⁴⁷ commences, DIP issue a guideline to councils clarifying that complaints under a council's AACP include complaints about its decisions, and are not limited to complaints about the way in which the administrative action was carried out.

5.4 DIP's response to our submission

In early April 2010, we met with officers of DIP's Local Government Legislation Review Team. They advised that our main recommendations had been accepted and we were given a copy of an amended drafting instruction incorporating our recommendations. At the meeting we reviewed and discussed our recommendations, the amended drafting instruction for Part 4 and clarified certain issues arising from our recommendations to assist with further drafting instructions.

In May 2010, DIP invited us to comment on excerpts of the final draft of the Local Government (Operations) Regulation and Local Government (Finance, Plans and Reporting) Regulation relating to the new complaints process.

We reviewed the final draft Regulations and provided a further submission to DIP.

In our submission we made a further seven recommendations. These related to:

- the annual reporting of complaints management process information (three recommendations)
- the informal resolution of complaints
- the resolution of complaints in a fair, objective, timely and effective manner
- the communication of the complaint decision and reasons for the decision to the complainant
- the principles of accessibility, internal and external feedback and monitoring effectiveness of the process.

The Local Government (Operations) Regulation 2010 and Local Government (Finance, Plans and Reporting) Regulation 2010 commenced on 1 July 2010. Our principal recommendations were included in the new regulations.

⁴⁷ Section 268 commenced on 1 July 2010.

However, we consider that the following recommendations should also have been reflected in the new regulations:

Local Government (Finance, Plans and Reporting) Regulation

- For the purposes of councils reporting in their annual reports on the operation of their CMPs, a resolved complaint is one that has been finalised, regardless of the process used to finalise it or the outcome of the process.

Local Government (Operations) Regulation

- The regulation should incorporate:
 - information on how to make a complaint and a commitment to providing reasonable assistance for that purpose
 - a requirement to advise complainants of any statutory appeal process, and
 - a requirement to provide information back to the area that made the decision complained about to help the area address any administrative deficiency.

5.5 Audit recommendations

The main objective of our audit was to make recommendations to improve council GCPs where appropriate. Our audit highlighted areas where council GCPs could be significantly improved to meet statutory requirements and best practice complaints management principles.

The requirements for a council's complaints management process are set out in s.119 of the LGOR. The new annual reporting requirements are set out in s.115 of the LGFPRR.⁴⁸

The LGOR provides that, by 1 July 2011, each council must establish a complaints management process that satisfies the requirements. Each council may continue to use its GCP until it adopts a complaints management process. Accordingly, each council will need to review its current GCP and either develop a new policy and procedures or revise its current policy and procedures to meet the new requirements.

DIP has advised that it intends to issue practice guidelines to assist councils in the development of their complaints management processes. Our submissions on the draft Regulations included recommendations about certain matters being addressed in the practice guidelines. We will consult with DIP on the preparation of those guidelines.

At this point in time, we do not intend to report individually to each council on our audit outcomes and recommendations on their GCPs. However, one of our reasons for having this report tabled in Parliament is to encourage councils, when developing their complaints management systems, to refer to our audit findings and recommendations, the complaints management resources on our website and DIP's practice guidelines.

⁴⁸ The *City of Brisbane Act 2010* and corresponding regulations contain identical provisions.


Appendix 1: Councils that participated in CMP Phase 2

- Belyando Shire Council
- Bundaberg City Council
- Crows Nest Shire Council
- Dalby Town Council
- Herberton Shire Council
- Millmerran Shire Council
- Roma Town Council
- Stanthorpe Shire Council
- Tara Shire Council
- Thuringowa City Council
- Tiaro Shire Council
- Townsville City Council
- Waggamba Shire Council
- Warroo Shire Council
- Whitsunday Shire Council

Total **15**

Appendix 2: Self-audit questionnaire

[Submit by Email](#) [Print Form](#)



QUEENSLAND
ombudsman

**General Complaints Process
Self-Audit for Local Government**

February 2009

Foreword

As part of its administrative improvement role, the Office of the Queensland Ombudsman (QO) has been undertaking a Complaints Management Program (CMP) as a long term initiative to improve the complaints management systems of Queensland public agencies, including local governments (councils).

The *Local Government Act 1993* (the LGA) was amended in May 2005 to require councils to adopt a Councillor Code of Conduct and establish a general complaints process (GCP) by 1 March 2006. Local Government Bulletin 15/05 was issued on 14 December 2005 to assist councils implement a GCP.

As a consequence of the council amalgamations¹ and in accordance with the *Local Government Reform Implementation Regulation 2008* (LGRIR), each new council was to adopt, with or without amendment, the GCP of one of the merging councils at or before the new council's second meeting.

