



Gladstone Regional Council

Corporate Standard

Title	ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT
Standard Number	CS-07-2016
Responsible Directorate	CORPORATE AND COMMUNITY SERVICES
Date of Effect	01 NOVEMBER 2016 (G/16/2911 & FCGC/16/0102)
Date Review Due	01 NOVEMBER 2019

1.0 PURPOSE:

The Administrative Action Complaint Management Corporate Standard has been developed to meet the requirements of *Section 268(1) of the Local Government Act 2009* whereby Council must adopt a process for resolving Administrative Action Complaints and the requirements of *Section 306 of the Local Government Regulation 2012*¹ that requires Council to adopt² -

- (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.*

2.0 SCOPE:

This Administrative Action Complaint Management Process applies to all Administrative Action Complaints received by Council in accordance with the Administrative Action Complaint Management Policy.

¹ Refer *Section 268 of the Local Government Act 2009* and *Section 187 & 306 of the Local Government Regulation 2012*.

² The requirement for Council to 'adopt' means that the adoption of the process and written policies and procedures may only be carried out by Council resolution and may not be carried out by a delegate of Council.

For clarity an **Administrative Action Complaint** is not a:

- Customer Service Request;
- complaint about a Council, a Councillor³ (except where the complaint relates to the use by the Councillor of a power delegated by Council to the Councillor⁴) or any Council Employee that does not involve an administrative action of Council;
- complaint about a breach of Council's Code of Conduct or the Councillor Conduct Code;
- *competitive neutrality complaint*⁵;
- complaint made under the *Public Interest Disclosure Act 2010*⁶.

Attributes of an Administrative Action Complaint -

- it is the substance rather than the form that is important;
- the word complaint does not have to be used;
- represents the gap between the agency's actions and the person's expectations;
- doesn't have to be reasonable, have merit or be complex or serious in nature: it may involve a simple and/or minor matter;
- doesn't need to be an escalation of a previously raised issue; it may involve an issue raised for the first time.

3.0 RELATED LEGISLATION:

- Local Government Act 2009
- Local Government Regulation 2012
- Public Interest Disclosure Act 2010
- Right to Information Act 2009
- Information Privacy Act 2009

4.0 RELATED DOCUMENTS:

- Council's Administrative Action Complaint Management Policy
- Council's Administrative Action Complaint Management Training Manual
- Council's Customer Service Charter

³ Refer *Chapter 6, Part 2, Division 6 of the Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors

⁴ Only the Mayor and Councillors who are the Chairperson of a Standing Committee of Council may be delegated powers by Council.

⁵ Refer *Section 48 of the Local Government Act 2009* and *Section 43 of the Local Government Regulation 2012* for the process of dealing with *competitive neutrality complaints*.

⁶ Refer to Sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council's Public Interest Disclosure Policy and Procedures (P-1.00.08)

5.0 DEFINITIONS:

To assist in the interpretation of this Corporate Standard the following definitions apply:

"Act" means *Queensland Local Government Act 2009*.

"Actioning Officer" - means the Council Employee to whom the Administrative Action Complaint has been referred for investigation and resolution (including associated recording, reporting and provision of outcome advice to the Affected Person or their Agent).

"Administrative Action Complaint" - means an Administrative Action Complaint as defined in *Section 268(2) of the Local Government Act 2009*; namely "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*
- (b) *is made by an affected person."*

It is an expression of dissatisfaction by an Affected Person who is directly affected by an administrative action of Council including a failure to take action. An Administrative Action Complaint can have its basis in:

1. lack of timeliness;
2. lack of quality;
3. lack of communication;
4. safety/risk concern;
5. policy or procedure not followed;
6. unsatisfactory decision.

"Affected Person" means an affected person as defined in *Section 268(3) of the Local Government Act 2009*; namely "a person who is apparently directly affected by an administrative action of a local government".

"Agent" means a person appointed to act on behalf of an Affected Person who is unable to lodge an Administrative Action Complaint personally due to poor health, distance, language, legal or other reasons.

