

Purpose

The purpose of this policy is to prescribe the principles for investigating complaints about an administrative decision and/or actions.

Scope

This policy is applicable to all Councillors, Council employees and administrative action complaints as defined in s 268 of the Act.

This policy does not apply to:

- a. social media comments.
- 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. any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through the *Planning Act 2016*, or competitive neutrality issues that must be addressed through the *Local Government Act 2009*, including:
 - i. any complaints about the conduct or decisions of elected officials.
 - ii. corrupt conduct which must be reported to the Crime and Corruption Commission as per the Crime and Corruption Act 2001.
 - iii. a public interest disclosure.
- e. A decision made under a Local Law which is reviewable under a local law process.
- f. A complaint under the Public Interest Disclosure Act 2010.
- g. A request to review a court decision.

Applicable Legislation

Section 268 of the Local Government Act 2009 (the Act) requires Whitsunday Regional Council (Council) to establish a complaints management process for resolving administrative action complaints. This policy will set out the overarching principles for Council’s management of administrative action complaints and guide the process for resolving these types of complaints. Elements of ‘Australian Standard AS/NZS 10002:2014 Guidelines for complaints management in organisations’ has also been incorporated into this policy and related Administrative Guideline.

Policy Statement

1. Principles

- 1.1 Whitsunday Regional Council is committed to dealing with complaints fairly, confidentially, promptly and in a respectful manner. It is also committed to providing a high 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 Lodging a complaint for council's consideration does not preclude the issue being investigated by another group or agency, such as the Queensland Ombudsman.
- 1.3 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. To facilitate the effective management of complaints, council will:
 - 1.4 develop and maintain policies and procedures and ensure that adequate training is provided to council staff.
 - 1.5 ensure that affected persons are aware of the avenues available to them to make a complaint; and
 - 1.6 provide a mechanism for continuous improvement through performance reporting and customer feedback.
- 1.7 No action will be taken on trivial, frivolous, or vexatious complaints.

2. Anonymous Complaints

- 2.1 Anonymous complaints or feedback will be accepted by Council, but will be assessed to determine the appropriate action, however the anonymity of the complaint may impact Council's capacity to respond. Where the complaint cannot be investigated without further information the complaint will not be processed.
- 2.2 Where a person wishes to lodge a verbal complaint but not provide identifying details, they should be advised that:
 - 2.2 (a) council does not victimise or take reprisal action against a person who makes a complaint.
 - 2.2 (b) complaints may be directed to the director or manager responsible for the operational area.
 - 2.2 (c) unless there is sufficient detail in the complaint, it will be difficult for council to consider the issue fully and effectively; and
 - 2.2 (d) no outcome can be provided to an anonymous complaint.

3. Streamlined processes for parking fines and other PINs

- 3.1 Requests for an internal review of parking fines and other Penalty Infringement Notices (PIN) notices are managed as an Administrative Action Complaint. Council's preference is to:
 - 3.1 (a) ensure complaints are responded to before the matter is lodged with the State Penalties Enforcement Registry (normally 30 days after the PIN is issued); and
 - 3.1 (b) dispense with other internal review processes, given that the complainant may elect to have the matter heard by the Magistrate's court if they are dissatisfied with the decision about their complaint. However, where someone raises concerns regarding the process used in issuing a PIN, it may still be sound practice to offer an internal review.
- 3.2 This provides an option to resolve the matter quickly, rather than through the Magistrates Court.

4. Resources and training

Staff are the single most important resource in complaint management. Resources for managing complaints will be regularly reviewed and staff trained in the policy and procedures. This policy will address resources and training for complaint management.

5. Complaint Management model - Process

- 5.1 Council will adopt a three-level model of complaint management, as detailed in the Administrative Action complaints guideline:
 - 5.1 (a) Level 1: Preliminary review by the Manager or Director in the operational area- service complaint.
 - 5.1 (b) Level 2: Internal review by the Chief Executive Officer, through the Manager, Governance and Administration investigation -administrative action complaint.
 - 5.1 (c) Level 3: External review - assessment, investigation or review by the relevant external body such as Office of Ombudsman.
- 5.2 The aim is to have the majority of complaints resolved by the Operational Manager or Director (i.e. at level one). Complainants who are dissatisfied with how preliminary review has addressed their complaint or its outcome should have the option of escalating their complaint to the Chief Executive Officer (i.e. at level two). If the complainant is still dissatisfied with the handling of their complaint, they should have the option to seek a review by an appropriate external complaint management body.

6. Outcomes

This policy is designed to produce the following outcomes:

- 6.1 provide a framework for resolving complaints about administrative actions of council;
- 6.2 cover all administrative action complaints made to council;
- 6.3 require council to quickly and efficiently respond to complaints in a fair and objective way;
- 6.4 include the criteria considered when assessing whether to investigate a complaint;
- 6.5 facilitate continuous improvement of council, its services, systems and staff;

- 6.6 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
- 6.7 inform customers and staff of the avenues of review if they are not satisfied with a particular outcome, decision or action.

7. Communication

Information about the channels to make complaints will be promoted on Council's Website and at Service Centers. Information about the organisation's complaints process should be readily available, written in plain English. Council's complaint management policy should be accessible:

- 7.1 from its website's homepage.
- 7.2 at its front counter or reception areas; and
- 7.3 in leaflets, newsletters or other relevant media generated by the organisation, from time to time.

8. Communicating with the complainant

Council will actively communicate its progress to the complainant, particularly where progress has been delayed. When finalised, outcome of the complaint should be communicated to the complainant using the most appropriate medium taking into account the complainant's needs and express views of the complainant.

9. 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).

10. Complainant rights

A complainant is entitled to:

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

11. Complainant obligations

To assist in managing this process, complainants are asked to provide:

- 11.1 full details of their name, address and telephone contact number before a complaint will be registered (anonymous complaints - see section 2.)
- 11.2 sufficient details regarding the complaint issues and outcome sought.



Administrative Action Complaint Management Policy

Corporate Services

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12. Managing Unreasonable Customer Conduct

Unreasonable conduct by complainants will be managed under Council's General Complaints Management Policy.

Definitions

Administrative action complaint - is a complaint that -

- a) is about an administrative action of a local government, 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 intention;
 - (iv) the making of a recommendation; and
 - (v) is made by the affected person (or verified representative) can be made orally or in writing or via Council's website or anonymously but do not include general comments on social media

Affected person refers to a person who is apparently directly affected by an administrative action of local government.

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Complainant refers to the affected person or organisation making a complaint.

Complaint refers to an expression of dissatisfaction by a person regarding a decision or other action of Council

Complaints Management Policy refers to a policy for resolving complaints about administrative actions of the local government.

Council refers to the Whitsunday Regional Council

Employee refers to any employee, contractor, volunteer etc. of the Council

Request for service refers to request for Council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.

Frivolous or Trivial complaint A complaint which, at the discretion of the Complaints

Administrator and / or Operational Manager, is minor or without merit and therefore not worthy of any further action.

Service complaint A complaint about:

- timeliness of response or work.
- staff attitude or behavior in providing the service;
- quality of response/ standard of work.



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Vexatious Complaint A

complaint which, at the discretion of the Complaints Administrator and / or Operational Manager, is mischievous, without grounds or serving only to cause annoyance

Related Documents

General Complaints Management Policy

Administrative Action Complaints Guideline

Information Management Policy

Human Rights Compatibility Statement

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

COUNCIL POLICY			
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Responsible Officer(s)	Manager, Governance and Administration	Revokes	LSP_OMCEO_19