

## 6.2. REVIEW OF ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY 2023

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**DEPARTMENT** Governance

### RECOMMENDATION

**That Council adopts the Administrative Action Complaints Management Policy**

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### EXECUTIVE SUMMARY

S 268(1) of the *Local Government Act 2009* requires Council to establish a policy for resolving administrative action complaints.

S 306 of the *Local Government Regulation 2012* provides for a process for resolving administrative action complaints.

### BACKGROUND

An **administrative action complaint** is a complaint made about an administrative action of the local government and includes:

- 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

The complaint must be made by a person who is directly affected by the administrative action.

The complaints policy and process supports the local government principles of ethical standards of behaviour and effective processes to deliver good governance for the Douglas Shire Council community.

### COMMENTS

The policy has been reviewed in accordance with Council's Corporate Policy Framework. There has been no content changes to the existing policy other than to create 2 documents – an Administrative Action Complaints Management Policy and an Administrative Action Complaints Management Procedure.

### PROPOSAL

That Council adopts the Administrative Action Complaints Policy.

## FINANCIAL/RESOURCE IMPLICATIONS

There are only limited implications whereby council officers will need to stop day to day duties to research and respond to any complaints received.

## RISK MANAGEMENT IMPLICATIONS

There can be reputational risks to Council if complaints are not responded to in a timely manner.

## SUSTAINABILITY IMPLICATIONS

**Economic:** Nil

**Environmental:** Nil

**Social:** Nil

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2019-2024 Initiatives:

#### Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

**Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.**

### Operational Plan 2022-2023 Actions:

Legislative requirement.

## 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

Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

## CONSULTATION

**Internal:** Management Team meeting held on 10 May 2023 and Councillor workshop on 11 July 2023

**External:** Nil

## COMMUNITY ENGAGEMENT

Nil

## ATTACHMENTS

1. Administrative Action Complaints Management Policy (1) [6.2.1 - 3 pages]

## 12. ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY

### Purpose

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.

s 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.

### Definitions

TERM	DEFINITION
<b>Administrative Action Complaint</b>	An <b>administrative action complaint</b> is defined in s 268(2) of the <i>Local Government Act 2009</i> 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.
<b>Affected person</b>	A person who is apparently directly affected by an administrative action of Council.
<b>Complainant</b>	The affected person or organisation making a complaint.
<b>Council Officer</b>	Includes a permanent, temporary, casual or contract person under Council employment.
<b>Management Team</b>	Team comprising of the Chief Executive Officer and Managers of Council.
<b>Request for service</b>	A request for the Council to take action to satisfy the needs of a customer or ratepayer.

## Scope

This policy applies 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.

## Related Legislation

*Local Government Act 2009 s187, s268*

*Local Government Regulation 2012 s306*

## Policy Review

This policy is to be reviewed whenever legislation changes, or every 2 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

## Policy Details

<b>Policy Name</b>	<b>Administrative Action Complaints Management Policy</b>
<b>Policy Number</b>	12
<b>Policy Version</b>	3
<b>Document Number</b>	809773
<b>Endorsed by</b>	Chief Executive Officer
<b>Policy Type</b>	Statutory
<b>Approval Authority</b>	Council
<b>Date Adopted</b>	25 July 2023
<b>Time Period</b>	2 Years
<b>Review Date</b>	25 July 2025
<b>Policy Department</b>	Governance
<b>Link to Corporate Plan</b>	Robust Governance and Efficient Service Delivery
<b>Revoked/Superseded</b>	

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