

Policy Title: **Administrative Action Complaints**

Policy No: 116

Directorate: Executive Services

Responsible Officer: Chief Executive Officer

Adopted Date: General Meeting – 19/07/2017

Review Date: 19/07/2019

VERSION	MEETING APPROVED	MEETING DATE	HISTORY
1	General Meeting	15/11/2011	Adopted
2	General Meeting	20/04/2016	Review
3	General Meeting	19/07/2017	Review

Authorities: *Local Government Act 2009*
Local Government Regulation 2012

INTRODUCTION:

In accordance with section 268 of the *Local Government Act 2009*, section 306 of the *Local Government Regulation 2012*, a Local Government must implement and maintain a process for resolving administrative action complaints.

Council is committed to ensuring that complaints are dealt with in a responsive, efficient, fair and economical way with due respect to confidentiality of the complainants.

DEFINITIONS:

Terms used in the complaints management process have the following meanings:

“Administrative Action Complaint” is a complaint that-

- (a) is about an administrative action of Council including the following, for example-
 - (i) a decision, or failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - (ii) an act, or 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.

“Effected Person” is a person who is apparently directly affected by an administrative action of Council.

“Complaints Management Process” is a process for resolving complaints about administrative actions of Council that:

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

“Natural Justice” or procedural fairness is giving someone who might be adversely affected by a decision a fair hearing prior to the decision being 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.

“Council” is the North Burnett Regional Council.

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

“MagiQ Documents” Council’s electronic document records management system.

OBJECTIVES:

Council’s Complaints Management Procedure is established with the following the objectives of making it easier for people to make a complaint and for Council to deal with complaints. As a result, Council intends to improve its services and give the community confidence in Council.

PRINCIPLES:

Council intends to provide a level of customer service that does not attract complaints, however acknowledges the right of persons providing feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.

Council is committed to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.

Council will endeavour to ensure that:

- (a) anyone who is dissatisfied about a decision or other action can easily and simply lodge a complaint;
- (b) complainants are provided with information on the complaints management process and, if necessary, assistance to make their complaint;
- (c) each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- (d) Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council’s administrative practices;
- (e) complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward;
- (f) complainants are advised of their appeal rights at the relevant stages of the complaint management process;

- (g) complainants will be provided with a written statement of outcomes, including details of the reasons for the outcome at the relevant stages of the decision-making process;
- (h) people with particular needs are assisted – for example people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.

CONFIDENTIALITY

Parties to a complaint are responsible for ensuring confidentiality at all times, with respect to both verbal discussions and written documentation relating to the request.

The number of people involved in the resolution of a complaint, will be kept to an appropriate level. The number will also be limited to those with a genuine need to know, or need to be involved. A complainant will be required to provide some personal details including contact information. Anonymous complaints will not be accepted.

RELATED POLICIES AND PROCEDURES:

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process. Complaints will be dealt with in accordance with Council Complaints Management Procedure.

COMMUNICATION:

In order to publicise the complaints management process, Council will place this document on its website and will train new and existing staff on the complaints management process.

TAKING A COMPLAINT FURTHER:

If Council decides not to undertake a review of the action, Council will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity.

It is also recognised that a complainant is also entitled to have a matter reviewed if they are still dissatisfied with the outcome of Council's review process.

Address:	Level 18, 53 Albert Street Brisbane QLD 4000
Postal Address:	GPO Box 3314 Brisbane QLD 4001
Telephone:	(07) 3005 7000
Toll Free:	1800 068 908
Email:	ombudsman@ombudsman.qld.gov.au