"Chief Executive Officer" means the person appointed as the Chief Executive Officer of Council under the *Local Government Act 2009*.

"Complainant" means the Affected Person making an Administrative Action Complaint or that Affected Person's Agent.

"Complaint Management Process" means the process for resolving Administrative Action Complaints under *Section 268(2) of the Local Government Act 2009* and is the complaints management process set out in this Administrative Action Complaint Management Corporate Standard.

"Complaint Management System" - means the system utilised for recording and reporting details required for the effective management of all Administrative Action Complaints and to fulfil statutory reporting requirements.

"Complaint Review Panel" - means a panel of Council Employees appointed by the Chief Executive Officer to review outcomes of Administrative Action Complaints.

"Customer Service Request" - means a request made of Council for the provision of a service or product (e.g. *a request to address a barking dog issue, a request for a pothole repair, a request to have an overflowing waste bin emptied*).

"Council" means Gladstone Regional Council.

"Council Employee" - means an employee of Council appointed under the *Local Government Act 2009*.

"Councillor" - means a Councillor (including the Mayor) of Council.

"Frivolous Complaint" - means a complaint that is considered by the Chief Executive Officer or delegate or the Complaint Review Panel to be trivial and not warranting the use of Council resources in the investigating the complaint.

"Identified Complaints Officer" - means the Council Employee delegated the task of assigning and managing progress of Administrative Action Complaints.

"Personal Information" - means information or an opinion, true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

"Receiving Officer" - means a Council Employee who initially interacts with the Affected Person or their Agent and receives and/or records an Administrative Action Complaint.

"Regulation" - means the *Local Government Regulation 2012*.

"Responsible Officer" - means a Council Employee who ensures the progress of the complaint in timely and efficient manner by the Actioning Officer.

"Vexatious Complaint" means a complaint that is considered by the Chief Executive Officer or delegate or the Complaint Review Panel to have been made to make mischief or cause harm to Council, a Councillor or a Council Employee or lacking sufficient grounds to warrant the use of Council resources to investigate the complaint.

6.0 STANDARD STATEMENT:

The Administrative Action Complaint Management Process is summarised in Appendix 1 and based on the following guiding principles.

6.1 Guiding Principles

Complaints will be investigated expeditiously, efficiently and impartially in a fair and objective manner with:

- the aim of achieving a mutually acceptable resolution;
- the aim of identifying improvements to Council's policies, processes and service delivery;

- regard to existing legislation and statutory guidelines; and
- regard to the principles of natural justice and procedural fairness.

Persons dealing with Administrative Action Complaints must act impartially and without bias. Bias could arise if the decision-maker has some financial or other personal interest in the outcome of the investigation (conflict of interest), or has given the impression that they have prejudged the issues ahead of the time (prejudgement).⁷

6.2 How to lodge a Complaint

Complaints may be lodged in any form by the Affected Person or their Agent.

In person at any public Council office or to any Council Employee.

By letter addressed to:

The Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680

By Email: info@gladstonerc.qld.gov.au

Online: www.gladstone.qld.gov.au (electronic complaint form or downloadable form)

By Telephone: (07) 4970 0700

By Fax: (07) 49758500

6.3 What Complaints should include

- All relevant contact information including the Complainant's name, address, telephone and/or email contact details unless the Complainant chooses to remain anonymous and/or lodges a compliant via an Agent⁸.
- Sufficient details to enable investigation of the complaint.
- Details of any loss or detriment the Affected Person has suffered.
- A list of any other persons, agencies or authorities that the Affected Person has reported the complaint to.
- An outline of the outcome the Affected Person seeks (e.g. an apology, a different decision, restitution, a change in policy or procedure).
- Any supporting information and documentation including names and contact details of any other persons who are able to support the complaint.

6.4 Assistance to make a complaint

Language assistance is available for people from non-English speaking backgrounds by calling the Telephone Interpreter Service (TIS) on 1800 131 450. Advise the TIS of the preferred language and ask to speak to the Gladstone Regional Council on 07 4970 0700.

