

<b>ORDINARY COUNCIL MEETING</b>  <b>24 JUNE 2014</b>	<b>5.5</b>
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## COMPLAINTS MANAGEMENT PROCESS GENERAL POLICY

**Darryl Crees: General Manager Corporate Services #422786**

### **RECOMMENDATION:**

**That Council adopts the Complaints Management Process General Policy.**

### **EXECUTIVE SUMMARY:**

Developing processes to effectively manage administrative action complaints will provide opportunities to Council to enhance service delivery to our communities. The policy presented for adoption details Council's commitment to handling all complaints respectfully and ensuring the assessment is undertaken in a fair and objective manner.

### **BACKGROUND:**

Pursuant to section 268 of the Local Government Act 2009, Council is required to adopt a process for resolving administrative action complaints.

### **COMMENT:**

An administrative action complaint is a complaint lodged by a person who is apparently directly affected by an administrative action of Council. These types of complaints may vary in complexity and the Complaints Management Process presented details Council commitment to resolving complaints lodged.

### **PROPOSAL:**

The Complaints Management Policy is presented for adoption and will be utilised by all staff who are involved in investigation and assessment of administrative action complaints.

### **CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

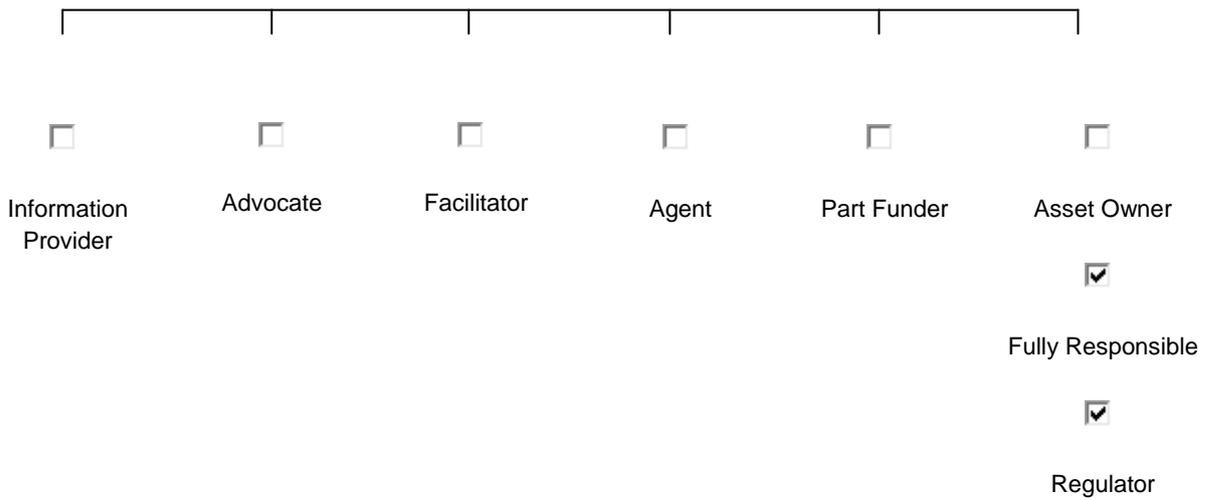
This policy has been prepared in accordance with:

- Corporate Plan – Goal 5.2.2 – *“Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.”*
- Operational Plan – Major Initiative G2 – *“Develop a Complaints Management Process”*

## **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:



**Fully Responsible:** Funding the full cost of a program or activity.

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

**FINANCIAL/RESOURCE IMPLICATIONS:**

There is a legislative requirement for Council to investigate administrative action complaints therefore any costs incurred will be absorbed within budget.

**RISK MANAGEMENT IMPLICATIONS:**

Complying with legislative requirements ensures Council mitigates any regulatory or reputational risk.

**INTERNAL/EXTERNAL CONSULTATION:**

The Complaints Management Process details the internal operational procedure that Council staff will undertake to fulfil their legislative responsibilities dealing with administrative action complaints. Considering the statutory obligation to have this policy, it falls within the “inform” category of council’s Community Engagement Framework and in this instance wider community consultation is not required.

