



ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY

Adopted Date:	22 June 2011
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Policy Type:	Strategic
Responsible Officer:	Chief Executive Officer
Department:	Executive

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4	Reviewed OM-159/20	24 September 2020	Review September 2023
5	Amended OM – 179/21	22 September 2021	Review September 2024

1. STATEMENT OF INTENT

In accordance with section 268 of the *Local Government Act (Qld) 2009* and section 306 of the *Local Government Regulation (Qld) 2012*, Council must adopt:

- a complaints management process that effectively manages administrative action complaints from their receipt to their resolution; and
- written policies and procedures supporting the complaints management process.

This Policy supports Council's Administrative Action Complaints Management Process and is consistent with the *Local Government Principles* as defined in section 4 of the *Local Government Act (Qld) 2009*.

2. SCOPE OF THE ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT PROCESS

The Administrative Action Complaints Management Process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The Administrative Action Complaints Management Process does not apply to the following :

- A customer service request;
- A complaint made under Chapter 3 of the *Local Government Act (Qld) 2009* ("the Act") about competitive neutrality issues;
- A complaint about official misconduct that should be directed to the Crime and Corruption Commission;

- d) A complaint made under the *Public Interest Disclosure Act 2010*;
- e) A complaint about the conduct and performance of Councillors as prescribed in Chapter 6, Part 2, Division 6 of the Act; and
- f) A complaint made under Section 48A of the *Crime and Corruption Act (Qld) 2001* that involves or may involve corruption of the Council's Chief Executive Officer; and
- g) Complaints about Council breaching its human rights obligations.

3. OBJECTIVES

The Administrative Action Complaints Management Process is established with the following objectives;

- 3.1 The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the Council;
- 3.2 A complaints management process that is easy to understand and is readily accessible to all;
- 3.3 Detection and rectification, where appropriate, of administrative errors;
- 3.4 Identification of areas for improvement in the Council's administrative practices;
- 3.5 Increase in awareness of the Administrative Action Complaints Management Process for the Council's staff and the community;
- 3.6 Enhancement of the community's confidence in the Administrative Action Complaints Management Process and the reputation of the Council as being accountable and transparent;
- 3.7 Building the capacity of staff to effectively manage complaints in an environment of continuous improvement;
- 3.8 Complaints will be acknowledged and resolved in a timely manner;
- 3.9 Council will manage complaints confidentially and ensure that complainants do not suffer any form of reprisal for making a complaint;
- 3.10 Council will abide by the principles of natural justice/procedural fairness when dealing with complaints.

4. POLICY COMMITMENT

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.

Council commits to providing adequate resources to deal with complaints and to record and analyse complaints data.

Council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action can easily and simply lodge a complaint;

- Complainants are provided with information on the Administrative Action Complaints Management Process and, if necessary, assistance to make their complaint;
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices;
- Complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward;
- Complainants are advised of their appeal rights at the relevant stages of the Administrative Action Complaints Management Process;
- Complainants will be provided with a written statement of the outcomes, including details of the reasons for the outcome at the relevant stages of the decision-making process;
- Persons with a disability or special needs are offered every opportunity and assistance in accessing Council's complaints processes. Reasonable assistance will be provided to any complainant upon request (e.g. interpreter services, services for people with hearing or speech impairments or other disabilities).

5. DEFINITIONS

Terms used in the Administrative Action Complaints Management Process have the following meanings:

Administrative action – an administrative action of the Council, being an action about a matter of administration, including each of the following-

- a) a decision and an act;
- b) a failure to make a decision or do an act, including to provide a written statement of reasons for a decision;
- c) the formulation of a proposal or intention;
- d) the making of a recommendation.

Administrative Action Complaints Management Process – is a process 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.

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

CEO – the Chief Executive Officer of the Council.

Council – Goondiwindi Regional Council.

Council Officer – includes a permanent, temporary, casual or contractor employed by Council.

Complaint – includes information or matter.

Crime and Corruption Commission – is an independent Queensland Government entity created to combat and reduce the incidence of major crime and to continuously improve the integrity of, and to reduce the incidence of misconduct in, the Queensland public sector.

Customer service request – is a request for service or the report of a matter for Council attention. (eg: missed garbage service, road damage, leaking water service, barking dogs etc).

Natural Justice – or procedural fairness is giving someone who might be adversely affected by a decision a fair hearing before the decision is made.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.

