



# **Blackall-Tambo**

## Regional Council

# General Complaints (Administrative Actions) Procedure

Policy Number: Stat 39	Effective Date: 15 July 2020
Version Number: Two	Review Date: June 2022
Policy Compiled by: Chief Executive Officer	
Policy Approved by: Chief Executive Officer	

## **AUTHORITY**

This is Blackall-Tambo Regional Council Complaints Management Procedure (CMP) for resolving administrative action complaints as required by the s.268 of the *Local Government Act 2009* and s.306 of the *Local Government Regulation 2012*.

## **COMMITMENTS**

Council acknowledges that people have a right to make complaints about its actions. The CMP makes sure complaints are managed fairly, quickly and professionally.

Council will ensure:

- anyone who is not happy about council can easily make a complaint.
- people are given help to make their complaint.
- people are not disadvantaged or treated unfairly after they make a complaint.
- complaints are dealt with quickly and fairly.
- people are told what council has decided about their complaint and the reasons for the decision within a suitable timeframe.
- if people are still not happy, they are told how to appeal council's decision.
- complaints are recorded and reported on to help council provide better services.

## **OBJECTIVES**

A Complaints Management Procedure:

- makes it easier for people to make a complaint
- makes it easier for council to deal with complaints
- helps council improve its services
- gives the community confidence in council.

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**CMP AVAILABILITY**

The CMP and these policy and procedures are available on council’s website and at the offices. Council is required to educate staff on the Complaints Management Procedure.

**SCOPE**

The CMP applies to all administrative action complaints and the way they are handled.

Examples of an administrative action include:

- a decision or failure to make a decision, including a failure to provide reasons for the decision in writing
- making a recommendation.

An administrative action complaint includes complaints that are:

- fixed quickly
- made verbally
- made anonymously

An affected person is someone who is seemed to be directly affected by an administrative action of council.

The CMP doesn’t apply to:

- complaints about the conduct or performance of councillors
- complaints about corruption
- public interest disclosures
- complaints covered by separate review or appeal processes.

**Complaints Model**

Council’s CMP is a step by step way to receive, record, assess, review, respond and report on complaints. It recognises that complaints are usually made verbally to the CEO or staff at council’s office.

**Stage 1:** Complaints are initially managed and resolved by the CEO. The CEO can refer a complaint to a head of department (HOD).

**Stage 2:** Unresolved complaints are referred to council for review and response.

**Stage 3:** People who are not happy with the way council has handled their complaint can contact the Queensland Ombudsman for help.

**RECEIVING COMPLAINTS**

**Making a Complaint**

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People can make a complaint:

- by telephone or in person
- by email or online, via council's website
- in writing, addressed to the CEO
- anonymously
- if a complaint is made on a person's behalf council will check that the person is happy for council to respond directly to their representative.

### **Helping people make a complaint**

- council officers will help people make a complaint and tell them what information they need to provide.
- council will arrange help if a person needs an interpreter or has special needs.
- council will allow individuals to be supported by another person in making their complaint (for example, where a person has difficulty in making the complaint themselves).

### **Acknowledging complaints**

- council should let people know they have received their complaint within two days.
- council can let people know they have received their complaint verbally or in writing.
- acknowledgements should tell people how long it will take to handle the complaint and contact details for the officer dealing with the complaint.

### **Recording complaints**

All administrative action complaints will be recorded in a complaint register.

The complaints register should include:

- the name of the person making the complaint
- date received
- what the complaint is about
- the outcome of the complaint
- date the complaint was finalised
- action required, and the date council will take action

All written complaints will be referred to the CEO. The CEO will arrange for the complaint details to be recorded in the complaints register.

All verbal complaints will be recorded by the receiving officer and passed on to the CEO. Details of the complaint will be entered in the complaints register. If a verbal complaint is complex, the CEO can ask the person to put their complaint in writing.

Council officers should create a full record of how the complaint is managed.

