

# G.03 Administrative Action Complaints Policy

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- CEO Chief Executive Officer
- DCCS Director of Corporate & Community Services
- DES Director of Engineering Services
- MFS Manager Finance & Administration

## 1 OBJECTIVE

The complaints management process is established with the following objectives;

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

## 2 SCOPE

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

- be made under Chapter 3 of the Act about competitive neutrality issues;
- about official misconduct that should be directed to the Crime and Corruption Commission;
- made under the *Public Interest Disclosure Act 2010*;
- about conduct and performance of Councillors as prescribed in Chapter 5A of the *Local Government Act 2009*; and
- A decision made under a Local Law which is reviewable under a local law process.

## 3 STATEMENT

### 3.1 POLICY COMMITMENT

In accordance with section 268 of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*, a complaints management process is established. This policy underpins the complaint management process and is consistent with the *Local Government Principles* as defined in section 4 of the *Local Government Act 2009*.

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 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 complaint 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;
- 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.

### 3.2 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:-

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

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

### 3.3 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.

### 3.4 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.

### 3.5 COMPLAINTS MANAGEMENT SYSTEM

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

### 3.6 RESPONSIBILITIES OF OFFICERS

All Council officers:-

- Are required to observe the complaints management process; and
- Wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints management process.

### 3.7 COMMUNICATION

The Council will take appropriate steps to publicise the complaints management process. For example, Council will place this document on its website and include training on the complaints management process in the induction process for new employees and in other staff training.

## 4 DEFINITIONS

<u>Administrative action</u>	An administrative action of the Council, being an action about a matter of administration, including each of the following: <ul style="list-style-type: none"> <li>- a decision and an act;</li> <li>- a failure to make a decision or do an act, including to provide written reasons for a decision;</li> <li>- the formulation of a proposal or intention;</li> <li>- the making of a recommendation.</li> </ul>
<u>Affected person</u>	A person who is apparently directly affected by an administrative action of a local government.
<u>CEO</u>	Chief Executive Officer of the Council.
<u>Council</u>	Quilpie Shire Council.
<u>Council Officer</u>	A permanent, temporary, casual employee or contractor employed by Council.
<u>Complaints management process</u>	A process for resolving complaints about administrative actions of the local government that – <ul style="list-style-type: none"> <li>- covers all administrative action complaints made to the local government; and</li> <li>- requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and</li> <li>- includes the criteria considered when assessing whether to investigate a complaint; and</li> <li>- 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.</li> </ul>
<u>The Act</u>	<i>Local Government Act 2009.</i>

Natural Justice

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

**5 RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS**

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

IX #	Details
238679	G.03-A Administrative Action Complaints Procedure

**6 HUMAN RIGHTS COMPATIBILITY STATEMENT**

This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019.