

5.4. ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY AND PROCEDURES

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RECOMMENDATION

That Council adopts the updated Administrative Action Complaints Management Policy and Procedures.

EXECUTIVE SUMMARY

Council's Administrative Action Complaints Management System Policy, adopted by Council 22 November 2016, has been updated as required by the Queensland Ombudsman's Office and is presented to Council for adoption.

BACKGROUND

The Queensland Ombudsman's Office undertook a review of Council's Administrative Action Complaints Management System Policy and required the following changes to be made:

- Change of name from 'Administrative Action Complaints Management System Policy' to 'Administrative Action Complaints Management Policy and Procedures'
- Inclusion of a statement listing the complaints information to be recorded in the system used for complaints recording
- Inclusion of a non-exhaustive range of remedies to be made available.

COMMENT

Prior to presenting this policy to Council for adoption, it has been referred to the Queensland Ombudsman Office and they have reviewed and approved the changes.

PROPOSAL

That Council adopts the updated policy.

FINANCIAL/RESOURCE IMPLICATIONS

Ongoing unresolved complaints can have an impact on the budget and consume council resources unnecessarily. A robust complaints management system will reduce the risk of this occurring.

RISK MANAGEMENT IMPLICATIONS

Unresolved complaints can be a significant risk to Council. A robust complaints management system will reduce the risk of reputational damage to Council.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 – Governance

5.2.2 - Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator Meeting the responsibilities associated with regulating activities through legislation or local law.

CONSULTATION

Internal: Nil
External: Queensland Ombudsman

ATTACHMENTS

1. Administrative Action Complaints Management General Policy Nov-18 **[5.4.1]**

Administrative Action Complaints Management Policy and Procedures

Intent

This policy has been developed to support Council's continuing commitment to inclusive and ethical governance for the Douglas communities by appropriately addressing complaints from external sources.

Section 268 (1) of the *Local Government Act 2009* requires Council to establish a complaints management system (CMS) for resolving administrative action complaints.

The CMS has been established to ensure complaints are dealt with fairly, objectively, professionally, respectfully and subject to any legal requirements, in confidence.

Council:

- acknowledges the right of the public and its staff to complain when dissatisfied with a service, and encourages feedback from customers, clients, staff and the general public;
- requires staff to be 'complaints friendly' and not defensive or negative about feedback and complaints; and
- recognises that properly handled and analysed, complaints and feedback help Council to improve its business processes and therefore, time spent on handling complaints is an investment in better service to the public.

Legislation

- *Local Government Act 2009* s187, s268
- *Local Government Regulation 2012* s306

Definitions

- An **administrative action complaint** is defined in Section 268 (2) of the *Local Government Act 2009* as a complaint that is about an administrative action of a local government including the following: a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; the making of a recommendation; and is made by an affected person.
- **Affected person** - A person who is apparently directly affected by an administrative action of Council.
- **Complainant** - The affected person or organisation making a complaint.
- **Council Officer** - Includes a permanent, temporary, casual or contract person under Council employment.
- **Management Team** - Team comprising of the Chief Executive Officer and Managers of Council.
- **Request for service** - A request for the Council to take action to satisfy the needs of a customer or ratepayer.

Scope

This policy applies to all Councillors and Council staff and to all administrative action complaints lodged by an affected person. It has been established to achieve the following objectives:

- Provide a framework for the resolution of complaints about the administrative actions of Council which is easy to understand and readily accessible to all.
- Ensure complaints are treated in a fair and objective manner and that an efficient and consistent approach is undertaken with the assessment of all complaints.
- Enable appropriate implementation of enhancements to Council's administrative processes through the effective management of complaints.
- Foster an organisational culture of continuous improvement.
- Establish relevant and on-going training to build the capacity of staff to effectively manage complaints.

