



<b>POLICY TITLE:</b>	Administration Complaint Action Policy
<b>POLICY NUMBER:</b>	S002
<b>COUNCIL ADOPTION DATE:</b>	16 August 2022
<b>LINK TO WIK KATH MIN VALUES:</b>	Values 1-6
<b>LINK TO CORPORATE PLAN:</b>	Key Governance Goal 1 – Our Leadership Role for Our Community Key Governance Goal 2 – Better Communication
<b>REVIEW DATE:</b>	August 2023
<b>POLICY OWNER:</b>	Director of Corporate Services

### 1. Policy Purpose

The Administration Complaint Action Policy is a statement outlining the strategic policy position in relationship to the transparent management of complaints received.

### 2. Policy Objectives

The objectives of the Complaint Action Policy are to:

- a) Determine the fair, efficient and consistent treatment of complaints, decisions and other administrative actions of the council;
- b) Identify administrative errors and implement improved practices to managing internal and external complaints received; and
- c) Meet legislative requirements pursuant to s 187 of the Local Government Regulation 2012.

### 3. Policy Scope

This policy applies to Aurukun Shire Council employees, including contractors, agents and assigns of Council.

### 4. Policy Statement

Aurukun Shire Council is committed to providing a level of service which does not attract complaints but recognises the rights of the community to provide positive and negative feedback on its services. When a complaint is submitted in any formal form, Council is committed to managing all complaints quickly and efficiently.

The following principles are adhered to when managing complaints:

- a) **Client Focus:** All associated treated with respect, courtesy, dignity and fairness.
- b) **Confidentiality:** Managed accordingly to Information Privacy Act 2009 and Privacy Act 1998 (Queensland)



- c) **Communication:** Transparency in its operations and will advise complainants of the reasons for decisions and/or actions.
- d) **Continuous Improvement:** Opportunity for business improvement through effective complaint management systems.
- e) **Fairness:** Complaints be considered on individual merits.

Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency. Effective communication and transparency will be utilised through the complaints process, and council will work to ensure complaints are resolved in a timely manner from date received.

#### **4.1. Complaints Covered by this Policy**

##### **4.1.1. Included Complaints**

All complaints identified as an Administrative Action Complaint, as defined in the Local Government Act 2009, will be investigated appropriately.

##### **4.1.2. Excluded Complaints**

Complaints that are not covered by the Administrative Action Complaint Policy or related procedures included, but may not be limited to:

- Complaints specifically covered by other legislation, employee misconduct complaints, complaints about Councillors and privacy;
- Complaints regarding requests for services such as overgrown allotment or potholes;
- A follow up or further request for service that has not been completed by Council but is still within timeframes advised to customer;
- A complainant under the Public Interest Disclosure Act 2010;
- An enquiry or request for information; and
- Complaint that could be made under Chapter 3 of Local Government Act 2009 about competitive neutrality issues.

##### **4.1.3. Frivolous and Vexatious Complaints**

Council may refuse to deal with a complaint if it is deemed frivolous or vexatious. Once identified, these will be managed in accordance with the Administrative Action Complaint Management Procedure.

#### **5. Changes to this Policy**

This Policy will remain in force until otherwise amended/replaced by resolution of the Council.



<b>PROCEDURE TITLE:</b>	Administration Complaint Action Procedure
<b>PROCEDURE NUMBER:</b>	S002
<b>COUNCIL ADOPTION DATE:</b>	16 August 2022
<b>LINK TO WIK KATH MIN VALUES:</b>	Values 1-6
<b>LINK TO CORPORATE PLAN:</b>	Key Governance Goal 1 – Our Leadership Role for Our Community Key Governance Goal 2 – Better Communication
<b>REVIEW DATE:</b>	August 2023
<b>PROCEDURE OWNER:</b>	Director of Corporate Services

## 6. Procedure Purpose

The purpose of this Procedure is to outline the process by which the Aurukun Shire Council records, manages and resolves Administrative Action Complaints.

## 7. Procedure Scope

This procedure applies to Aurukun Shire Council employees, including contractors, agents and assigns of Council.

## 8. Procedure Objectives

The objectives of this procedure are to:

- Ensure the complaint management process is fair, objective, transparent and consistent;
- Facilitate the use of information obtained from the complaints management process to improve overall service delivery; and
- Ensure that Administrative Action Complaints are responded to in a timely manner.

