

# **MCKINLAY SHIRE COUNCIL**



## **GENERAL COMPLAINTS PROCESS POLICY**

*AUTHORITY: Statutory*

*VERSION:1.0*

*ADOPTED BY COUNCIL: 14 September 2010*

*REVISED: Annually*

*NEXT REVISION DUE: 14 September 2011*

*CORPORATE PLAN REFERENCE: 6.6*

## **POLICY PURPOSE**

The role of Council is to provide open and accountable local government. An effective and transparent method of responding to complaints regarding its services, actions and the conduct of Councillors and Council officer's, to better enable Council to undertake this role.

This policy excludes action and decisions take under legislation which provide for separate avenues of appeal, such as decisions made under the *Sustainable Planning Act*, destruction orders for dogs, prosecutions made under Local Laws that are appealable to a Magistrates Court and decisions under the *Building Act 1975*.

## **AUTHORITY (LEGISLATION OR OTHER)**

*The Local Government Act 2009* Section 268 (1) provides that "a local government must adopt a process for resolving administrative action complaints".

*The Local Government (Operations) Regulations 2010 ( Part 4 – 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.

## **DEFINITIONS**

In this policy the words below are defined as follows:

"administrative action complaint" as defined in the *Local Government Act 2009* S268 (2) 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

(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.

## ***POLICY CONTENT***

### **1. 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).

*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 7 days) which:
  - Demonstrates that the subject of the complaint is understood;
  - 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, when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.

Note: In replying to the complainant the manager shall explain that, if they are unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or externally to either the Office of the Ombudsman or the Crime and Misconduct Commission.

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:
  - Record the details of the complaint on the Complaint Form;
  - Confirm with the complainant the accuracy of what has been recorded;
  - Explain what will happen next;

- Investigate the complaint as expeditiously as possible and recommend/take remedial action;
- Inform the complainant of the remedial action taken.
- Records Manager with all documentation

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.

Note: 2: In informing the complainant of the action taken, the manager shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or to either the Office of the Ombudsman or the Crime and Misconduct Commission.

### *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*

#### Who will conduct internal appeals?

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

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

#### How will an internal review be conducted?

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:
  - Counsel the officer who initially handled the complaint;
  - Institute action to achieve the desired result;

- 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.

Note: In replying to the complainant, the reviewing officer shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged with either the Office of the Ombudsman or the Crime and Misconduct Commission.

### *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 Misconduct Commission  
GPO Box 3123  
Brisbane Qld 4001  
Telephone: (07) 3360 6060  
Toll Free: 1800 061 611  
Facsimile: (07) 3360 6333

## **2. Monitoring and Review**

### *How are administrative complaints recorded?*

A register of all administrative complaints will be maintained by the Records Manager and a quarterly report will be provided to the Chief Executive Officer, who in turn will inform Council.

Upon written request to the Chief Executive Office, a member of the public may inspect the register.

In accordance with the requirements of the Local Government (Finance, Plans and reporting) Regulations 2010 a report will be included in Council's annual report relating to administrative complaints.

## ***APENDIX A***

General Complaints Form