Whilst this policy is intended to capture all complaints, there are certain processes in complaint management which are regulated by legislation and therefore separate policies or systems may apply, for example:

- Complaints about the conduct or performance of the Mayor or Councillors are dealt with under the Code of Conduct for Councillors General Policy.
- Complaints against employees and reports of suspected official misconduct are dealt with under Council's Performance, Misconduct and Disciplinary Procedures.
- Public Interest Disclosures are dealt with under Council's Public Interest Disclosure Policy.
- Requests for Service are dealt with under Council's Customer Request Management System.
- Other matters covered by a separate statutory review process.

A complaint is a record of a customer's dissatisfaction with delivery of a product or service offered by Council or the unsatisfactory conduct of a Council officer. This is distinct from a request for service. However, a request for service may develop into a complaint where the provision or timeliness of the service is considered unsatisfactory.

Council reserves the right to refuse to investigate a complaint if it is reasonably considered that:

- the complaint is trivial, concerns frivolous matters, or was vexatious; or
- the complainant does not have a sufficient direct interest in the administrative action which is the subject of the complaint; or
- the complainant has a right of appeal, reference or review, or another remedy that the person has not exhausted; or
- the complaint has been previously investigated by a former Council which had jurisdiction over the Douglas Shire Council local government area.

Process

Complaints may be made by completing an *Administrative Action Complaint* form obtainable on Council's website www.douglas.qld.gov.au or by request.

Forms can be:

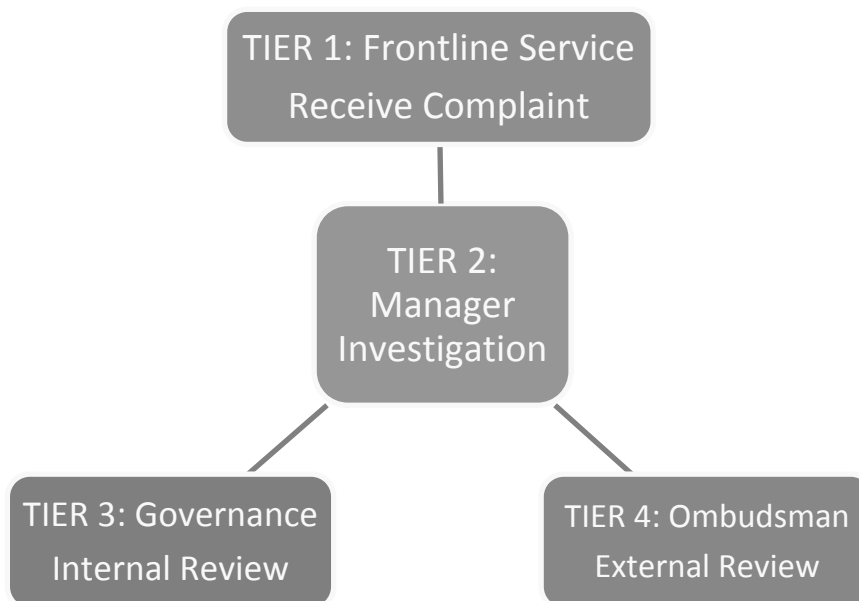
- emailed to enquiries@douglas.qld.gov.au
- posted to: The Chief Executive Officer Douglas Shire Council, PO Box 723 Mossman QLD 4873 or
- lodged in person at Council's Administration Office in Mossman.

Alternatively complaints may be made by telephone to a Customer Service Officer on (07) 4099 9444.

Council will provide reasonable assistance to aid an affected person in lodging their complaint.

Anonymous complaints will be referred to the Manager Governance who will determine whether further action will be taken.

This policy will be published on Council's website, and may be inspected at Council's administration Office.



On receipt of an Administrative Action Complaint, the Governance Officer will record the complaint in a complaints register. The information in the register will include:

- a complaint reference number
- the date the complaint was received
- the name and contact details of the complainant
- what the complaint is about
- the outcome of the complaint (including any action to be taken), and
- the date the complaint was finalised.

Complaints will be directed to relevant Manager to investigate or if the complaint concerns a Manager, referred to the relevant General Manager or Chief Executive Officer. No person will investigate a case in which they have a direct interest.

The complainant will be provided with the contact details of the officer investigating the complaint and likely timeframe to advise of decision.