## 9. Procedure

### 9.1. What is an Administrative Action Complaint (AAC)?

The Administrative Action Complaints Process must be applied when an affected person makes a complaint to Council about:

- A decision of Council, a failure by Council to make a decision or provide a decision within designated timeframes;
- A failure by Council to provide a written statement of reasons for a decision;
- A failure of Council to act, or of Council a failure to do an act;
- Where Council has the formulated a proposal or intention; and
- Where Council has made a recommendation.



## **9.2. What is not an Administrative Action Complaint (AAC)?**

Matters that are not an AAC include:

- Customer requests;
- Reports of damaged or faulty infrastructure;
- A suggestion or proposed service improvement;
- An enquiry or request for further information;
- Petitions to Council about a particular matter;
- Comments or submissions received during formal consultations or community engagement; and
- Complaints about Councillor conduct.

Complaints that are managed separately may include:

- Competitive neutrality complaints;
- Corruption complaints that are required to be dealt with under the Crime and Corruption Act 2001;
- Public Interest Disclosures (PIDS) made under the Public Interest Disclosure Act 2010;
- Internal complaints relating to staff conduct that are referred to Human Resources or to be dealt with under relevant policies;
- Matters previously / currently dealt with through court, tribunal or external complaint agencies;
- Disputes about legal liability; and
- Social Media comments.

## **9.3. Administrative Action Complaint Management Framework**

### **Stage 1 – Initial Review**

Council will make every effort to resolve the complaint and the point of first contact however if this cannot be achieved the initial complaint will be investigated by a Council Officer and may include talking to those involved and auditing documentation. Once the investigation is complete the Complainant will be advised of the decision and any remedy action.

### **Stage 2 – Internal Review**

If the Complainant is not satisfied with the outcome of Stage 1, they may request an internal review. This will include an independent review of the original investigation. At the conclusion of this investigation the complainant will be advised of the decision and provided with a Statement of Reasons for the decision.



### Stage 3 – External Review

If the Complainant is not satisfied with the outcome of Stage 2, they may lodge a complaint with the Queensland Ombudsman or use other external review processes through the courts.

#### **9.4. How an Administrative Action Complaint can be made to Council**

Complaints can be made by voice call, in person, letter, email or via Aurukun Shire Council Website. Written administrative action complaints should be addressed to the Chief Executive Officer.

Affected persons that provide oral administrative action complaints should provide their name, address and contact details to assist Council in responding to the complaint. The affected person may also be requested to provide a written submission regarding the matter or verify a written statement on the matter that has been dictated to a Council officer.

Anonymous complaints will be received however Council will have difficulty communicating with the complainant if they remain anonymous. As a complaint can only be made by an affected person Council will make all reasonable attempts to contact affected person in relation to the matter.

Complaints will be accepted from an agent for the affected person where a written authority signed by the affected person has been provided to Council by the agent. Council reserves the right to contact the deemed affected person to verify the authorisation before commencing the review process. The term affected persons refers also to the agent of affected persons through the remainder of this procedure.

#### **9.5. Acknowledgement of Receipt of an Administrative Action Complaint**

Council will provide the affected person with an acknowledgement of the receipt of the administrative action complaint within seven (7) days of receiving the complaint. The acknowledgement will be in writing and outline the process that Council will follow to review the matter.

Where Council is unable to find the contact details for an anonymous complainant (after making reasonable attempts) the Council will note on the review that no acknowledgement has been made.

On acknowledgement of a complaint, it will be added to the complaints register. Anonymous complaints will be added to the complaints register.

#### **9.6. Criteria for assessing where to investigate Administrative Action Complaint**

The Council will not assess a complaint that:

- Is not made by an affected person (or authorised agent);
- Where no decision, policy, recommendation or action or lack of action is identified;



- Where the affected person has been deemed a vexatious complainant in relation to the current complaint matter;
- Where the complaint is deemed frivolous or vexatious.

The complainant will be advised within 14 days if Council decides that it will not access the complaint under these criteria.

## **9.7. How an Administrative Action Complaint will be processed by Council**

### **9.7.1. Complaint Categories**

The time required to investigate and resolve a complaint may depend on the circumstances and complexities of the matter.

