

Strategic policy

Administrative Action Complaints Management Process

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|---------------------------|---|
| Corporate Plan reference: | <p>Service Excellence</p> <p><i>Positive experiences for our customers, great service to our community:</i></p> <ul style="list-style-type: none"> - Respecting and valuing our customers |
| Endorsed by Council on: | 22 May 2014 (OM14/73) |
| Policy Owner: | Manager Corporate Governance |

Policy purpose

The Administrative Action Complaints Management Process (the Process) has been developed to:

- (a) provide a single system through which complaints about administrative actions can be dealt with, where possible internally; and
- (b) comply with the requirement for resolving administrative action complaints in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012* (the Act)

Policy outcome

Sunshine Coast Council (council) is committed to dealing with complaints fairly, confidentially, promptly and in a respectful manner. It is also committed to providing a superior level of service to its customers, and to open and transparent government. Council aspires to provide a level of service and conduct its business in a way that does not attract complaints. However, where a customer is not satisfied, council is equally committed to the prompt and efficient resolution of complaints.

This process supports council's priority to ensure clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the "local government principles" within the Act.

Policy scope

The process applies to all administrative actions including:

- (a) Complaints about council and committee decisions;
- (b) Complaints about staff conduct (where not otherwise covered by the Crime and Misconduct Act); and
- (c) Complaints about council actions and operations.

The process does not apply to:

- (a) Any complaint which is not about an administrative action of council;
- (b) A complaint made by a person not deemed to be an "affected person";
- (c) Requests for service or information, or provision of feedback in negative terms;

- (d) A decision made under a Local Law which is reviewable under a local law process;
- (e) Any complaints about the conduct or decisions of elected officials;
- (f) Corrupt conduct, which must be reported to the Crime and Corruption Commission as per the *Crime and Corruption Act 2001*;
- (g) A complaint under the *Public Interest Disclosure Act 2010*;
- (h) Any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through the Sustainable Planning Act 2009, or competitive neutrality issues that can be addressed through the Local Government Act 2009;
- (i) A request to review a court decision;
- (j) Social media comments.

Lodging a complaint for council's consideration does not preclude the issue being investigated by another group or agency, such as the Queensland Ombudsman.

Policy statement

Attachment 1 outlines the Sunshine Coast Council's Administrative Action Complaints Management Process in detail.

Guiding principles

All complaints are to be assessed and, where appropriate, thoroughly and expeditiously investigated with the aim of achieving a resolution and informing improvements in council's service delivery and business practices. No action will be taken on complaints properly assessed as trivial, frivolous or vexatious.

To facilitate the effective management of complaints, council will:

- (a) Specific to complaints management, develop and maintain policies and procedures and ensure that adequate training is provided to council staff;
- (b) Ensure that affected persons are aware of the avenues available to them to make a complaint; and
- (c) Provide a mechanism for continuous improvement through performance reporting and customer feedback.

Roles and responsibilities

Roles and responsibilities are outlined in detail in Attachment 1.

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 trends in the numbers, types and resolution of complaints.

As resourcing permits, but at least every 2 years, Council will conduct a review the effectiveness of the administrative action complaints management process. The review will evaluate and consider the following aspects, where necessary:

- (a) Accessibility – whether the complaint process is readily available to members of the community and is user-friendly.
- (b) Timeliness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.
- (c) Satisfaction – as evidenced by any complaint about the complaints process.
- (d) Compliance – by considering reports on the operation of the complaints process.

Following each review, the complaints process will be amended in terms of any adopted recommendation arising from the review.

Definitions

Definitions are contained in section 8 of Attachment 1.

Related policies and legislation

The relevant legislation and documentation relevant to adoption and operation of the Administrative Action Complaints Management Process includes, but is not limited to:

- *Local Government Act 2009*
- *Public Sector Ethics Act 1994*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- **Councillor Code of Conduct**
- *Employee Code of Conduct*
- *Enterprise Risk Management Policy & Guideline*
- *Fraud and Corruption Policy & Guideline*
- *Grievance Management Policy*

Version control:

| Version | Reason/ Trigger | Change (Y/N) | Endorsed/ Reviewed by | Date |
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| 1.0 | First Version | N | Council/CEO | 22/05/2014 |
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| 1.3 | Update as per new Organisational Structure – non material | Y | Corporate Governance | 20/11/2017 |

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ATTACHMENT 1

Sunshine Coast Regional Council

ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT PROCESS



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Acknowledgements

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Disclaimer

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1. INTRODUCTION

The Administrative Action Complaints Management Process (the Process) has been developed to:

- (c) provide a single system through which complaints about administrative actions can be dealt with, where possible internally; and
- (d) comply with the requirement for resolving administrative action complaints in accordance with the *Local Government Act 2009* and *Local Government Regulation 2012* (the Act).