6. REMEDIES

Council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:

- 6.1 An explanation for the action in question
- 6.2 An admission of fault
- 6.3 An apology
- 6.4 Revocation or amendment of the decision
- 6.5 Rectification, including repairing or replacing the matter in dispute
- 6.6 Revision of relevant policy, procedure or practice
- 6.7 Provision of technical assistance
- 6.8 Reimbursement of cost incurred as a result of the action in question
- 6.9 Financial compensation, including an ex-gratia payment
- 6.10 Waiver of debt

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

7. IMPLEMENTATION OF REMEDY

Council, through the CEO or delegate, will take action in a timely manner to implement any remedy made available to a complainant and/or any revision of its policy, practice or procedure.

8. REVIEW BY OTHER COMPLAINTS ENTITIES

If Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details). It is also recognised that a complainant is also entitled to have a matter externally reviewed if they are still dissatisfied with the outcome of Council's review process.

9. COMPLAINTS MANAGEMENT SYSTEM

Council will maintain a *Register of administrative action complaints* to ensure complaints are recorded including the decision and outcome.

10. RESPONSIBILITY OF OFFICERS

All Council officers are required to observe the Administrative Action Complaints Management Process.

11. RELATED POLICIES OR PROCEDURES

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the Administrative Action Complaints Management Process.

12. COMMUNICATION

Council will make its Administrative Action Complaints Management Process readily available to all employees and members of the public, through a number of mechanisms including:

- incorporating appropriate training into Council's induction process;
- training Customer Service Officers and Investigating Officers on Public Interest Disclosures and the lodgement of complaints;
- including details of processes for employees to lodge complaints on Council's intranet;
- making this policy and process available for inspection during Council's office hours at Council's Customer Service Centres; and
- making this policy and process available on Council's website and intranet.

13. REVIEW DATE

September 2024

14. ATTACHMENT

Administrative Action Complaints Management Process

Administrative Action Complaints Management Process

Approval Date: 22 March 2011
Review Date: 22 September 2021
Department/Section: Governance

Goondiwindi Regional Council

OBJECTIVE

A process to be followed when dealing with administrative action complaints in accordance with section 268 of the *Act* and section 306 of the *Local Government Regulation (Qld) 2012* ("the Regulation").

The process also has regard to the *Local Government Principles* as defined in section 4 of the *Act*.

SCOPE OF THE ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT PROCESS

The Administrative Action Complaints Management Process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The Administrative Action Complaints Management Process does not apply to the following:

- a) A customer service request;
- b) A complaint made under Chapter 3 of the *Act* about competitive neutrality issues;
- c) A complaint about official misconduct that should be directed to the Crime and Corruption Commission;
- d) A complaint made under the *Public Interest Disclosure Act 2010*;
- e) A complaint about conduct and performance of Councillors as prescribed in Chapter 6, Part 2, Division 6 of the *Act*;
- f) A complaint made under section 48A of the *Crime and Corruption Act (Qld) 2001* that involves or may involve corruption of the Council's Chief Executive Officer; and
- g) Complaints about Council breaching its human rights obligations.

LOCAL GOVERNMENT PRINCIPLES

This process has regard to the following Local Government Principles, thereby allowing Council the flexibility to adequately deal with complaints, taking into consideration the size of Council and its community population:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees.

1. Complaints process

Complaints must be dealt with quickly and efficiently and every effort must be made by Council officers to achieve this outcome.

This process is instigated when the Council officer engaging with a potential complainant considers that the matter does or may need to be managed under the Administrative Action Complaints Process.

It should be clearly noted that a customer service request is not an administrative action in terms of the Act. However, if Council fails to act on such requests or its rectification actions are considered inappropriate then its actions or its failure to act is an administrative action as defined in the Act.

In the event a complaint is assessed as being a customer service request, the Officer receiving the complaint will have the request logged into Council's system and treated as a customer service request.

If the receiving Council officer considers that a matter requires assessment by Council's nominated officer, they should notify the nominated officer in line with the customer service procedure.

The following steps describe the model adopted by Council for handling complaints:

Step 1 – Intake and assessment

Step 2 – Internal review and investigation

Step 3 – Complaint finalisation

Step 4 – External review

Step 1 – Intake and assessment

The CEO or CEO delegate is to review a complaint to determine:

- (a) whether or not it is captured by the Administrative Action Complaints Management Policy and Administrative Action Complaints Management Process; and
- (b) whether or not it warrants investigation.