⁷ Source Queensland Ombudsman Complaints Management Training Workbook

⁸ If an Affected Person is anonymous it may be difficult to ascertain whether the person is actually affected by the Administrative subject of the complained - this will need to be determined by the Identified Complaints Officer receiving the complaint.

Assistance for hearing or speech impaired is available by contacting the National Relay Service on 1300 555 727 (speak and listen) or 133677 (type and listen or speak and read).

6.5 Complaints by Agents

If an Affected Person is unable to lodge an Administrative Action Complaint personally due to poor health, distance, language, legal or other reasons, the Affected Person may ask another person (an Agent) to communicate a complaint on their behalf (in any form and with or without identifying the Affected Person) to a Council Employee.

Where a person is acting as an Agent on behalf of an Affected Person, the Agent must provide the Council Employee with a Statutory Declaration confirming that they:

- are acting on behalf of the Affected Person with the explicit consent of the Affected Person with respect to the complaint made;
- the Affected person has advised that they meet the definition of "Affected Person" in the Administrative Action Complaint Management Policy and Corporate Standard;
- have been nominated by the Affected Person as the person to receive all communications from Council with regard to the complaint made; and
- have, in the complaint made by them on behalf of the Affected Person, to their knowledge truthfully and correctly disclosed the subject of the complaint to the Council Employee as was advised to them on behalf of the Affected Person.

6.6 Anonymous Administrative Action Complaints

Where a complaint has been received anonymously there is no ability for Council to provide a response to the Complainant however in all other aspects the complaint will be dealt with in accordance with the Administrative Action Complaint Management Policy and this Corporate Standard.

6.7 Further information from an Affected Person or their Agent

The Complainant may provide additional information in relation to an Administrative Action Complaint at any time before the investigation is completed.

6.8 Withdrawing an Administrative Action Complaint

An Administrative Action Complaint may be withdrawn by the Complainant at any time during the complaint process. The Complainant must provide a clear indication in writing that they wish to withdraw the complaint.

6.9 Determination

Determination as to whether a matter is an Administrative Action Complaint shall be made in accordance with Section 6.2.2 of the Administrative Action Complaint Management Policy.

6.10 Confidentiality

The identity of a Complainant and copies of all relevant documentation, including the original complaint, the investigation report and all correspondence between the Complainant and the investigator, will be treated as confidential information and kept in accordance with relevant legislative requirements.

Confidentiality about the complaint and any subsequent investigation will be maintained to the extent that it can reasonably be achieved, subject to other legal requirements relating to the disclosure of information⁹.

6.11 Monitoring, Reporting and Review ¹⁰

Reporting is to be undertaken as per Section 6.2.8 of the Administrative Action Complaint Management Policy.

In addition, the relevant Director will monitor the progress of Administrative Action Complaints relevant to their Directorate within the Complaint Management System and ensure follow up action is taken where appropriate.

This reporting will allow Council to identify, analyse and respond to complaint trends and will include:

- half year summary of the information that is published in Council's annual report;
- identification of complaint trends particularly those most common or frequently occurring;
- analysis of these trends and the possible reasons for their occurrences;
- recommendations on how to respond through improvements to Council's policies, processes, procedures, training, practices and service delivery based on these trends;
- summary of the effectiveness of the policy and process. Data to be analysed will be
 - the timeliness of investigations
 - have business improvements been identified within sections
 - the quality of the communications with Affected Persons and other stakeholders
 - feedback from staff in regards to the efficiency and ease of use of the process and the associated training and also their advice on the satisfaction of the Affected Person in regards to how the investigation was conducted and the outcome.
- where an improvement is identified in regards to the effectiveness of the complaints management process or policy, recommendations on how to make such improvements.

Quality control will be undertaken by the Co-ordinator Customer Services who will be responsible for ensuring Identified Complaints Officers check the accuracy of data entered into the complaint record and for ensuring compliance by Council Employees with the Administrative Action Complaint Management Policy and the Administrative Action Complaint Management Corporate Standard.