1.1. Council commitment

Sunshine Coast Council (council) is committed to dealing with complaints fairly, confidentially, promptly and in a respectful manner. It is also committed to providing a superior level of service to its customers, and to open and transparent government. Council aspires to provide a level of service and conduct its business in a way that does not attract complaints. However, where a customer is not satisfied, council is equally committed to the prompt and efficient resolution of complaints.

This process supports council's priority to ensure clear accountabilities, ethical standards of behaviour and a commitment to act in accordance with the "local government principles" within the Act.

1.2. Guiding Principles

All complaints are to be assessed and, where appropriate, thoroughly and expeditiously investigated with the aim of achieving a resolution and informing improvements in council's service delivery and business practices. No action will be taken on complaints properly assessed as trivial, frivolous or vexatious.¹

To facilitate the effective management of complaints, council will:

- (d) Specific to complaints management, develop and maintain policies and procedures and ensure that adequate training is provided to council staff;
- (e) Ensure that affected persons are aware of the avenues available to them to make a complaint; and
- (f) Provide a mechanism for continuous improvement through performance reporting and customer feedback.

¹ Refer to section 7.1 Definitions

1.3. Administrative Action Complaints

The Process applies to administrative action complaints. An administrative action complaint is defined in section 268 of the Act as a complaint that:

- (a) *is about an administrative action of council 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 intentions; and*
 - iv. *The making of a recommendation.*
- (b) *is made by an affected person.*

In accordance with the Act, in deciding if a complaint is an administrative action complaint it is irrelevant:

- (a) how quickly the complaint was resolved;
- (b) to which area of council the complaint was made;
- (c) whether the complaint was a written or verbal complaint; or
- (d) whether or not the complaint was made anonymously.

1.4. Scope

The process applies to all administrative actions including:

- (d) Complaints about council and committee decisions;
- (e) Complaints about staff conduct (where not otherwise covered by the Crime and Misconduct Act); and
- (f) Complaints about council actions and operations.

The process does not apply to:

- (k) Any complaint which is not about an administrative action of council;
- (l) A complaint made by a person not deemed to be an “affected person”;
- (m) Requests for service or information, or provision of feedback in negative terms;
- (n) A decision made under a Local Law which is reviewable under a local law process;
- (o) Any complaints about the conduct or decisions of elected officials;
- (p) Corrupt conduct, which must be reported to the Crime and Corruption Commission as per the *Crime and Corruption Act 2001*;
- (q) A complaint under the *Public Interest Disclosure Act 2010*;
- (r) Any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through the Sustainable Planning Act 2009, or competitive neutrality issues that can be addressed through the Local Government Act 2009;
- (s) A request to review a court decision;
- (t) Social media comments.

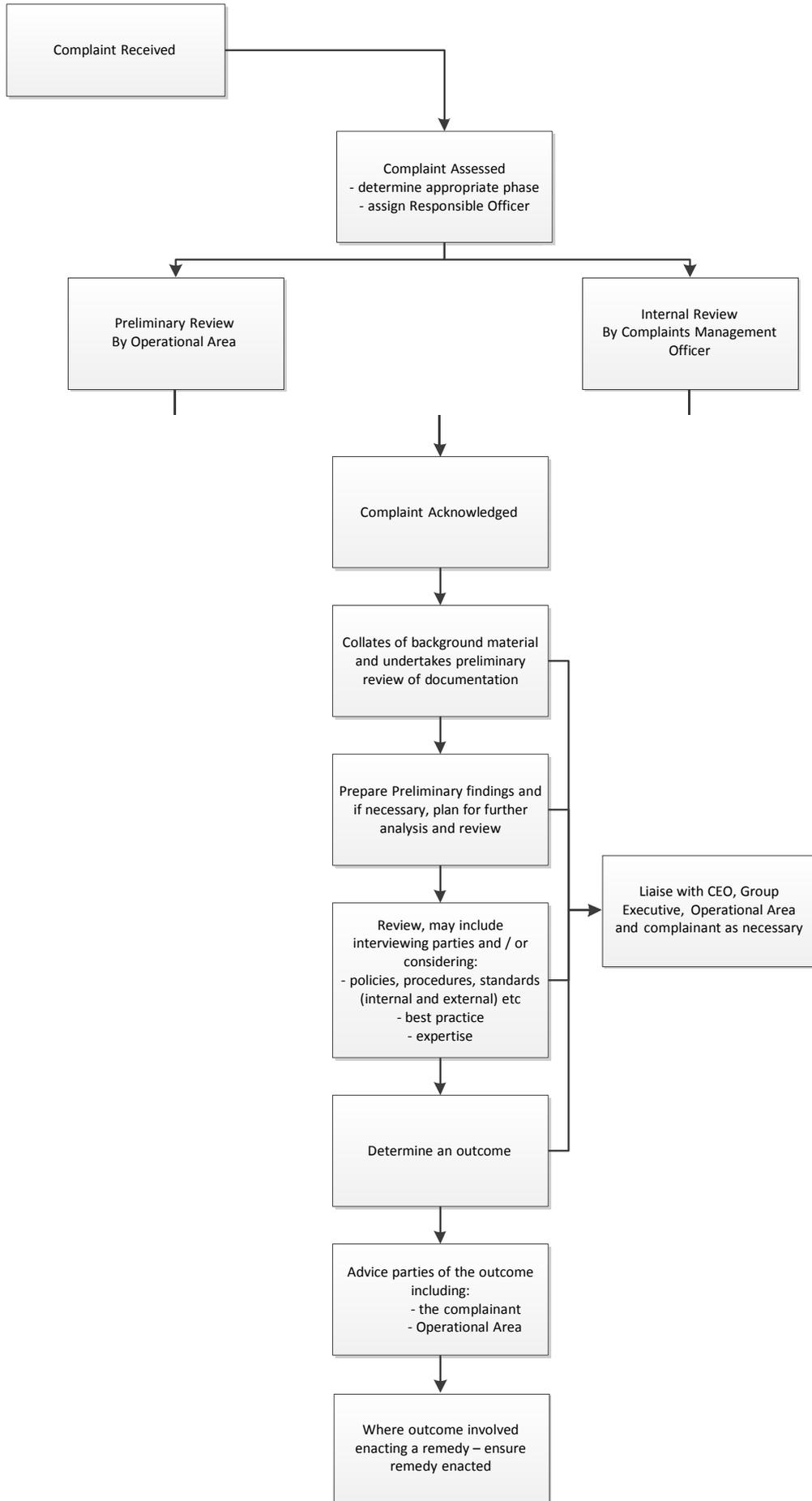
Lodging a complaint for council's consideration does not preclude the issue being investigated by another group or agency, such as the Queensland Ombudsman.