If the complaint is to be investigated, the CEO, or CEO delegate, is to:

- (a) complete the 'Register of administrative action complaints';
- (b) categorise the complaint by its severity and allot a timeframe to the complaint for resolution;
- (c) give the Referral Officer written instructions stipulating the date by which the investigation is to be completed; and
- (d) acknowledge receipt of the complaint with the following:
 - the estimated timeframes to resolve the complaint;
 - the Referral Officer/ and contact details; and
 - in which stage the complaint will be handled.

The Referral Officer investigating a complaint must be equal to or senior to the original decision-maker.

If a complaint is not to be investigated, the CEO is to:

- (a) acknowledge receipt of the complaint;
- (b) advise the complainant that the complaint will not be investigated;
- (c) provide the complainant with the reasons for the decision; and
- (d) advise the complainant of any available avenues of appeal.

Step 2 – Internal review and investigation

An investigation by a Referral Officer should include, but not be limited to:

- (a) ensuring they act within their power and understand their role and terms of reference;
- (b) establishing a list of people to be interviewed and any files or locations to be inspected;
- (c) conducting interviews and inspecting sites and documents as required;
- (d) gathering and recording information;
- (e) providing relevant information to those involved in the investigations;
- (f) observing any legal requirements involved in making decisions;
- (g) researching and applying all relevant laws;
- (h) evaluating the evidence;
- (i) identifying factors that contributed to the complaint arising;
- (j) formulating recommendations;
- (k) progress updates to be communicated to the complainant if the complaint cannot be finalised in the expected timeframe; and
- (l) preparing a report clearly summarising the matter and results of the investigation, setting out findings and recommendations, including remedies if deemed appropriate.

Step 3 – Complaint finalisation

Following a detailed investigation of a complaint by a Referral Officer, written advice must be provided to the complainant detailing the outcome of the review and specifically addressing their concerns. A statement of reasons, amongst other things, would include the following:

- (a) the allegation;
- (b) identifying the applicable legislation and any relevant Council policy or process;
- (c) the findings of fact;
- (d) the analysis;
- (e) the decision;
- (f) the reasons for the decision;
- (g) rights for an external review through the Queensland Ombudsman or other relevant entity; and
- (h) the Referral Officer's contact details.

If, on the other hand, there are grounds to uphold a complaint, for whatever reason, the statement must outline the proposed remedies and timeframes for their implementation.

Step 4 – External review

When a complainant remains dissatisfied with the investigative outcome the CEO or delegate will advise the complainant of their external review rights through the Queensland Ombudsman or other relevant entity.

2. Lodging a complaint

A person may make a complaint in any of the following ways:

- (a) In person by attending Council's Customer Service Centre located at 4 McLean Street, Goondiwindi, Qld, 4390;
- (b) by telephoning Council's Customer Service Centre on (07) 4671 7400;

(c) in writing by post which is addressed to the Chief Executive Officer, Goondiwindi Regional Council, LMB 7, Inglewood, QLD, 4387; by facsimile to (07) 4671 7433 or by email to mail@grc.qld.gov.au.

All complaints are to be referred to the CEO or delegate for appropriate action and recording into the complaints register if required. Every effort for assistance will be provided by Council officers in how to make a complaint and the process to be followed. In the first instance, complaints must be acknowledged within five (5) days and will advise the complaint reference and the name of the person who may be contacted about the handling of the complaint. This timeframe may be extended in unusual circumstances, e.g. if a large number of complaints are received about the same matter. If this occurs, written acknowledgements will be sent as soon as is practicable and will include an explanation for delay.

Council will endeavour to ensure that persons with a disability or special needs are offered every opportunity and assistance in accessing Council's complaints processes. Reasonable assistance will be provided to any complainant upon request (e.g. interpreter services, services for people with hearing or speech impairments or other disabilities).

Council will make its Administrative Action Complaints Management Process readily available to all employees and members of the public, through a number of mechanisms including:

- incorporating appropriate training into Council's induction process;
- training Customer Service Officers and Referral Officers on Public Interest Disclosures and the lodgement of complaints;
- including details of processes for employees to lodge complaints on Council's intranet;
- making this policy and process available for inspection during Council's office hours at Council's Customer Service Centres; and
- making this policy and process available on Council's website and intranet.

3. Anonymous Complaints

Affected persons are able to make a complaint anonymously either in writing, via email or by telephone. If a complainant does decide to complain anonymously, the need to provide sufficient information for the matter to be investigated is critical. If made anonymously, it will not be possible for Council to clarify or request further information from the complainant. Further, it will not be possible to advise the complainant of Council's decision and the reasons for that decision in relation to the complaint.

Council manages all complaints following strict privacy guidelines and complainants can be assured that their personal details will not be disclosed to outside agencies without your permission.