6.12 Single complaint regarding an administrative action of both a Councillor and Council Employee

A single complaint made against two or more of the following will be recorded and assessed separately.

- the Council
- a Councillor
- the Chief Executive Officer
- a Council Employee

The complaint about an administrative action of the Council or a Councillor is to be dealt with in accordance with Section 6.13 of this Corporate Standard.

⁹ For example applications made under the *Right to Information Act 2009 & Information Privacy Act 2009*

¹⁰ Refer *Section 306 of the Local Government Regulation 2012*

The complaint about an administrative action of the Chief Executive Officer is to be dealt with in accordance with Section 6.14 of this Corporate Standard.

The complaint about an administrative action of a Council Employee is to be dealt with in accordance with Section 6.15 of this Corporate Standard.

6.13 Complaint regarding an administrative action of the Council or a Councillor

A complaint regarding an administrative action of the Council or a Councillor will be referred to the Chief Executive Officer who will advise the Complainant to direct the complaint to the appropriate external agency (the Queensland Ombudsman for example). Such advice to be in accordance with the Administrative Action Complaint Management Policy and this Corporate Standard.

6.14 Complaint regarding an administrative action of the Chief Executive Officer

A complaint regarding an administrative action of the Chief Executive Officer will be referred to the Mayor who will advise the Complainant to direct the complaint to the appropriate external agency (the Queensland Ombudsman for example). Such advice to be in accordance with the Administrative Action Complaint Management Policy and this Corporate Standard.

6.15 Complaint regarding an administrative action of a Council Employee

A complaint regarding an administrative action of a Council Employee will be referred to the appropriate Identified Complaints Officer to be dealt with in accordance with the Administrative Action Complaint Management Policy and this Corporate Standard. Should the outcome of the investigation conclude there was also a breach of any other policy or law then the appropriate actions under that policy or law breached will be undertaken.

6.16 Multiple complaints regarding the same or similar issue

If multiple complaints are received about the same or similar issue (e.g. if several separate complaints are received about Council's delivery of a particular service) a single Administrative Action Complaint may be allocated to cover all complaints.

An appropriate method to facilitate the sharing of information with all complainants and limit further enquiries whilst the complaint is being resolved will be agreed (for example, complainants may be advised updates will be provided via Council's newsletter).

6.17 Investigations

One Actioning Officer will be allocated to the investigation of the complaint unless the complex nature of the investigation requires extra resources. The allocation of such resources will be decided upon by the Chief Executive Officer, the Director, or the Identified Complaints Officer. Investigations will be undertaken in accordance with Sections 6.2.4 and 6.2.5 of the Administrative Action Complaint Management Policy.

An investigation report will be prepared and include:

- Contact details of the Affected Person and/or their Agent where provided
- location of the issue
- summary of the details of the complaint;
- a chronology of the events;

- any documented evidence;
- interview transcripts or detailed summaries of investigations;
- relevant laws, policies, standards followed;
- summary of the investigation including findings of the investigation;
- any recommendations made.

6.18 Timeframes

The investigation of an Administrative Action Complaint may take some time dependent on its complexity and severity however all complaints must be assessed efficiently and resolved without delay. The Complainant **must be** contacted by the Actioning Officer within 10 business days:

- to provide advice on the status of the resolution of the complaint; or
- to advise the planned course of action for resolution of the complaint, including advice on timeframes and an agreed communication process for the Complainant to receive regular updates (where appropriate) until the matter is finalised; or
- to advise that the matter will not be investigated as an Administrative Action Complaint as per Section 6.2.2 of the Administrative Action Complaint Management Policy.

6.19 Complaint Review

Where a Complainant requests an internal review of the outcome of an investigation, the Complaint Review Panel will review all information captured in the complaint record and ensure that all additional information reviewed during the course of their investigation is added to the complaint record. This includes but is not limited to transcripts of conversations and meetings, emails, correspondence, photographs and ECM document references. The Complaint Review Panel will include in the scope of their review the outcome of the departmental investigation (substantiated or unsubstantiated) and the business improvement decision.