1.5. The Process

Council has opted for a staged administrative action complaints management process to allow for an efficient and effective resolution of complaints. The process allows for:

- (a) Preliminary review by an Operational Manager;
- (b) Internal review by a Complaint Officer;
- (c) External review by the appropriate external authority (ie. Office of the Queensland Ombudsman)

The CEO, or a delegated officer, can make the decision to escalate a complaint matter where, due to the complexity, age or other reason, there are strong grounds for this decision. The flowchart below diagrammatically represents the process.



The process is designed to:

- (a) Provide a framework for resolving complaints about administrative actions of council;
- (b) Cover all administrative action complaints made to council;
- (c) Require council to quickly and efficiently respond to complaints in a fair and objective way;
- (d) Include the criteria considered when assessing whether to investigate a complaint;
- (e) Facilitate continuous improvement of council, its services, systems and staff;
- (f) Require 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; and
- (g) Inform customers and staff of the avenues of review if they are not satisfied with a particular outcome, decision or action.

1.6. Benefits of managing complaints

By effectively analysing complaints, steps can be taken to:

- (a) Redesign products and services;
- (b) Improve business procedures and policies;
- (c) Increase efficiency and effectiveness;
- (d) Re-assess training priorities;
- (e) Re-assess customer information needs such as newsletters, pamphlets, website content;
- (f) Increase community confidence in council decision making; and
- (g) Promote transparency and accountability.

2. LODGING A COMPLAINT WITH COUNCIL

2.1. Making a complaint

Administrative action complaints may be lodged:

| | |
|-------------------|--|
| Online: | Online form at www.sunshinecoast.qld.gov.au |
| Telephone: | 1300 007 272 (local callers only- excluding mobiles & STD) (07) 5475 7272 (All callers - local, mobiles and outside of Sunshine Coast area) |
| Mail: | Locked Bag 72 Sunshine Coast Mail Centre Q 4560 |
| Fax: | (07) 5475 7277 |
| Email: | mail@sunshinecoast.qld.gov.au |
| In person: | Customer Contact Centre (see www.sunshinecoast.qld.gov.au) |

Preferably, complaints are to be made via our online forms available on council's website and included at [Attachment A](#).

2.2. Anonymous complaints

Anonymous complaints or feedback about administrative actions are accepted by council. These complaints will be assessed to determine what action is appropriate, and it is important to note that the fact the complaint was made anonymously may impact this assessment.

If a person wishes to lodge a verbal complaint but not provide any identifying details, they should be advised that:

- (a) Council does not victimise a person who makes a complaint;
- (b) They may be directed to the Group Executive or Manager responsible for the operational area;
- (c) Unless there is sufficient detail about the complaint, it will be difficult for council to fully and effectively consider the issue;
- (d) No feedback can be provided to an anonymous complainant;
- (e) Complainants will not suffer any reprisals from council or its officers for making a complaint.

