Complaints Management Policy (CMP) – [insert council’s name ] Aboriginal Shire Councils

# Authority

This is [insert council’s name] CMP policy and procedures for resolving administrative action complaints as required by the s.268 of the *Local Government Act 2009* and s.306 of the Local Government Regulation 2012.

# Commencement

The CMP policy and procedures were adopted by council on [insert date] and apply from [insert date].

# Commitments

Council acknowledges that people have a right to make complaints about its actions. The CMP makes sure complaints are managed fairly, quickly and professionally.

Council will make sure:

* anyone who is not happy about council can easily make a complaint.
* people are given help to make their complaint.
* people are not disadvantaged or treated unfairly after they make a complaint.
* it deals with complaints quickly and fairly.
* people are told what council has decided about their complaint and the reasons for the decision.
* if people are still not happy, they are told how to appeal council’s decision
* complaints are recorded and reported on to help council provide better services.

# Objectives

A CMP is there to:

* make it easier for people to make a complaint
* make it easier for council to deal with complaints
* help council improve its services
* give the community confidence in council.

# CMP availability

The CMP and these policy and procedures are available on council’s website and at their offices.

Council needs to tell all staff that it has a CMP and help them understand how to use it.

# Scope

The CMP applies to all administrative action complaints and the way they are handled.

Examples of an administrative action include:

* a decision or failure to make a decision, including a failure to provide reasons for the decision in writing
* making a recommendation.

An administrative action complaint includes complaints that are:

* fixed quickly
* made verbally
* made anonymously.

An affected person is someone who is seems to be directly affected by an administrative action of council.

The CMP doesn’t apply to:

* complaints about the conduct or performance of councillors
* complaints about corruption
* public interest disclosures
* complaints covered by separate review or appeal processes.

# Complaints Model

Council’s CMP is a step by step way to receive, record, assess, review, respond and report on complaints. It recognises that complaints are usually made verbally to the CEO or staff at council’s office.

Stage 1: Complaints are initially managed and resolved by the CEO. The CEO can refer a complaint to a head of department (HOD).

Stage 2: Unresolved complaints are referred to council for review and response.

Stage 3: People who are not happy with the way council has handled their complaint can contact the Queensland Ombudsman for help.

# Receiving complaints

#### Making a complaint

People can make a complaint:

* by telephone or in person
* by email or online, via council’s website
* in writing, addressed to the CEO
* anonymously
* If a complaint is made on a person’s behalf council will check that the person is happy for council to respond directly to their representative.

#### Helping people make a complaint

* council officers should help people make a complaint, and tell them what information they need to provide.
* council should arrange help if a person needs an interpreter, or has special needs.

#### Acknowledging complaints

* council should let people know they have received their complaint within two days.
* council can let people know they have received their complaint verbally or in writing.
* Acknowledgements should tell people how long it will take to handle the complaint and contact details for the officer dealing with the complaint.

# Recording complaints

All administrative action complaints will be recorded in a complaints register.

The complaints register should include:

* a complaint reference number
* the name of the person making the complaint
* date received
* what the complaint is about
* the outcome of the complaint
* date the complaint was finalised
* action required and the date council will take action.

All written complaints will be referred to the CEO. The CEO will arrange for the complaint details to be recorded in the complaints register.

All verbal complaints will be recorded by the receiving officer and passed on to the CEO. Details of the complaint will be entered in the complaints register. If a verbal complaint is complex, the CEO can ask the person to put their complaint in writing.

Council officers should create a full record of how the complaint is managed.

The complaint record should include:

* a complaint reference
* the name and contact details of the person making the complaint
* date the complaint was received (and how)
* what the complaint is about
* information collected and considered by council
* actions taken to fix the problem
* complaint decision and the reasons for the decision
* final response communicated to complainant
* date complaint finalised.

# Assessing complaints

Each complaint should be looked at carefully to figure out:

* what the complaint is about
* how it should be managed, including whether it is urgent
* if any extra information is needed.

Council needs to look at:

* whether the complaint involves an administrative action of council or its staff
* whether person making the complaint is directly affected
* whether the complaint is worth investigating
* whether the person making the complaint has a right to appeal council’s decision
* what the person wants council to do to fix the problem

Anonymous complaints will be accepted and dealt with like any other complaint.

Important considerations include:

* how serious the complaint is
* how much information is provided
* whether council is able to properly investigate the complaint.

The complaint officer’s assessment will be recorded in the complaint record/file.

# Reviewing complaints

Complaints will be dealt with quickly and efficiently. Complaints should also be handled in a fair and objective way.

When council deals with a complaint, it should:

* talk to the person making the complaint to check whether they understand all the issues
* gather and consider all relevant information about the complaint
* identify and consider relevant laws, policies and procedures
* give anyone affected by the complaint a fair hearing before the complaint is decided
* decide what can be done to fix the problem.

Council can fix the problem by:

* apologising
* offering a refund or financial compensation
* changing its decision
* changing its policy, practice, procedure
* fixing misleading or inaccurate records
* offering help, providing further information or referring the complaint to someone who can help.

# Responding to complaints

Council should tell the person making the complaint what it decides within 15 working days of the complaint being received. Council’s final response can be provided verbally, but should be confirmed in writing.

If the final response cannot be provided within this time, council should let the person know how their complaint is progressing and when they can expect a response.

The final response should include:

* council’s decision and the reasons for the decision
* contact details for the officer handling the complaint
* information about any right of appeal.

# Reporting on how the CMP works

Senior management should receive a report each year on how the CMP is working.

The internal report will:

* identify and analyse complaint trends, significant issues and figure out whether the CMP is operating effectively
* include any recommendations for improvement
* monitor how the council will implement accepted recommendations.

# External reporting

Council’s annual report will contain the following information about the CMP:

* a statement about how the CMP is working, including an assessment of council’s performance in resolving complaints under the CMP
* the number of all complaints made, resolved and unresolved during the financial year
* number of complaints unresolved from the previous financial year.