Once the investigation has been completed the written report will be added to the complaints record. The investigation report will include those details as set out in Section 6.17 above.

The Complainant will be advised, in accordance with Section 6.2.6 of the Administrative Action Complaint Management Policy, of the decision, the reasons for the decision and the process for an appeal to the appropriate external agency, such as the Queensland Ombudsman, should the Complaint not be satisfied with the outcome of the internal review.

The Complaint Review Panel will advise the Identified Complaints Officer that the Administrative Action Complaint internal review has been completed and the Complainant has been advised of the outcome.

The Identified Complaints Officer will check the Administrative Action Complaint to ensure complete and accurate capture of information by the Complaint Review Panel.

Where a Complainant requests an internal review of a decision made by Council's Complaint Review Panel, this review will be undertaken as per Section 6.2.7 of the Administrative Action Complaint Management Policy.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW TRIGGER:

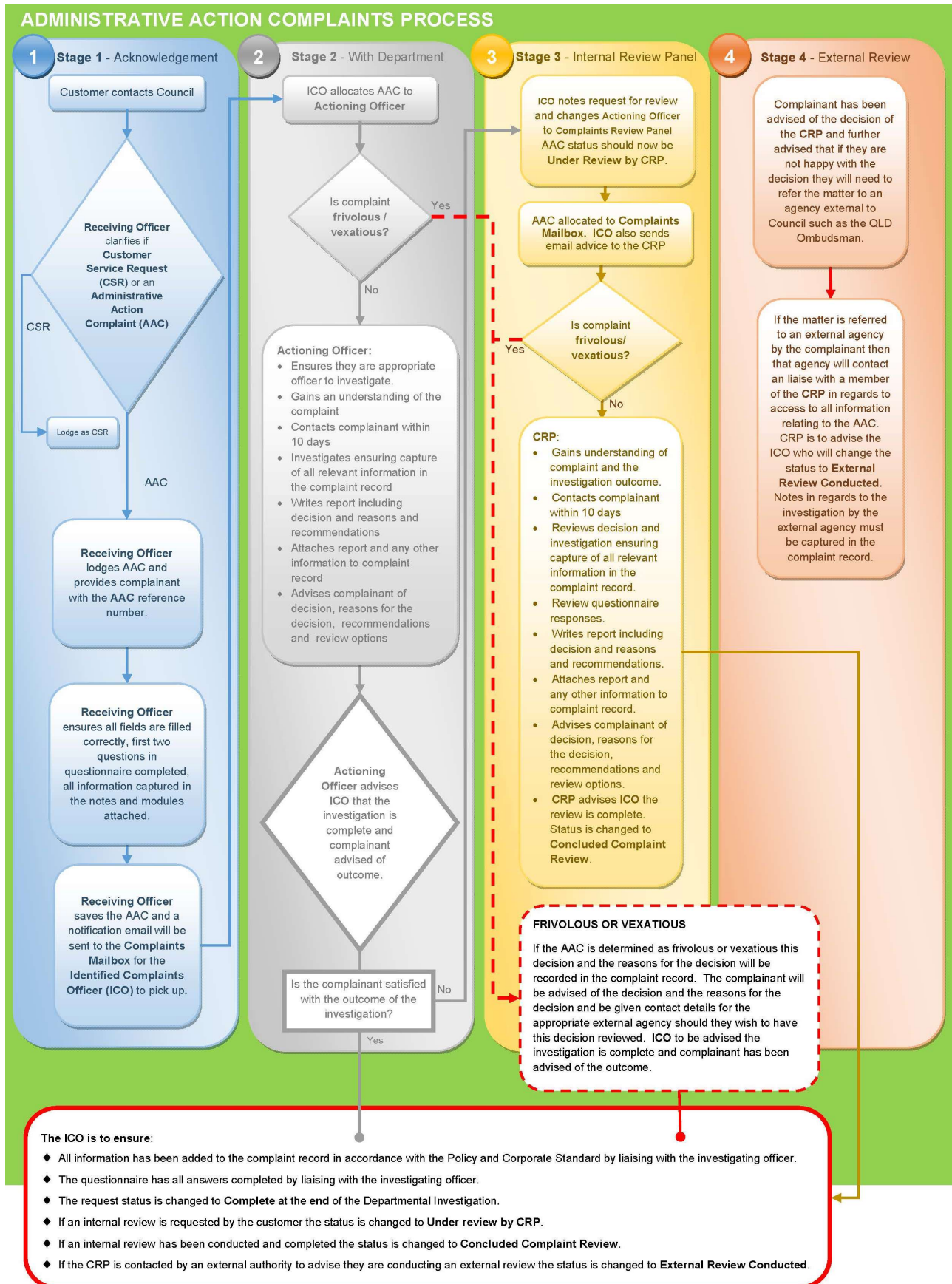
This standard will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by the CEO.
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS	
Originally Approved:	17 MARCH 2015
Amendment 1	01 NOVEMBER 2016 (G/16/2911 & FCGC/16/0102)
Amendment 2	<INSERT DATE APPROVED>
Amendment 3	<INSERT DATE APPROVED>