Refer to section 3 below regarding assessment of anonymous complaints.

2.3. Receipt of complaint

Complaints may be received by:

- (a) Council officer;
- (b) The Mayor; or
- (c) Any councillor.

2.4. Available Assistance

Where necessary, assistance may be provided by a council officer to a complainant, on how to make a complaint, including how it should be documented. The aim is to clarify the issue and the outcome(s) sought (although this is no guarantee that the desired outcomes are achievable or appropriate).

If a complainant requires interpreter services, or has special needs, the officer dealing with the initial complaint must follow council's guidelines for arranging special needs assistance.

Further information on the assistance available can be found on council's Contact Us page on our website.

2.5. Complainant rights

A complainant is entitled to:

- (a) an acknowledgement of council's receipt of the complaint (unless made anonymously);
- (b) a prompt response to the complaint;
- (c) be kept informed of the progress and outcome of the complaint;
- (d) confidentiality of personal details (insofar as this is possible within the law);
- (e) a thorough and objective investigation or review of a complaint.

2.6. Complainant obligations

To assist in managing this Process we ask that a complainant provide:

- (a) Full details of their name, address and telephone contact number before a complaint will be registered. (Anonymous complaints – see section 2.2.)
- (b) Sufficient details regarding the complaint issues and outcome sought.

2.7. Public Interest Disclosures (PID)

Complaints about wrongdoing are often anonymous due to concern over possible reprisals. A complainant may be afforded some protections under the *Public Interest Disclosure Act 2010* including protection against reprisals. Complaints that attract protection under the *Public Interest Disclosure Act 2010* are not always immediately apparent as protected disclosures. Care should be taken in receiving and allocating complaints of this type. If in doubt, you should seek the advice of the PID Coordinator or the Complaints Administrator.

2.8. Complaints made by a third party

A complaint will be accepted from a third party on behalf of another person if the agent can verify to council's satisfaction that he/she is acting on behalf of the originator of the complaint. Verification must include a letter from the complainant authorising the agent to act on their behalf and specifying whether the agent or the complainant is to be the recipient for all future correspondence in relation to the complaint.

If a complaint is lodged on behalf of a person by a professional advisor, for example a solicitor corresponding on firm's letterhead or email, verification that the solicitor is acting on behalf of the person is not required and council will respond directly to the solicitor.

3. ASSESSMENT OF COMPLAINTS

3.1. Assessment and Allocation of Complaints

On receipt of a complaint, a council officer will evaluate the details of the complaint and the history of officer involvement in considering the issues.

Where the complaint has not been considered by the relevant Operational Manager, the matter can be referred to that Manager for consideration in line with Preliminary Review function under this Process.

Alternatively, the Complaints Administrator may determine to escalate the matter straight to a Complaints Officer for an Internal Review. The Complaints Administrator may escalate the matter to Internal Review where:

- (a) The matter has already been considered by the Operational Manager;
- (b) The history, complexity or other reason supports the matter being referred for Internal Review.

3.2. Staff Conduct

Complaints regarding staff conduct will also be dealt with under this process in conjunction with our Human Resources processes and procedures. Such complaints will be assessed and allocated as outlined in section 3.1 above.

Dependent on the circumstances, the Complaints Administrator, an appointed Complaints Officer, and / or our Human Resources team may play a role in reviewing the complaint and undertaking any investigations relating to staff conduct.

Complaints about an administrative action of a Group Executive or Manager will be referred directly to Internal Review to be investigated by a Complaints Officer. In these instances, the CEO will receive the report from the Complaints Officer and make decisions about any recommendations and further action. If the complainant is not satisfied that the complaint is resolved, the review right is external to council.

3.3. Corrupt Conduct

Any complaint that raises a suspicion of corrupt conduct relating to a council staff member should be immediately referred to the CEO.

The *Crime and Corruption Act 2001* imposes a duty on the CEO to report any suspicion of corrupt conduct. The Crime and Corruption Commission (CCC) has primary responsibility for reviewing complaints about, or matters involving, corrupt conduct. The CCC may refer a matter back to council for investigation, assume a monitoring role, or investigate a matter themselves.

All CCC matters will be considered and dealt with in accordance with the requirements set out by the CCC. As noted above the requirements of the Administrative Action Complaints Management Process do not apply to CCC matters.

3.4. Trivial, frivolous and vexatious complaints

An Operational Manager or Complaints Officer in assessing a complaint can give consideration to whether a complaint should be deemed trivial, frivolous or vexatious.² Where the complaints officer decides that the complaint is trivial, frivolous or vexatious, and thus recommends no further action or investigation, the officer must advise the Complaints Administrator of the decision including the implications of, and rational for, the decision. If the Complaints Administrator is in agreement with the decision, and is satisfied with the reasons presented a decision, can be made to take no further action on the matter.