Council can fix the problem by:

- apologising
- offering a refund or financial compensation
- changing its decision
- changing its policy, practice, or procedure
- fixing misleading or inaccurate records

- offering help, providing further information or referring the complaint to someone who can help.

The progress of the investigation and the decisions and outcomes will be communicated to the affected people in a timely manner. Council will endeavour to meet the following timeframes:

- Acknowledgement letter - issued within 10 working days.
- Notification of the outcome of the complaint:
 - for complaints that are not of a complex nature - within 20 working days; or
 - for complex complaints – within 40 working days.

The timeframe for dealing with a complaint will be dependent on:

- the urgency of the situation in terms of loss or damage likely to be incurred
- the complexity of the issue
- the time required to locate all relevant documentation and
- the availability of persons, staff or external parties, who need to be consulted.

Consequently the above time frames are indicative and, should the investigating officer determine more time is required during the course of investigation the complainant will be advised of the amended time frame.

The following principles will be adopted by any officer investigating a complaint:

- confidentiality of the investigation will be maintained to the extent that it can be reasonably achieved
- all complaints will be considered impartially and objectively using procedural fairness and natural justice
- courtesy and consideration will be given to all concerned, including the Council officers who are managing a complaint or the subject of a complaint.

Following the investigation of the complaint, the officer undertaking the investigation will submit a report to the Governance Officer providing the following:

- the complaint issue
- a concise summary of the facts and circumstances
- any relevant legislation or relevant Council policy
- details of persons interviewed or consulted and information obtained
- results of any relevant research
- analysis of the complaint issues
- whether or not the complaint is substantiated and reasons for the findings
- recommendations to finalise the complaint, and
- recommendations in regard to any opportunities for systemic and/or service level improvements.

The Governance Officer will issue the complainant a written letter advising the outcome of the investigation and the reasons for the decision. This notice will also detail their rights to request an internal review of the decision should the complainant be dissatisfied with the outcome.

Upon receipt of a request for an internal review, the Governance Manager will make a determination on whether the review will be undertaken by an independent area of Council or whether an appropriate consultant should be engaged. The outcomes of the internal review will be conveyed in writing to the

complainant and they will be provided with information on how to seek an external review should they remain dissatisfied with the outcome.

Reviewers will be:

- independent of and no less senior than the original decision maker
- have the necessary expertise to review particular matters
- have ready access to relevant materials and personnel, and
- receive full cooperation within Council at all levels.

Reporting Complaints

Council's Record Management System will be utilised to record all administrative complaints and the complaint register will contain sufficient information to enable analysis of complaints received, to report on trends and provide the ability to review service levels through identified improvements.

As required by Section 187 of the *Local Government Regulation 2012*, Council's Annual Report will contain the following:

- A statement about Council's commitment to dealing fairly with administrative action complaints and a statement about how Council has implemented its complaints management process, including an assessment of Council's performance in resolving complaints under this process.
- The number of administrative action complaints in the current financial year: made to Council; resolved by Council under the complaints management process; not resolved by Council under the complaints management process; and the number of unresolved complaints that were made in the previous financial year.

Monitoring Complaints

The Governance Manager will report to the Management Team on quarterly basis information including but not limited to:

- complaints received and outcomes determined
- time taken to resolve complaints
- comparisons with historical data and trend analysis
- identification of significant, emerging or recurring issues and recommendations for improvements
- status of the implementation of any previously identified improvements, and
- compliance with this policy and relevant procedures.

In addition the Governance Manager will review the CMS annually for effectiveness. The scope of the review will include all major CMS elements, staff and customer CMS feedback, and an audit of finalised complaints for compliance and correctness of outcomes. The Executive Leadership Team will review the report and approve the implementation of accepted recommendations.

Resources and training

Council will implement regular internal communication of the CMS policy and procedure. This will include communication via email, staff induction sessions, and information published on Council's intranet.

Complaints handling staff will be provided with regular training on complaints management and Council's CMS policy and procedures.

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

General Manager Corporate Services

ADOPTED: 24 June 2014
REVISED V3: 6 November 2018
DUE FOR REVISION: November 2022