The complaint record should include:

- the name and contact details of the person making the complaint
- date the complaint was received (and how)



- what the complaint is about
- information collected and considered by council
- actions taken to fix the problem
- complaint decision and the reasons for the decision
- final response communicated to complainant
- date complaint finalised

### **Assessing complaints**

Each complaint should be looked at carefully to determine:

- what the complaint is about
- how it should be managed, including whether it is urgent
- if any extra information is needed

Council needs to determine:

- whether the complaint involves an administrative action of council or its staff
- whether the complaint involves a human rights issue
- whether person making the complaint is directly affected
- whether the complaint is worth investigating
- whether the person making the complaint has a right to appeal council's decision
- what the person wants council to do to fix the problem.

Anonymous complaints will be accepted and dealt with like any other complaint.

Important considerations include:

- the seriousness of the complaint
- how much information is provided
- whether council is able to properly investigate the complaint.

The complaint officer's assessment will be recorded in the complaint record/file.

### **REVIEWING COMPLAINTS**

Complaints will be dealt with quickly and efficiently. Complaints should also be handled in a fair and objective way.

When council deals with a complaint, it should:

- talk to the person making the complaint to check whether they understand all the issues
- gather and consider all relevant information about the complaint
- identify and consider relevant laws, policies and procedures
- give anyone affected by the complaint a fair hearing before the complaint is decided
- decide what can be done to fix the problem.

Council can fix the problem by:



- acknowledging the error and apologising
- providing a better explanation for a decision or action
- explaining why or how the error occurred and the steps that Council is taking to prevent it happening again
- offering a refund or financial compensation
- changing the decision
- updating policies, practices and procedures
- fixing misleading or inaccurate records
- offering help, providing further information or referring the complaint to someone who can help
- advising that disciplinary or management has been taken (if appropriate)

## RESPONDING TO COMPLAINTS

Council should tell the person making the complaint what it decides with 15 working days of the complaint being received. Council's final response can be provided verbally but should be confirmed in writing.

If the final response cannot be provided within this time, council should let the person know how their complaint is progressing and when they can expect a response.

The final response should include:

- clearly explain council's decision and the reasons for the decision
- list the remedies being offered
- detail other changes made as a result of the complaint
- contact details for the officer handling the complaint
- provide options for review if the complainant is unsatisfied with the outcome.

## REPORTING

Council's annual report will contain the following information about the CMP:

- a statement about how the CMP is working, including an assessment of council's performance in resolving complaints under the CMP
- the number of all complaints made, resolved and unresolved during the financial year
- number of complaints unresolved from the previous financial year
- Under section 97 of the *Human Rights Act 2019* and section 63 of the *Financial Accountability Act 2009* Council will provide information about human rights complaints in the annual report.

## PRIVACY

The *Information Privacy Act 2009* (IP Act) contains a number of privacy principles which set out the rules for how personal information is to be collected, managed, used, disclosed and disposed of.

An individual can make a complaint that a local government has, in relation to the individual's personal information, breached its obligations under the IP Act to comply with:

- The privacy principles
- The transfer of personal information outside of Australia principles
- The conditions attached to a public interest approval granted under section 157 of the IP Act.

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Complaints to Council under the IP Act will be dealt with using the general process set out in these procedures.

**HUMAN RIGHTS**

The *Human Rights Act 2019* imposes obligations on public entities as defined by section 9 of the Act.

Council will follow the procedures outlined in this document when dealing with human rights complaints.

Individuals may complain holistically about the action or decision that they are unsatisfied with; they may not explicitly identify or allege a human rights breach. When a complaint is made human rights must be considered when managing the complaint by:

- 1 Identify the human rights relevant to the complaint.
- 2 Consider whether the action or decision limits those human rights.
- 3 Assess whether the limitation is justified and reasonable in the circumstances.

**PROCEDURE REVIEW**

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

1. As required by legislation
2. Other circumstances as determined by the Chief Executive Officer.

Notwithstanding the above, the procedure is to be reviewed at intervals of no more than two (2) years.

**VERSION CONTROL**

Version 1	6 August 2018
Version 2	15 July 2020