3.5. Anonymous complaints

As noted above, council does accept for assessment - anonymous complaints. In assessing and determining what action to take in relation to anonymous complaints consideration is given to whether:

- the seriousness of the complaint issues;
- whether the complaint can be actioned without further information from the complainant. If not, the complaint may not be actioned; and
- if the anonymous complainant gave sufficient information or detail to allow a complaint to be fully investigated.

Decision on what action to take in relation to anonymous complaints or feedback about administrative actions remains at the discretion of the CEO, Complaints Administrator, relevant Councillor, Group Executive or Operational Manager.

Decision on what action to take in relation to anonymous complaints about staff conduct or official misconduct is at the discretion of the CEO.

4. PRELIMINARY REVIEW BY OPERATIONAL MANAGER

4.1. Introduction

As a general rule, in the first instance any complaint matter will be referred to the Operational Manager for consideration and response as part of a Preliminary Review.

The Manager who receives a complaint is required to investigate the complaint with the intention of resolving it.

The Manager may amend the decision or cause a remedy to have effect.

4.2. Acknowledgement of complaint

All complaints lodged electronically will be automatically acknowledged by council and in most instances the complainant will also receive a notification from council's Customer Contact Centre.

The complainant is to be provided with written acknowledgement of their complaint within a reasonable timeframe. This should include an indication of the approximate time it will take to

² Refer to section 8.1 Definitions

respond to the complaint. The manager should aim to provide the complainant with an acknowledgement of their complaint within 10 business days.

The acknowledgement serves multiple purposes. The acknowledgement advises the complainant of how the complaint will be handled and by whom. It also serves to provide contact details for the responding officer, thereby allowing the complainant to provide further information about the complaint if required.

Where further information arises that relates to the original complaint issue/s it will be included as a related matter and not a new complaint.

Dependent on the circumstances, where a complaint can be responded to in full within 10 business days it is reasonable that a separate acknowledgement is not issued to the complainant.

4.3. Timelines for complaints

Complaints will be responded to as quickly as possible and will depend on an assessment of the following factors:

- (a) The urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- (b) The likelihood that the complaint can be quickly resolved;
- (c) The complexity of the complaint issue/s; and
- (d) Whether the complaint requires internal or external review.

There is an expectation a complainant will be appropriately kept up to date on the progress of the matter where it will take more than 10 business days to respond to the complaint.

4.4. Attempt to resolve complaint/ remedies

The Manager should attempt to resolve the complaint either during or at the conclusion of their investigation. Types of remedies (more than one may be applied) include:

- (a) Admission of fault.
- (b) Explanation.
- (c) Apology.
- (d) Change of decision.
- (e) Change to policy or procedure.
- (f) Repair / rework / replacement.
- (g) Technical assistance.

4.5. Decision

At the completion of the investigation, the Manager should make a decision as to:

- (a) Whether the complaint is upheld.
- (b) What remedy or remedies, if any, will be applied.

4.6. Advice to complainant

The Operational Manager should provide advice of the decision, including reasons for the decision, and any remedies, to the complainant as soon as practicable after the completion of the investigation.

As a general guide, a response from the Operational Manager to the complainant could include the following (as applicable):

- Relevant council policies, local laws and other statutory provisions, such as the source of the legislation;
- Correspondence and other communications relating to the complaint;
- Evidence and other material available to Council;
- Findings of fact;
- Any decisions made by council in regard to the complaint;
- The reasons for council's decision; and
- The review options available to the complainant.

All information contained within a response should take into account legislative parameters including, but not limited to, the *Information Privacy Act 2009*.

The review option for this Preliminary Review includes if the complainant is not satisfied that the complaint has been resolved; they can request an Internal Review in writing to the CEO or Complaints Administrator.

A complaint lodged verbally (by telephone or at the counter) may be responded to verbally. Appropriate file notes, including reasons for decisions, are required to be kept. A complaint lodged in writing should be responded to in writing.

4.7. Withdrawal/ resolution of a complaint

A complaint may be resolved or withdrawn by the complainant at any time during the complaints process. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect to the Manager handling the complaint.

4.8. Record keeping

In considering and reviewing a complaint matter the Manager needs to keep detailed and accurate records. Records may include:

- (a) Discussions regarding the complaint;
- (b) Investigation and resolution activities regarding the complaint;
- (c) Decisions, actions and outcomes regarding the complaint;
- (d) Any correspondence regarding the complaint;
- (e) Any documents relating to a review, including recommendations and associated decisions or actions relating to the review.

These records should be securely stored in an appropriate location and case in council's corporate records management system.

