

Doomadgee Aboriginal Shire Council Policy



Policy Name:	Complaints Management Process
Policy Number:	12
Policy Type:	Statutory
Link to Corporate Plan	Governance – Administration and Corporate Services
Date Approved:	23 January 2020
Resolution Number:	11-01/20
Approving Officer:	Council

Section 1 - Introduction

Context

Under the *Local Government Act 2009* s268, Council must adopt a process for resolving complaints about administrative actions of the local government made by an affected person. An affected person is someone who is directly affected by the administrative action.

Purpose

Doomadgee Aboriginal Shire Council must operate in an open, transparent and accountable manner. This is a policy documents Council's complaints management process to deal effectively and efficiently with complaints regarding its administrative actions.

Under Local Government Act 2009 Section 268, Council must adopt a process for resolving complaints about administrative actions of the local government made by an affected person. An affected person is someone who is directly affected by the administrative action.

The Local Government Regulation 2012 Section 306 (Process for resolving administrative action complaints) requires Council to adopt by resolution:

- a. A complaints management process that effectively manages complaints from their receipt to their resolution; and
- b. Written policies and procedures supporting the complaints management process.

Scope

This policy applies to all administrative action complaints made to the local government. This policy does not cover internal staff complaints. Refer to the Staff Grievance Policy for further information.

Section 2 – Policy

Principle

Doomadgee Aboriginal Shire Council acknowledges the right of customers to provide feedback, both positive and negative, on services it provides and the decisions it makes. It also understands that there are occasions when people may wish to lodge a complaint. Our council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

Policy

In this policy the words below are defined as follows:

“administrative action complaint” as defined in the Local Government Act 2009 S268 is a complaint that:

- (a) is about an administrative action of a local government, including the following for example –
 - a. a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - b. (ii) an act, or a failure to do an act;
 - c. (iii) the formulation of a proposal or intention;



Doomadgee Aboriginal Shire Council Policy

- d. (iv) the making of a recommendation; and
- e. (b) is made by an affected person.

A customer request is not an administrative complaint. However, a customer's concern about inaction in respect to a customer request shall constitute an administrative complaint.

Handling of Administrative Complaints

How are administrative complaints made?

Administrative complaints are usually directed to Council in writing or verbally (in person at Council offices or by phone).

Section 3 – Procedure

Process for Dealing with Administrative Complaints

Written Administrative Complaints (includes web, facsimile or letter)

1. Upon receipt, the records officer shall refer the complaint to the appropriate manager for investigation.
2. The manager to whom the complaint is referred for investigation shall forward a letter acknowledging the complaint (within 14 days) which:
 - a. Demonstrates that the subject of the complaint is understood
 - b. Indicates what will happen next
3. The manager who is investigating the complaint shall do so as expeditiously as possible.
4. The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
5. Record complaint and action in the General Complaints Register.

Verbal Administrative Complaints

1. The officer who first receives the complaint (either by phone or over the counter) shall refer the matter to the appropriate manager for attention.
2. The manager shall:
 - a. Record the details of the complaint on the Complaint Form;
 - b. Confirm with the complainant the accuracy of what has been recorded;
 - c. Explain what will happen next;
 - d. Investigate the complaint as expeditiously as possible and recommend/take remedial action;
 - e. The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
3. Record complaint and action in the General Complaints Register.

Note 1: In those cases where a complaint is received verbally which relates to a staff matter, the complainant is to be advised that the complaint must be lodged in writing.

Anonymous Complaints

Council acknowledges the inherent difficulty in investigating and resolving complaints made by unknown persons. Nevertheless, anonymous complaints, or complaints from people who wish their names to be held in confidence, will be accepted for investigation, provided that there is sufficient information to enable an investigation to be conducted.

People wishing to remain anonymous are to be advised that Council's ability to investigate the complaint may be limited by their anonymity.

Any anonymous complaints that allege fraud, corruption or misconduct by an officer will be referred directly to the CEO.



Doomadgee Aboriginal Shire Council Policy

Complaints about the Chief Executive Officer

Only complaints involving a direct decision or action of the Chief Executive Officer (CEO) will be considered through this process. The complaint, which must be made in writing, is to be referred to the Mayor.

The Mayor will consider the information provided by the complainant and seek a response from the CEO. In the event that the Mayor considers that some form corrective action is required and the Mayor and CEO fail to agree on this action, the Mayor may refer the matter to the full Council.

In considering the matter, the full Council is to provide a reasonable opportunity to both the Mayor and the CEO to present supporting information in regard to the complaint, including providing reasonable notice to prepare to present such information.

Appeal Process

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged. There is a two (2) stage process; internal and/or external.

Internal Appeals

The following positions are responsible for reviewing complaints as a result of an appeal:

- a. For complaints relating to an initial investigation by a manager, a review is to be carried out by the CEO.
- b. For complaints relating to an initial investigation by the CEO, a review is to be carried out by the Mayor.

Internal review process

1. The reviewing officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
2. If, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, he/she will inform the complainant accordingly.
3. If the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, he/she will:
 - a. Counsel the officer who initially handled the complaint;
 - b. Institute action to achieve the desired result;
 - c. Inform the complainant of the outcome of his/her review.
4. In circumstances where the Review Officer is the CEO, the CEO will inform the Mayor.

External Appeals

If a person feels that the Council has not properly dealt with a complaint internally, that person may wish to refer the matter to any of the following Appeal Agencies:

The Office of the Ombudsman
GPO Box 3314
Brisbane Qld 4001
Telephone: (07) 3005 7000
Facsimile: (07) 3005 7067

Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001
Telephone: (07) 3360 6060
Toll Free: 1800 061 611
Facsimile: (07) 3360 6333

Monitoring and Review

A register of all administrative complaints will be maintained and occasionally a report will be provided to the Chief Executive Officer.

In accordance with the requirements of the Local Government Regulations 2012 a report will be included in Council's annual report relating to administrative complaints.



Doomadgee Aboriginal Shire Council Policy

Section 3 – Reference and Supporting Information

Supporting documentation

Links to supporting documentation	
General Complaint Form	

Section 4 – Governance

Policy is governed by the following legislation

Name	Link
Local Government Regulation 2012 S197	

Responsibility

Responsible Department:	Corporate Services
Policy Administrator:	Director of Corporate Services

Review

Review Period:	12 months
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Privacy Provision

Council respects and protects people's privacy and collects, stores, uses and discloses personal information responsibly and transparently when delivering Council services and business.

Change History

Review Date	Revision Number	File Reference:	Approval Date	Change:	Date of Next Review
Dec 2016	1		Dec 2016		Dec 2017
Jan 2020	2		23 Jan 2020	Updated wording and template	Feb 2021