In line with the above initiative, the QO is conducting audits of each council's GCP to ascertain compliance with the LGA and (where applicable) the LGRIR, and other relevant best practice recommendations for complaints management.

This document commences the audit process.

¹ 15 March 2008

¹ *GCP Self-Audit for Local Government - February 2009*

Self-Audit Toolkit

This Self-Audit Toolkit is based on the requirements of the:

- LGA²
- LGRIR³, and
- other relevant best practice recommendations for complaints management⁴.

To ensure consistency of council responses, the Self-Audit questions are to be completed with the aid of the accompanying instructions.

The Self-Audit questions are separated into the following parts:

- A. Council details
- B. Council's GCP
- C. Compliance with the requirements of the LGA and (where applicable) the LGRIR
- D. Compliance with additional recommendations for best practice complaints management.

Completion Date

The Self-Audit is to be completed, signed off by the CEO and returned to the QO by **Friday 3 April 2009**.

Queries

If you need help or have any queries about this document, contact:

Paul Leo
Manager, Training and Projects, Administrative Improvement Unit
Office of the Queensland Ombudsman
pleo@ombudsman.qld.gov.au.

² Sections 501E and 534(n)

³ Section 50

⁴ Queensland Ombudsman *Effective complaints management fact sheet series 1 – 16*; and Queensland Ombudsman *Guide to developing effective complaints management policies and procedures*.

Part A - Council Details

I. Council Details

Council name _____

II. Officer completing Self-Audit

Name _____

Business area _____

Contact telephone & e-mail _____

III. GCP audit liaison officer for the QO

Name _____

Contact telephone & e-mail _____

IV. Documents required

- Council's GCP
- Council's resolution adopting its GCP
- Council's resolution adopting its merging local government Annual Report, if applicable

V. CEO (for sign-off):

Name _____

Signature _____

Date _____

Instructions

IV. Please tick to indicate which documents are attached.

V. Please complete required fields immediately prior to return of the Self-Audit to the QO.

Part B - Council's GCP**a. Council's GCP includes:**

- Policy
- Procedures
- Database
- Resources

Instructions

a. Please tick all that apply.

b. Council's GCP resources include:

- Staff trained in complaints management
- Website with information on council's GCP
- Intranet with information on council's GCP
- Dedicated call centre or complaints hotline
- Brochures and/or posters and/or leaflets/mailouts
- Other _____

b. Please tick all that apply. If you tick 'Other', please *outline the resource(s) used*.

c. Council's GCP database captures and reports on complaints data via:

- Centralised database, used throughout the agency solely for capturing and reporting on complaints data
- Centralised combined database, used throughout the council for capturing and reporting on complaints data and for other purposes
- Decentralised database, which receives information via other council databases/ sources
- Other _____

c. Please tick to indicate that which most closely applies. If you tick 'Other', please *describe the features of your database*.

d. The technical format for the council's GCP database is:

- Dedicated software
- Spreadsheet
- Table
- Combination of formats _____
- Other _____

d. Please tick to indicate that which most closely applies. If you tick 'Other', please *describe the technical format being used*.

Part B - Council's GCP

Instructions

e. Is council a new local government established in 2008?

Yes

No

f. Has council adopted (either in full or with minor amendment(s)) the sample/ model GCP as provided for in Local Government Bulletin 15/05 (Appendix 'J')?

Yes - Section/Page: _____

No

f. Please tick that which applies. If you tick 'Yes' and have adopted the model GCP, with minor amendment(s), please identify the nature of the amendment(s) and the relevant page(s) and section(s) of the GCP which were amended.

NOTE:

If you have ticked 'Yes' in question f, do not complete Parts C and D

If you have ticked 'No' in question f, please proceed to Parts C and D

Part C - Compliance with the requirements of the LGA and (where applicable) the LGRIR**1. The date council adopted its GCP by resolution**

Instructions**2. Council's GCP includes the following elements:**

- The process for selecting and appointing a complaints officer to investigate complaints
Section/Page: _____
- Preliminary procedures before an affected person can make a complaint
Section/Page: _____
- The way an affected person may make a complaint
Section/Page: _____
- Sending complaints to, and their investigation by, the complaints officer
Section/Page: _____
- Giving an affected person who makes a complaint an opportunity to give the complaints officer further information about the complaint
Section/Page: _____
- A requirement that the complaints officer give council and affected person notice of a decision made by a complaints officer to refuse to investigate the complaint, and the reasons for the decision
Section/Page: _____
- A requirement that, if the complaint is not resolved to the affected person's satisfaction through the GCP, the complaints officer give the council and affected person:
- (i) a written report on the results of the investigation of the complaint; and
- (ii) any recommendation in relation to the complaint the officer considers appropriate
Section/Page: _____
- The time within which the complaints officer must give the report and any recommendations
Section/Page: _____
- A requirement that the council give the affected person notice of the outcome of its consideration of the report and recommendations
Section/Page: _____

2. Please tick all that apply, and identify the relevant page and section of the GCP.

Question 2 continued over page

Part C - Compliance with the requirements of the LGA and (where applicable) the LGRIR

Question 2 continued...