5. INTERNAL REVIEW

5.1. Introduction

The Internal Review function provides a mechanism where a complainant is not satisfied that the complaint has been resolved by the Operational Area. The complainant may lodge a request for an Internal Review with the council's CEO or Complaints Administrator.

5.2. Allocation of request for review

Where a matter is assessed and allocated for consideration under Internal Review, the Complaints Administrator will assess the request and allocate the review to a Complaints Officer.

The appointed Complaints Officer must not be involved with the subject of the complaint and may be another Manager, the Complaints Administrator, an external provider or an officer with appropriate skills and experience to review the matter. The allocation of the request will be guided by the nature and complexity of the complaint.

The Complaints Officer is required to review the history of the matter, including any findings from the Preliminary Review and any responses and information provided to the complainant.

The Complaints Officer will provide findings which may include either (a) recommendations for resolving the complaint, or (b) reasons for upholding a finding/decision.

The Complaints Administrator, in conjunction with the Complaints Officer, will consider the appropriateness of appointing an external investigator to consider any complaint matters.

5.3. Acknowledgement of complaint

The complainant is to be provided with written acknowledgement of their complaint within a reasonable timeframe. This should include an indication of the approximate time it will take to respond to the complaint. The Complaints Officer is to aim to provide the complainant with an acknowledgement of their complaint within 10 business days.

The acknowledgement serves multiple purposes. The acknowledgement advises the complainant of how the complaint will be handled and by whom. It also serves to provide contact details for the Complaints Officer, thereby allowing the complainant to provide further information about the complaint if required.

Where further information arises that relates to the original complaint it will be included as a related matter and not a new complaint.

Dependent on the circumstances, where a complaint can be responded to in full within 10 business days it is reasonable that a separate acknowledgement is not issued to the complainant.

5.4. Timelines for complaints

Complaints will be responded to as quickly as possible, depending on an assessment of the following factors:

- (a) Resource availability;
- (b) The urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- (c) The number of issues in the complaint;
- (d) The complexity of the complaint issue/s;

- (e) The likelihood that the complaint can be quickly resolved; and
- (f) The number of operational branches involved in working through the complaint issues.

There is an expectation a complainant will be appropriately kept up to date on the progress of the matter where it will take more than 10 business days to respond to the complaint.

5.5. Withdrawal/ resolution of complaint

A complaint may be resolved or withdrawn by the complainant at any time during the Internal Review. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect to the Complaints Officer.

5.6. Council Determination / Appeal

The Chief Executive Officer may, under the Administrative Action Complaints Management Process, determine that a matter will be considered by council. The Chief Executive Officer may choose to exercise their discretion on any grounds considered appropriate, including but not limited to:

- (a) Complaint issues being of political interest; or
- (b) Complaint determination having wider implications on other residents across the region.

5.6.1. Report to Council

Where the Chief Executive Officer exercises discretion to take a complaint matter to council, the Complaints Administrator will coordinate the report to Council. The report will consist of:

- (a) Background of the issues;
- (b) Previous decisions and advice from council officers to the complainant;
- (c) Any findings or recommendations of the Complaints Officer; and
- (d) Any other material that will assist Council in its deliberations.

5.6.2. Council Decision

Council will consider the report and any recommendations and make a determination about the complaint. Council may decide:

- (a) That no further consideration / action is necessary;
- (b) To enforce the recommendations as described;
- (c) To enforce amended recommendations; or
- (d) Some other course of action.

5.7. Advice to complainant

At the completion of the Internal Review, the Complaints Officer will prepare their response to the Complainant. The response should be provided to the complainant as soon as practicable after the completion of the investigation.

As a general guide, a response from the Complaints Officer to the complainant could include the following (as applicable):

- (a) Relevant council policies, local laws and other statutory provisions, such as the source of the legislation;
- (b) Correspondence and other communications relating to the complaint;
- (c) Evidence and other material available to Council;
- (d) Findings of fact;
- (e) Any decisions made by council in regard to the complaint;
- (f) The reasons for council's decision;
- (g) The conduct and outcome of the investigation;
- (h) Whether the complainant's dissatisfaction was warranted; and
- (i) What remedy and further actions, if any, are proposed.
- (j) The review options available to the complainant.

In the case where a complaint matter has been considered by council, the Complaints Officer will coordinate the response based on the information presented to council and the council resolution, including any reasoning recorded against the council resolution.

All information contained within a response should take into account legislative parameters including, but not limited to, the *Information Privacy Act 2009*.

At the completion of the Internal Review, if the complainant is still not satisfied that the complaint has been resolved, their option for further review is through the appropriate External Authority (ie. the Office of the Queensland Ombudsman).

A complaint lodged verbally (by telephone or at the counter) may be responded to verbally. Appropriate file notes, including reasons for decisions, are required to be kept. A complaint lodged in writing should be responded to in writing.