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STUART RANDLE
CHIEF EXECUTIVE OFFICER

APPENDIX 1 - ADMINISTRATIVE ACTION COMPLAINTS PROCESS FLOWCHART



The Administrative Action Complaint Management Process is summarised in Appendix 1 and expanded below.

Stage 1 – Complaint Acknowledgement

The Receiving Officer may need to provide clarification to the customer on what an Administrative Action Complaint is and how it differs from a comment or a Customer Service Request. This discussion will ascertain if the customer wants to voice their opinion on a process, service or product provided by Council; if they are requesting a Council service or product or if they want an investigation into a Council decision or action, including a failure to act. If it is the latter then an Administrative Action Complaint will be lodged.

Once the Complainant has confirmed they want to lodge an Administrative Action Complaint it is the Receiving Officer's responsibility to record all relevant details under Section 6.3 of this Corporate Standard and Section 6.2.1 of the Administrative Action Complaint Management Policy. The Administrative Action Complaint reference number is to be provided to the Complainant as a reference and acknowledgment.

The Complaint Management System will allocate the complaint to the responsible Identified Complaints Officer who will determine (in liaison with senior staff where appropriate) if the matter is an Administrative Action Complaint in accordance with Section 6.2.2 of the Administrative Action Complaint Management Policy. Where an Administrative Action Complaint is to be investigated the selection of the Actioning Officer will be in accordance with Section 6.17 of this Corporate Standard and Sections 6.2.4 and 6.2.5 of the Administrative Action Complaint Management Policy.

The Identified Complaints Officer will start a standard task on the complaint record with details of the task being "*actioning officer needs to contact Affected Person and undertake investigation*" and set a due date 10 days in advance. This will change the status to "*Scheduled Action*". The record will be noted with the name of the Actioning Officer, why they were selected and then their name will be placed in the Actioning Officer field. The Responsible Officer field does not get changed. Any fields in the questionnaire that can be completed at this stage should be and the record saved. The complaint will now be allocated to the Actioning Officer.

Stage 2 – Complaint with Department

The selected Actioning Officer will gain an understanding of the complaint and ensure the complaint is progressed efficiently and resolved within timeframes in accordance with Section 6.18 of this Corporate Standard. During the investigation the Actioning Officer will ensure that all information relevant to the investigation is added to the complaint record. This includes but is not limited to transcripts of conversations, emails, correspondence, photographs, ECM document references, relevant supporting documents added as a paperclip and any other information which has been reviewed during the course of the investigation.

Once the investigation is complete the written report will be added to the complaint record. This report will contain details in compliance with Section 6.17 of this Corporate Standard including the decision and the reasons for the decision and any recommendations.

The Actioning Officer will contact the Complainant, in accordance with Section 6.2.6 of the Administrative Action Complaints Management Policy, who will also be advised at this time of the process for an appeal to Council's Complaints Review Panel should the complainant not be satisfied with the outcome of the investigation.