- Recording the number of complaints made and resolved through the GCP

Section/Page: _____

- A requirement that the person appointed to be a complaints officer to investigate a complaint must not be involved with the administrative action or alleged minor breach of the code of conduct that is the subject of the complaint

Section/Page: _____

3. The council's GCP incorporates the requirements of s.250S of the LGA - 'How local government must deal with complaints officers report'

- Yes - Page: _____
- No

4. Is the information required under s.534(n) of the LGA included in council's 2007/08 Annual Report?

- Yes - Page: _____
- No

Instructions

2. *Continued...*

See previous.

3. Please tick that which applies.
If you tick 'Yes', please *identify the relevant page number and section.*

4. Please tick that which applies.
If you tick 'Yes', please *identify the relevant page number and section.*

Part D - Compliance with additional indicators of complaints management best practice**Commitment****5. Council's GCP contains clear statements outlining its commitment to:**

- Ensuring complaints are managed in a responsive, efficient, effective, fair and economical way
Section/Page: _____
- Managing complaints confidentially and with due respect
Section/Page: _____
- Ensuring complainants will not suffer any reprisal for making a complaint
Section/Page: _____
- Appropriately training and resourcing of staff handling complaints
Section/Page: _____
- Providing staff handling complaints with appropriate authority to resolve them
Section/Page: _____
- Ensuring a senior officer is responsible for the system's effectiveness
Section/Page: _____

6. Council's GCP references the related principles for 'customer satisfaction' as found in AS ISO 10002-2006

- Yes - Section/Page: _____
- No

7. A commitment to best practice in complaints management is outlined in one or both of the following publicly available council documents:

i. Strategic plan

ii. Annual report

- Yes - Section/Page: _____
- No

Instructions

5. Please tick all that apply, and identify the relevant page and section for each element.

6. Please tick that which applies. If you tick 'Yes', please identify the relevant page and section.

7. Please tick that which applies. If you tick 'Yes', please identify the document and the relevant page and section.

Part D - Compliance with additional indicators of complaints management best practice

Visibility and Access

8. Council's GCP:

- Provides information on where and how to make a complaint on council's public website
Section/Page: _____
- Provides that council's policy/ procedures can be accessed on its public website
Section/Page: _____
- Provides that online complaint forms are available
Section/Page: _____
- Provides that customer friendly brochures or other material on its GCP is readily available at council offices and service centres
Section/Page: _____
- Provides that reasonable assistance is available to those wishing to complain who are in any way disadvantaged by intellectual or physical disability, education, language ability (e.g. non-English speaking) or any other impairment
Section/Page: _____
- Provides that a copy of council's GCP is available on request
Section/Page: _____
- Allows complaints to be made orally as well as in writing
Section/Page: _____
- Allows complaints to be made anonymously
Section/Page: _____
- Readily identifies how complaints will be processed
Section/Page: _____

Instructions

8. Please tick that which applies and *identify the relevant page and section for each element.*

Part D - Compliance with additional indicators of complaints management best practice**Responsiveness****9. Council's GCP specifies:**

- How and when complaints will be acknowledged
Section/Page: _____
- That complaints are to be prioritised based on criteria
e.g. Urgency, complexity, seriousness
Section/Page: _____
- Indicative time frames for responding to complaints
Section/Page: _____
- That complainants will be provided with indicative
time frames when making a complaint
Section/Page: _____
- That complainants will be provided with progress
reports with relative frequency
Section/Page: _____
Frequency: _____
- Policy and/ or procedures are available to staff on
the council's intranet
Section/Page: _____
- That all staff are made aware of the existence and
operation of the council's GCP at induction and/ or
through other internal communication mechanisms
Section/Page: _____
- That staff with any role in the council's GCP are
appropriately trained
Section/Page: _____

Instructions

9. Please tick that which applies and identify the relevant page and section for each element.

Part D - Compliance with additional indicators of complaints management best practice