5.8. Manager consideration

Where appropriate the Complaints Administrator, in consultation with the relevant Operational Manager, can review the Complaint Officer findings and any recommendations. On the basis of the information available, the Complaints Administrator and Operational Manager will make decisions about which recommendations will be adopted and any further actions to be taken.

5.9. Record keeping

In considering and reviewing a complaint matter the Complaints Officer needs to keep detailed and accurate records. Records may include:

- (a) Discussions regarding the complaint;
- (b) Investigation and resolution activities regarding the complaint;
- (c) Decisions, actions and outcomes regarding the complaint;
- (d) Any correspondence regarding the complaint; and
- (e) Any documents relating to a review, including recommendations and associated decisions or actions relating to the review.

These records should be securely stored in an appropriate location and in council's corporate records management system.

6. REVIEW BY EXTERNAL AGENCY

Where the complainant remains dissatisfied with the outcome of the Internal Review, they may lodge a complaint with an external agency such as the Office of the Queensland Ombudsman.

7. ROLE OF COMPLAINTS ADMINISTRATOR

7.1. Role of the Complaints Administrator

As set out throughout this process, the Complaints Administrator manages the process by coordinating activities that support the policy and the resolution of complaints. The Complaints Administrator:

- (a) Manages the allocation of requests for a review of an unresolved complaint about a service or an administrative action;
- (b) Manages the appointment of Complaints Officers. Appointed Complaints Officers should have the necessary skills and experience to perform the role, including being provided with any necessary training;
- (c) Manages the engagement of external providers;
- (d) Provides reports to the Executive Team on complaints data and analysis;
- (e) Provides input to the Annual Report on complaints data; and
- (f) Collates information available on administrative action complaints.

7.2. Selecting and appointing Complaints Officers

Persons appointed to be Complaints Officers must not be involved with the administrative action that is the subject of the complaint.

Complaints Officers include:

- (a) The Chief Executive Officer (CEO) who also appoints the Complaints Administrator;
- (b) The Complaints Administrator;
- (c) An officer selected and appointed as a Complaints Officers by the Chief Executive Officer and / or Complaints Administrator;
- (d) An external party appointed by the Chief Executive Officer; Complaints Administrator and / or Complaints Officer.

As noted above all Complaints Officers must have not been involved in the matter to conduct an Internal Review.

7.3. Reporting - Executive Team

The Complaints Administrator will provide a report to the Executive Team every 12 months about:

- (a) the number and type of complaints;
- (b) resolution activities and actions.

The report shall also provide some analysis, including trends and recommendations for improvement, such as the need for a procedural review or staff training.

7.4. Administration

Council must:

- (a) Record all administrative action complaints; and

- (b) Ensure the public have the ability to inspect the administrative action complaints management process (including the related policies and procedures) at Council's public office and on its website; and
- (c) Ensure internal reports are occasionally provided to senior management about the operation of the administrative action complaints management process; and
- (d) Ensure mechanisms are in place to:
 - i. Identify, analyse and respond to complaint trends; and
 - ii. Monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example).

7.4.1. Reporting - Annual Report

The Complaints Administrator will provide complaints information to the Annual Report coordinator for inclusion in council's Annual Report, in accordance with legislative requirements.

In accordance with the requirements of the *Local Government Act 2009* at the time this process was adopted, council's annual report will contain the following information about Administrative Action Complaints:

- (a) A statement about the Council's commitment to dealing fairly with Administrative Action complaints.
- (b) A statement about how the Council has implemented its administrative action complaints management process, including an assessment of the local government's performance in resolving complaints under the process.
- (c) The number of the following during the financial year:
 - i. complaints made to the Council;
 - ii. complaints resolved by the Council under the administrative action complaints management process;
 - iii. complaints not resolved by the Council under the administrative action complaints management process; and
 - iv. complaints not resolved by the Council under the administrative action complaints management process that were made in the previous financial year.

7.4.2. Delegation of Authority

Council may delegate its authority under the *Local Government Act 2009* to make a determination about an unresolved administrative action complaint.

7.4.3. Access to complaints information

Complaints information held in council's complaints recording system or on complaint files may only be provided on a need-to-know basis. That is, it must not be readily available to all staff and only available to staff who are required to use the information in the performance of their duties in relation to complaints management.

All complaint details will be treated with appropriate respect for the confidentiality and privacy of the complainant and officers involved. Publication of information of complaints will be limited to that prescribed by legislation.

7.5. Communication

Council will provide access to the Administrative Action Complaints Management Process to all staff, rate payers and other customers. Council will place the document on its intranet and its website, and include training in the induction program for new employees as well as in other specialised staff training. Managers will ensure that the information is made available to staff who do not have access to a computer.