The Actioning Officer will advise the Identified Complaints Officer that the Administrative Action Complaint investigation is complete and that the Complainant has been advised of the outcome.

The Identified Complaints Officer will check capture of information in accordance with the Administrative Action Complaint Management Policy and Corporate Standard, complete all fields in the questionnaire including what business improvements were made as a result of the complaint and then mark the outcome as either substantiated or unsubstantiated. Any tasks still running on the record will be completed and the status updated to "*Complete*".

Stage 3 – Internal Review

Where a Complainant requests an internal review of the outcome of the investigation, the Identified Complaints Officer will ensure clear advice has been received from the Complainant in this regard, will capture this advice in the complaint record then change the details in the Actioning Officer field to "*Complaint Review Panel*". The Responsible Officer field does not get changed. The Identified Complaints Officer will start a standard task on the complaint record with details of the task being "*CRP to contact Complainant and undertake review*" and set a due date 10 days in advance. This will change the status to Scheduled Actions so the Identified Complaints Officer must manually change the status to "*Under Review by CRP*".

Once the complaint record has been updated and saved a notification will go to the Complaints Mailbox however the Identified Complaints Officer will also email the individual members of the Complaint Review Panel to alert them to the review request. The Complaint Review Panel will undertake the review in accordance with the guidelines set out in this Corporate Standard.

The Complaint Review Panel will review, in accordance with Section 6.2.4 and 6.2.5 of the Administrative Action Complaint Management Policy and Section 6.17 and 6.18 of this Corporate Standard, the decision and the investigation including all information captured in the complaint record including answers to the questionnaire. All additional information reviewed during the course of their investigation is to be added to the complaint record. This includes but is not limited to transcripts of conversations and meetings, emails, correspondence, photographs and ECM document references.

Once the internal review has been completed the written report will be added to the complaint record. This report will include the name and address of the Complainant, location of the issue, a summary of the allegations, a chronology of the events, summary of the investigation, decision and the reasons for the decision and any recommendations.

The Complainant will be advised of the decision, the reasons for the decision, recommendations for the complainant to consider and the process for an appeal to the appropriate external agency, such as the Queensland Ombudsman, should the Complainant not be satisfied with the outcome of the internal review. The advice provided to the Complainant will be in accordance with Section 6.2.6 of the Administrative Action Complaint Management Policy. Recommendations from the Complaint Review Panel for the investigating Department shall be included in their report attached to the complaint record and advised to the Identified Complaints Officer for that Department for actioning as appropriate.

The Complaint Review Panel will advise the Identified Complaints Officer that the Administrative Action Complaint internal review is complete and that the Complainant has been advised of the outcome. The Identified Complaints Officer will check the Administrative Action Complaint to ensure complete and accurate capture of information by the Complaint Review Panel, ensure any tasks have been completed, all answers on the questionnaire are accurate and complete and then update the status to "*Concluded Complaint Review*".

Where a Complainant requests an internal review of a decision made by Council's Complaint Review Panel, this review will be undertaken as per Section 6.2.7 of the Administrative Action Complaint Management Policy.

Stage 4 – External Review

The Complainant has been advised by the Complaints Review Panel of the process for an appeal to the appropriate external agency, such as the Queensland Ombudsman, should the Complainant not be satisfied with the outcome of the internal review. Only the Complainant can refer the matter to the external agency, Council does not act on behalf of the Complainant in this regard. The advice provided to the Complainant will be in accordance with Section 6.2.6 of the Administrative Action Complaint Management Policy.

If the matter is referred to an external agency by the Complainant, that agency will contact and liaise with a member of the Complaint Review Panel in regards to access to information relating to the complaint. All information in regards to the investigation by the external agency must be captured in the complaint record.

The Complaint Review Panel is to advise the Identified Complaints Officer that there has been an external review undertaken in regards to the complaint so the Identified Complaints Officer can change the status of the complaint to "*External Review Conducted*".