**ATTACHMENTS:**

Complaints Management Process General Policy

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## DOUGLAS SHIRE COUNCIL

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### General Policy

#### COMPLAINTS MANAGEMENT PROCESS

**Intent** To support Council's continuing commitment to inclusive and ethical governance for the Douglas communities.

### Scope

#### REFERENCE

**Legislation:**

*Local Government Regulation 2012*

**Other:**

Guide to Developing Effective Complaints Management Policies and Procedures – Queensland Ombudsman

#### PROVISIONS

In accordance with Section 306 of the Local Government Regulation 2012, Council must adopt a complaints management process with supporting policies and procedures. This policy 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.
- Treat complaints in a fair and objective manner ensuring an efficient and consistent approach is undertaken with the assessment of all complaints.
- Enhance the reputation of Council as being accountable and transparent.
- Implement, where appropriate, enhancements to Council's administrative processes through the effective management of complaints and foster an organisational culture of continuous improvement.
- Through relevant on-going training build the capacity of staff to effectively manage complaints.

The Complaints Management Process applies to administrative action complaints lodged by an affected person and is defined in Section 268 of the *Local Government Act 2009* as:

(2) An **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

(b) is made by an affected person.

However the Complaints Management Process does not cover:

- Any complaints about the conduct or decisions of elected representatives.
- Any complaints that, following a preliminary assessment, involve official misconduct which must be reported to the Crime and Misconduct Commission as per the *Crime and Misconduct Act 2001*.
- Requests for service.
- Any matter that is covered by a separate statutory review process.

## **COMMITMENT**

Council acknowledges the rights of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about the administrative actions of Council.

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

Council commits to providing adequate resources and training for officers to deal with complaints including the recording and analysis of complaints data.

## **PROCESS TO LODGE AN ADMINISTRATIVE COMPLAINT**

The preferred method for an affected person to lodge a complaint is in writing (letter or email) addressed to the Chief Executive Officer however verbal complaints may also be accepted. Should the complainant require assistance in lodging their complaint, a Council officer will assist to the extent practicable.

Address details for lodging a complaint can be located on Council's website <http://douglas.qld.gov.au> or by contacting Council's Frontline Services on (07) 4099 9444.

Anonymous complaints are to be referred to the Manager Governance who, in consultation with the Chief Executive Officer, will determine whether further action will be taken.

In all instances, complaints are to be recorded and lodged in Council's Records Management System.

## COMPLAINT PROCESS

Complaints received will be directed to relevant area manager to investigate or if the complaint concerns a manager to the relevant General Manager or Chief Executive Officer.

The timeframe for dealing with a complaint will depend on an assessment of:

- 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.

In general terms, Council will endeavour to meet the following timeframes:

- a) an acknowledgement of the complaint will be issued within 10 working days. The complainant will be provided with the contact details of the officer investigating the complaint and likely timeframe to advise of decision;
- b) for complaints that are not of a complex nature – within 20 working days;
- c) for complex complaints – within 40 working days.

**Please note:** These time frames referred to above are indicative and during the course of investigation, should the investigating officer determine more time is required and after reference to the Chief Executive Officer the complainant will be advised of the amended time frame.

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

- confidentiality of the investigation is to be maintained to the extent that it can be reasonably achieved;
- procedural fairness and natural justice;
- establishment and maintenance of a complete document trail;
- a determination on whether the action was unfair, unreasonable or wrong;
- being able to substantiate allegations.

Following the investigation of the complaint, the officer undertaking the investigation will submit a report to the Chief Executive 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 if the complaint is substantiated and reasons for the findings
- recommendations to the Chief Executive Officer to finalise complaint

- recommendations to the Chief Executive Officer regarding any opportunities for systemic and/or service level improvements.

A written notice will be provided to complainants 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 Chief Executive Officer 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 provide information on how to seek an external review should they remain dissatisfied with the outcome.

### **REFUSAL TO INVESTIGATE COMPLAINTS LODGED**

The right is reserved to refuse to investigate a complaint if it is reasonably considered that:

- the complaint is trivial; or
- the complaint concerns frivolous matter or was made vexatiously; 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.

### **DEFINITIONS**

TERM	DEFINITION
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 or officer	Includes a permanent, temporary, casual or contract member under Council employment.
Management Team	Team comprising of the Chief Executive Officer and Senior Managers of Council.
Request for service	A request for the Council to take action to satisfy the needs of a customer or ratepayer.

## **REPORTING**

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 ability to review service levels through identified improvements.

The Manager Governance will report to the Management Team on a quarterly basis regarding the complaints received including comparisons with historical data.

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

**General Manager Responsible for Review:**

**General Manager Corporate Services**

**ADOPTED:** [Click here to enter a date.](#)

**DUE FOR REVISION:** [Click here to enter a date.](#)

**REVOKED/SUPERSEDED:** [Click here to enter a date.](#)