<b>Type of Complaint</b>	<b>Criteria</b>
<b>Low Complexity</b>	Low complexity complaints require no investigation and can be easily addressed through the provision of information, or through negotiating a desired outcome, perhaps through face-to-face or over the phone - a written response may not be required. Low complexity complaints should be managed at the business unit level.
<b>Medium Complexity</b>	Medium complexity complaints may require some research into the matter; it might also require some negotiation/facilitated discussion with the complainants or consultation with other areas of Council. They are rated a medium complexity and typically include issues that relate to a single incident or a decision. Some investigation or fact finding of the complaint issues may be required. Typically, medium complexity complaints contain a small number of issues where a written response is required.
<b>High Complexity</b>	High Complexity Complaints are matters where there are a large number of complaint issues; or where the complaint issues may refer to possible systemic concerns. These matters will typically involve complainants providing very detailed and lengthy background information that requires time to address. The matters can be of a very complex nature which may involve working with a number of business units in order to reach an outcome. Formal investigation may be required, involving assessment of information, and may involve interviews or discussions with staff and other relevant persons, including external consultation.

### **9.7.2. Investigating a Complaint**

Considering the type of Administrative Action Complaint(s) or the policies / legislation that is referred to be investigated under, will determine the appropriate delegate to make a decision on complaint under statute. If the appropriate delegate is unable to make a decision, the matter will be referred to another officer to review the decision. That officer will take into account all information and any new information provided by the affected person in the review of the original decision.



The following table provides options for reviewing such matters.

Previous Decision Maker	Options for Reviewer
Chief Executive Officer	Executive Officer External Party
Director Officer	Chief Executive Officer External Party
Manager	Chief Executive Officer Director Officer
Other Officer	Director, Officer Manager

Once the reviewer has investigated the matter, they will advise the affected person in writing within fourteen (14) days of the decision being made. That advice must include the reason for making the reviewed decision and any other information that would assist the affected person understand the decision.

All attempts will be made to complete the review within a period of thirty (30) days. This is subject to all information being available and is a target rather than a benchmark.

If the affected person is not satisfied with the reviewer's decision they should respond to the Council providing the reasons for dissatisfaction highlighting where they believe the decision error has been made.

Council will again review the matter using new reviewer and the same process. Council will not review the matter a third time unless new information is provided that the CEO believes warrants further review.

On receipt of an administrative action complaint relating to a decision made by Council, the CEO will:

- Provide an acknowledgement of receipt of the complaint within seven (7) days.
- Provide the complainant with all information including agenda information and or reports (excepting confidential information) used in making the decision.
- Meet with the affected person in relation to the matter once they have received the information and reports used in making the decision
- Provide access to Councillors including the opportunity for the affected person to address a Council workshop or meeting (depending on the nature of the matter).
- Where appropriate provide a further report to Council seeking a repeal or amendment of the decision where Council has indicated that it has made an error in policy development.

Once the Council has reviewed the matter the CEO will advise the affected person in writing within fourteen (14) days of the Council's decision being made. That advice must include the reason for making the review decision and any other information that would assist the affected person understand the decision.





## **9.8. Privacy and Confidentiality**

Council takes very seriously its obligations and responsibilities contained within the privacy principles of the Information Privacy Act 2009 and Privacy Act 1988 (Queensland).

Details of any complaint, the identity of a complainant and other parties to the complaint, the investigation and decisions made in relation to the complaint are kept confidential. However, there may be occasions where disclosure of some or all of these details to another party is required by law.

## **9.9. Reporting**

Details of the administrative action complaints are required to be reported annually in the annual report. The CEO should also review the numbers and types of administrative action complaints on a regular basis to ensure that there are no trends that would identify a need to review process risks.

## **9.10. Changes to this Policy**

This Procedure will remain in force until otherwise amended/replaced by resolution of the Council.

## **9.11. Definitions**

Affected Person	An affected person is a person who is apparently directly affected by an administrative action of a local government
Complaint	An expression of dissatisfaction by a person or organisation
Council Policy	For the purposes of the Administrative Action Complaints Process Policy a policy of Council includes any document, process, procedure, formal policy made under a previous resolution of Council and is implemented by delegation

## **9.12. Legislation and references**

Local Government Act 2009 Section 268  
Local Government Regulation 2012 Sections 187 and 306 ASC Annual Report  
Information Privacy Act 2009 and Privacy Act 1988 (Queensland)  
Crime and Corruption Act 2001  
Public Interest Disclosure Act 2010  
Right to Information Act 2009