



ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY

Minute Number:

Adopted on: 27/08/2014

1. LEGISLATIVE AUTHORITY

Section 268 of the *Local Government Act 2009* (“the Act”) requires Council to establish a complaints management process for resolving administrative action complaints. This process must include the elements contained in Section 306 of the *Local Government Regulation 2012*.

2. BACKGROUND AND/OR PRINCIPLES

The Whitsunday Regional Council has established a policy for investigating complaints about the administrative actions of Council.

The Council must approve, by resolution, any amendment to the Administrative Action Complaints Management Policy (“policy”).

3. POLICY OBJECTIVES

This policy is established with the following objectives:

- (a) To establish a Complaints Management Policy for investigating complaints about an administrative decision and/or actions in accordance with section 268 of the Act.
- (b) The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of Council.
- (c) A complaints policy that is easy to understand and is readily accessible to all.
- (d) Detection and rectification, where appropriate, of administrative errors.
- (e) Identification of areas for improvement in Council’s administrative practices.
- (f) Increase in awareness of the complaints policy for Council’s officer and the community.
- (g) Enhancement of the community’s confidence in the complaints policy and of the reputation of Council as being accountable and transparent.
- (h) To build the capacity of Council officers to manage complaints effectively in an environment of continuous improvement.

4. SCOPE

The Administrative Action Complaints Management Policy applies to all Councillors and employees.

However, the policy does not apply to a complaint:

- (a) which is not about an administrative action of Council;
- (b) made by a person not deemed to be an “affected person”;
- (c) which is a request for service, or information, or provision of feedback in negative terms;

- (d) Regarding a decision made under a Local Law which is reviewable under a local law process;
- (e) regarding any matter already covered by a separate statutory review process, for example, planning complaints covered under the *Sustainable Planning Act 2009* or competitive neutrality complaints covered under the *Local Government Act 2009*.
- (f) regarding official misconduct that should be directed to the Crime and Corruption Commission;
- (g) regarding misconduct that should be directed to the Department of Local Government's Chief Executive Officer;
- (h) regarding Public Interest Disclosures made under the *Public Disclosures Act 2010*;
- (i) about a Council officer's member's conduct. Complaints about a Council officer's conduct will be investigated by the Chief Executive Officer in accordance with the relevant procedures;
- (j) regarding a Councillor's conduct or performance that must be dealt with under the provisions of the *Local Government Act 2009*;
- (k) about a court decision; or
- (l) about social media comments.

5. POLICY STATEMENT

- 5.1 Council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.
- 5.2 This policy has been instituted to ensure that, to the greatest practical extent, any administrative action complaint ("complaint") is dealt with fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant.
- 5.3 Council commits to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.
- 5.4 Council's complaints process shall be such that anyone who is dissatisfied about a decision or other action of Council or a Council officer can lodge a complaint easily and simply.
- 5.5 Council will take appropriate steps to publicise this policy and the associated process. For example, Council will place this document on its website and ensure that hard copies are available in Council's customer service centres.
- 5.6 Council will ensure that complainants are provided with information on this policy and, if necessary, assistance to make their complaint.
- 5.7 Upon receiving a complaint, Council will perform an initial assessment of each complaint in terms of its seriousness, safety implications, complexity and degree of urgency.
- 5.8 A Council officer who investigates a complaint must be senior to the Council officer who performed the administrative action that is the subject of the complaint. The only exceptions to this is for a complaint made about the CEO, or if the CEO has a conflict of interest, in which case the Mayor shall have the responsibility of investigating or resolving the complaint with the assistance of the Deputy Mayor and/or a Senior Executive Employee.
- 5.9 Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of Council's administrative practices.

- 5.10 Council officers will inform the subject of the complaint that there has been a complaint made against them and that it is Council's policy to disclose information about the progress of the investigation and its outcome to the complainant.
- 5.11 Council officers will ensure that complaints are responded to as quickly as possible and in accordance with the timeframes set out in the Administrative Action Complaints Process.
- 5.12 Council officers will keep complainants informed of the progress of the handling of their complaint, the timing of its handling and the outcome of the complaint.
- 5.13 Complainants will not suffer any reprisal from council or its officers for making a complaint.
- 5.14 Council officers will monitor complaints with a view to continuous improvement of Council's business policies.
- 5.15 If a complainant is not satisfied that a complaint has been satisfactorily resolved, a Council Officer will inform the complainant of any statutory right of review and, if requested, provide the complainant details of any further review mechanism that is available.
- 5.16 Council will co-operate fully with any investigating authority charged with dealing with a complaint e.g. the Queensland Ombudsman.
- 5.17 This policy is not a tool to bring Council business to a halt nor to delay or prevent Council making decisions.
- 5.18 If there is any conflict between this policy or the associated process and the requirements of the Act or any other relevant legislation, the legislative requirements must take precedence.

6. DEFINITIONS

Terms used in the complaints policy have the following meanings:

administrative action complaint - is a complaint that –

(a) is about an administrative action of a local government, including the following, for example:

- (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- (ii) an act, or a failure to do an act;
- (iii) the formulation of a proposal or intention;
- (iv) the making of a recommendation; and
- (v) is made by the affected person

affected person - is a person who is apparently directly affected by an administrative action of local government.

CEO – the chief executive officer of Council.

complainant – the affected person or organisation making a complaint.

complaint – an expression of dissatisfaction by a person regarding a decision or other action of Council

complaints management policy – is a policy for resolving complaints about administrative actions of the local government that –

(a) covers all administrative action complaints made to the local government; and

- (b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
- (c) includes the criteria considered when assessing whether to investigate a complaint; and
- (d) requires the local government to inform an affected person of the local government's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

council – Whitsunday Regional Council

council officer – includes a permanent, temporary, casual or contract member on Council's staff.

request for service – a request for Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.

the Act – Local Government Act 2009.

7. ASSOCIATED POLICY OR PROCEDURES

Administrative Actions Complaints Management Process

A Guide to Administrative Action Review

8. RELATED POLICIES

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process.

9. REVIEW

This policy, and the associated procedure, shall be reviewed every two years.

The review will evaluate the performance of the complaints management process and will consider the following aspects, where necessary:

- (a) **Accessibility** – whether the complaint process is readily available to members of the community and is user-friendly.
- (b) **Timeliness** – whether timelines for responding to complaints have been met and, if not, remedial action proposed.
- (c) **Satisfaction** – as evidenced by any complaint about the complaints process.
- (d) **Compliance** – by considering reports on the operation of the complaints process.

The complaints management process will be amended in terms of any adopted recommendation arising from the review.

10. DATE REVIEWED

August 2014

11. NEXT REVIEW

July 2016