

Policy Title: **Administrative Action Complaints**

Policy No: 116

Directorate: Executive Services

Responsible Officer: Chief Executive Officer

Adopted Date: General Meeting – 20/04/2016

Review Date: 20/04/2018

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

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

### INTRODUCTION:

In accordance with section 268 of the *Local Government Act 2009*, section 187 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.

Should a request for service and / or action not be resolved by Council, or the effected person is dissatisfied by the decision or other action, an Administrative Action Complaint can be lodged by the effected person under the following policy.

### DEFINITIONS:

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

**“Administrative Action Complaint”** is about an administrative action of Council made by an affected person, including:

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

**“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.

**“InfoXpert”** Council’s electronic document records management system.

#### **OBJECTIVES:**

The complaints management process is established with the following objectives:

- a) the fair, efficient and consistent treatment of complaints about decisions and other administrative actions of Council;
- b) a complaints management process that is easy to understand and is readily accessible to all;
- c) detection and rectification, where appropriate, of administrative errors;
- d) identification of areas for improvement in Council’s administrative practices;
- e) increase in awareness of the complaints management process for Council’s staff and the community;
- f) enhancement of the community’s confidence in the complaints management process and of the reputation of Council as being accountable and transparent;
- g) building the capacity of staff to effectively manage complaints in an environment of continuous improvement;
- h) complaints will be acknowledged and resolved in a timely manner;
- i) Council will manage complaints confidentially and ensure that complainants do not suffer any form of reprisal for making a complaint; and

## **OBJECTIVES (continued):**

- j) Council will abide by the principles for natural justice / procedural fairness when dealing with complaints

## **SCOPE:**

The complaints management process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The complaints management process does not apply to a complaint as follows:

- a) that could be made under Chapter 3, Part 1, Division 3, Section 38 of the *Local Government Act* about competitive neutrality issues;
- b) about official misconduct that should be directed to the Crime and Corruption Commission;
- c) made under the *Public Interest Disclosure Act 2010*;
- d) about conduct and performance of councillors as prescribed in Chapter 6, Part 2, Division 6, Section 177 of the *Local Government Act 2009*.

## **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.

## **RESPONSIBILITY:**

All Council Officers:

- a) are required to observe the complaints management process;
- b) wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints management process.

## **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.

## **FEEDBACK**

Complainants will be advised of outcome as soon as possible after a decision has been made. Any reasons for negative decisions must be outlined in a response and complainants must be advised of any available internal/external review options.

## **REMEDIES:**

Council through this policy 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:

- a) an explanation for the action in question;
- b) an admission of fault;
- c) an apology;
- d) revocation or amendment of the decision;
- e) rectification, including repairing or replacing the matter in dispute;
- f) revision of relevant policy, procedure or practice;
- g) provision of technical advice;
- h) reimbursement of costs incurred as a result of the action in question;
- i) financial compensation, including an ex-gratia payment;
- j) waiver of debt;

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

## **IMPLEMENTATION OF REMEDY:**

Council, through the Chief Executive Officer or delegate, will take action as per the workflow structured in InfoXpert to implement any remedy made available to a complainant and/or any revision of its policy, practice or procedure.

## **COMPLAINTS MANAGEMENT SYSTEM:**

Council will maintain a Register of Administrative Action Complaints to ensure complaints are recorded, including the decision and outcome.

## **RELATED POLICIES OR PROCEDURES:**

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process.

## **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.

Statutory Policy 116 – Administrative Action Complaints is available on Council’s website at [www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au) or for inspection at Council Administration Offices.

## **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 (details below).

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.

Level 17, 53 Albert Street  
Brisbane QLD 4000

GPO Box 3314  
Brisbane QLD 4001

<b>Telephone:</b>	(07) 3005 7000
<b>Toll Free (Landlines only):</b>	1800 068 908
<b>Fax:</b>	(07) 3005 7067
<b>Email:</b>	<a href="mailto:ombudsman@ombudsman.qld.gov.au">ombudsman@ombudsman.qld.gov.au</a>

**OPERATIONAL FLOW FOR ADMINISTRATIVE ACTION COMPLAINTS:**