7.6. 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 trends in the numbers, types and resolution of complaints.

As resourcing permits, but at least every 2 years, Council will conduct a review the effectiveness of the administrative action complaints management process. The review will evaluate and consider the following aspects, where necessary:

- (e) Accessibility – whether the complaint process is readily available to members of the community and is user-friendly.
- (f) Timeliness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.
- (g) Satisfaction – as evidenced by any complaint about the complaints process.
- (h) Compliance – by considering reports on the operation of the complaints process.

Following each review, the complaints process will be amended in terms of any adopted recommendation arising from the review.

8. MISCELLANEOUS

8.1. Definitions

| | |
|---------------------------------|--|
| Administrative action complaint | <p>A complaint about:</p> <ul style="list-style-type: none"> • a decision and an act; • a failure to make a decision or undertake an act, including a failure to provide a written statement of reasons for a decision; • the formulation of a proposal or an intention; • the making of a recommendation. |
| Affected Person | Is a person who is apparently directly affected by an administrative action of council. |
| Complaints Administrator | The person delegated by the CEO to manage the Administrative Action Complaints Management Process. |
| Complaints Officer | Person appointed by the CEO or the Complaints Administrator to undertake a review or investigation of a particular complaint. The Complaints Officer is a person who is independent of the subject of the complaint. |
| External provider(s) | A person who may be appointed as a Complaints Officer but who is not employed under the <i>Local Government Act 2009</i> . |
| Frivolous or Trivial complaint | A complaint which, at the discretion of the Complaints Administrator and / or Operational Manager, is considered to be minor or without merit and therefore not worthy of any further action. |
| Service complaint | <p>A complaint about:</p> <ul style="list-style-type: none"> • timeliness of response or work; • staff attitude or behaviour in providing the service; • quality of response/ standard of work. |
| Vexatious Complaint | A complaint which, at the discretion of the Complaints Administrator and / or Operational Manager, is considered to be mischievous, without grounds or serving only to cause annoyance. |
| Wrongdoing | Wrongdoing refers to illegal, unethical or illegitimate practices that occur in the organisation and are under the control of employers. Wrongdoing can include both deliberate acts, and failures to act, and breaches of law as well as violations of council rules or procedures. |

8.2. Legislation

The legislation relevant to adoption and operation of the Administrative Action Complaints Management Process includes, but is not limited to:

- (a) *Local Government Act 2009*
- (b) *Public Sector Ethics Act 1994*
- (c) *Crime and Corruption Act 2001*
- (d) *Public Interest Disclosure Act 2010*

8.3. Related Policies

Councillor Code of Conduct

Employee Code of Conduct

Enterprise Risk Management Policy & Guideline

Fraud and Corruption Policy & Guideline

Grievance Management Policy

Version control:

| Version | Reason/ Trigger | Change (Y/N) | Endorsed/ Reviewed by | Date |
|---------|--|--------------|-----------------------------|------------|
| 1.0 | First Version | N | Council/CEO | 22/05/2014 |
| 1.1 | Administrative amendments (Ref# D2016/281611) | Y | CEO/Corporate Governance | 25/02/2016 |
| 1.2 | Rebranding | N | Corporate Governance | 4/1/2017 |
| 1.3 | New Structure non material | Y | Corporate Governance | 13/02/2018 |

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Complaint Form Service and administrative actions

Please complete all the fields below and return to Council via email, fax or mail attention to the Chief Executive Officer

| 1. Applicant details | | | |
|----------------------|--|--------------|-----------|
| Surname: | | Given names: | |
| Postal address: | | | |
| Suburb: | | State: | Postcode: |
| Business phone | | A/H phone | Mobile: |
| Email address: | | | |

| 2. I am concerned about (please tick the box/es that are applicable) |
|--|
| <input type="checkbox"/> Act or a failure to do an act by a Council employee |
| <input type="checkbox"/> An action about a matter of administration that directly affected me ¹ |
| <input type="checkbox"/> The unprofessional personal conduct of a Council employee |
| <input type="checkbox"/> The misuse of authority of a Council employee |
| <input type="checkbox"/> Misappropriation or unauthorized use of resources by a Council employee |
| <input type="checkbox"/> Behaviour by a Council employee that I believe to be bribery or a secret commission |

| 3. The details of my complaint are: | |
|-------------------------------------|-------|
| | |
| Signature | Date: |

If you have any further questions about how to make a complaint with Council please contact Customer Service

¹ Administrative action includes a decision and an act; failure to make a decision or do an act, including failure to provide a written statement of reasons for a decision; the formulation of a proposal or an intention; the making of a recommendation.

Privacy
Council will use any personal information provided for the intended purpose only and for remaining in contact with you. Council is authorised to collect this information in accordance with the *Local Government Act 2009* and other Local Government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with council's privacy policy.