4. Criteria for refusing to investigate a complaint

Complaints must be assessed so that it is fully understood to provide a basis for an assessment as to whether it will be investigated. Criteria for this process are as follows:

- (a) what the complainant wants as an outcome as it may be possible to amicably and informally resolve the matter quickly and without detailed investigation;

- (b) whether the resources required to deal with the matter would be disproportionate to the complaint's significance and likely outcome;
- (c) what remedies would be available;
- (d) if the complaint has previously been dealt with under the Administrative Action Complaints Management Process; and
- (e) sufficient direct interest.

Further to item (e) above although the CEO may refuse to investigate a complaint if they reasonably consider that the complainant does not have sufficient direct interest in the administrative action, it is important to note that this is a discretionary power which may or may not be exercised. Therefore, the CEO may, depending on the particular circumstances, decide to accept a complaint for investigation despite the complainant not having a sufficient direct interest in the matter.

5. Investigating a complaint

The investigation of a complaint must be undertaken by the Referral Officer in an independent, impartial and objective manner. When conducting an investigation the Referral Officer will adhere to the following principles:

- (a) Procedural fairness/natural justice;
- (b) The civil standard of proof (balance of probabilities) is to apply;
- (c) Confidentiality must be maintained to the extent the law permits;
- (d) Lawfulness of a particular action is not necessarily decisive of the issue in dispute. The Referral Officer will also assess whether the action was unfair, unreasonable or wrong.

The Referral Officer must also follow the four stages of the investigative process as outlined in section 1 of this process.

6. Timeframes

It shall be the intention of all who handle complaints to deal with the matters without any undue delay. It is important that any person responsible for managing the handling of a complaint takes responsibility for keeping the complainant informed of the progress of the matter, explaining and managing the timelines for each stage of the process.

If necessary, the Referral Officer should contact the complainant to negotiate an extension of time if standard timeframes cannot be met. Contact should be made as soon as possible (i.e. as soon as the officer becomes aware of the fact the timeframe is not likely to be achieved, or before the expiry of the timeframe).

7. Measurement of Success

The effectiveness of the Administrative Action Complaints Management Process may be reflected in feedback from customer satisfaction surveys and monitored in a number of ways, including the following performance indicators, trends in the numbers, types and resolution of complaints:

Complaint	Telephone	Face-to-Face	Written	Performance Indicators
Provide acknowledgement	At time of contact	At time of contact	Within 5 business days	100% of complaints acknowledged within timeframe

Inform of progress	Complainant advised of progress every 20 business days, until resolved	100% of complaints followed up within timeframe
Finalise outcome of investigation	Investigation finalised (i.e. that the complaint has been substantiated or not) within 20 business days of receipt	80% of complaints resolved within timeframe
Finalise outcome of investigation	Investigation finalised (i.e. that the complaint has been substantiated or not) within 40 business days of receipt	100% of complaints resolved within timeframe
	Note: The outcome does not include the taking of possible disciplinary action. This is a separate process and a separate timeframe will apply.	
Stakeholders advised of outcome	Complainant and any external agency advised of outcome within 7 days of the decision	100% of stakeholders advised of outcome within timeframe

8. External review

Advice to a complainant should include reference to other external review entities, in the event they seek further review. Council will make every effort to cooperate with external review.

9. Monitoring and reporting

The Complaint Management Process will be reviewed and evaluated in accordance with set timeframes as specified in the policy and process.

In addition to making changes to processes and practices where appropriate, Council will review and evaluate the information gained through its complaints handling system on an annual basis to identify systemic issues and improvements to service. Council will receive a report on the number and nature of complaints received, including the percentage of unresolved complaints, at least once a year.

Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

Public reporting of the handling of complaints will be through the Annual Report in accordance with the requirements of the Act.

10. RELATED POLICY/PROCEDURE/DOCUMENTATION

Administrative Action
Complaints Management Policy
Investigation Policy
Complaints about the Public Official Policy
Human Rights Policy

11. REFERENCES

Queensland Ombudsman's Office www.ombudsman.qld.gov.au

12. DEFINITIONS

Terms used in this procedure have the following meanings:

Crime and Corruption Commission – is an independent Queensland Government entity created to combat and reduce the incidence of major crime and to continuously improve the integrity of, and to reduce the incidence of misconduct in, the Queensland public sector. .

Customer service request – is a request for service or the report of matter for Council attention. (eg: Missed garbage service, road damage, leaking water service, barking dogs etc).

Referral Officer – Council Officer tasked with investigating an administrative action complaint.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.