Assessment and Action

Instructions

10. Council's GCP:

10. Please tick that which applies and identify the relevant page and section for each element.

- Describes the application/scope of the policies (complaints covered)
Section/Page: _____
- Provides clear information about the roles and responsibilities of agency staff in the complaint handling process
Section/Page: _____
- Requires the identification and referral of particular complaint types that are subject to specific complaint procedures (e.g. Official Misconduct, Public Interest Disclosures, HR Grievances)
Section/Page: _____
- Encourages early resolution of complaints as an alternative to investigation
Section/Page: _____
- Outlines how complaints are to be assessed
Section/Page: _____
- Specifies that complaints are to be dealt with fairly and objectively
Section/Page: _____
- Outlines how complaints are to be investigated
Section/Page: _____
- Outlines how natural justice, privacy (personal information) and confidentiality are to be observed
Section/Page: _____
- Outlines authority of staff to resolve complaints
Section/Page: _____
- Outlines an appropriate range of possible options for redress/remedy
Section/Page: _____

Part D - Compliance with additional indicators of complaints management best practice**Feedback****11. Council's GCP provides:**

- Complainants will be advised of outcomes and reasons as soon as possible after the decision is made
Section/Page: _____
- Complainants will be advised of any available statutory review/appeal (court or tribunal)
Section/Page: _____
- Complainants will be advised of internal review option if they indicate disagreement with the decision
Section/Page: _____
- Complainants will be advised of external review by Ombudsman if they indicate disagreement with internal review decision
Section/Page: _____
- Identified potential system improvements will be advised to the relevant council area for action
Section/Page: _____

Instructions

11. Please tick that which applies and identify the relevant page and section for each element.

Part D - Compliance with additional indicators of complaints management best practice

Monitoring Effectiveness

12. Council's GCP outlines:

- The statutory, policy and reporting requirements and how these will be met and by whom
Section/Page: _____
- The requirements for systematic recording and reporting of complaints data, including:
 - i. number and type of complaints received
 - ii. time frames for assessment and action
 - iii. complaints decisions/ outcomes
 - iv. opportunities for systemic improvementSection/Page: _____
- Time taken to resolve complaints will be monitored – how and by whom
Section/Page: _____
- How complaints will be classified to allow meaningful analysis of aggregate complaints data
Section/Page: _____
- Complaint analysis will be conducted at regular intervals to identify trends
Section/Page: _____
- Complaint trends are investigated to identify underlying systemic causes
Section/Page: _____
- Results of complaint trend analyses and recommendations work to address systemic causes and reported to senior management and to relevant areas/s
Section/Page: _____
- Officers responsible for analysing complaints, developing recommendations and reporting and following up implementation of accepted recommended system improvements
Section/Page: _____

Instructions

12. Please tick that which applies and *identify the relevant page and section for each element.*

Part D - Compliance with additional indicators of complaints management best practice**13. Council's GCP provides for:**

- The regular review of the effectiveness of the GCP
Section/Page: _____
- The terms of reference of the review (e.g. the practical application of the GCP at the frontline level, survey of customers and staff, audit of complaints to assess compliance with the GCP and appropriateness of outcome/s)
Section/Page: _____
- The outcome of the review and recommendations for improvement to the GCP are reported to senior management
Section/Page: _____
- Follow up by designated officer/s to ensure the implementation of accepted recommendations
Section/Page: _____

Instructions

13. Please tick that which applies and *identify the relevant page and section for each element.*

14. Adherence by relevant staff to timeframes set out in council's GCP is linked to council's performance planning and performance review processes

- Yes - Section/Page: _____
- No

14. Please tick that which applies. If you tick 'Yes', please *identify the relevant page and section.*

Appendix 3: Councils that participated in CMP Phase 3

City Councils (7)

- Brisbane
- Gold Coast
- Ipswich
- Logan
- Mount Isa
- Redland
- Townsville

Shire Councils (22)

- Balonne
- Banana
- Barcoo
- Boulia
- Bulloo
- Burdekin
- Burke
- Carpentaria
- Cloncurry
- Cook
- Croydon
- Diamantina
- Etheridge
- Flinders
- Hinchinbrook
- McKinlay
- Murweh
- Paroo
- Quilpie
- Richmond
- Torres
- Winton

Regional Councils (28)

- Barcaldine
- Blackall-Tambo
- Bundaberg
- Cairns
- Cassowary Coast
- Central Highlands
- Charters Towers
- Fraser Coast
- Gladstone
- Goondiwindi
- Gympie
- Isaac
- Lockyer Valley
- Longreach
- Mackay
- Maranoa
- Moreton Bay
- North Burnett
- Rockhampton
- Scenic Rim
- Somerset
- South Burnett
- Southern Downs
- Sunshine Coast
- Tablelands
- Toowoomba
- Western Downs
- Whitsunday

Total **57**



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