

ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT PROCESS

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1.0 INTRODUCTION

The Administrative Action Complaints Management Process (the Process) has been developed to:-

- (a) provide a single system through which complaints about administrative actions, including external complaints relating to staff, can be dealt with, where possible internally, and
- (b) Comply with the requirement for resolving administrative action complaints in accordance with the *Local Government Act 2009*¹ (the Act) and *Local Government Regulation 2012*².

1.1 Administrative Action Complaints

This Complaints Management Process applies to administrative action complaints. An administrative action complaint is defined in section 268 of the Act as a complaint that:

- (a) *is about an administrative action of Council 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; and/or*
 - (iv) *the making of a recommendation.*
- (b) *is made by an affected person.*

In deciding if a complaint is an administrative action complaint, it is irrelevant:-

- (a) how quickly the complaint was resolved;
- (b) to which area of Council the complaint was made;
- (c) whether the complaint was a written or verbal complaint; or
- (d) whether or not the complaint was made anonymously.³

An administrative action may include decisions, services, products and actions including inaction, parking fines, other Penalty Infringement Notices (PINs) and the conduct of staff.

1.2 Council Commitment

Council is committed to dealing with complaints fairly, objectively, confidentially, promptly and in a respectful manner to ensure an impartial, unbiased attitude, appropriate management of any conflict of interest, viewing things factually in contrast to seeing things only from Council's position.

Council is also committed to providing a superior level of service to its customers, and to open and transparent government. Council aspires to provide a level of service and conduct itself 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.

¹ Section 268 *Local Government Act 2009*

² Section 306 *Local Government Regulation 2012*

³ Section 268(5) *Local Government Regulation 2012*

1.3 Objectives

The Administrative Action Complaints Management Process aims to:

- (a) provide a framework for the management of administrative action complaints and corrupt conduct in a fair, efficient and consistent manner.
- (b) offer a complaints management process that facilitates continuous improvement of Council, its services, systems and staff.
- (c) provide clarity about the elements of Council's complaints policy and process.
- (d) inform customers, staff and Councillors of the forms of redress available to them and the avenues of review if they are not satisfied with a particular outcome, decision or action that directly affects them.
- (e) enhance the community's confidence in Council's complaints process and of the reputation of Council as being accountable and transparent.

1.4 Guiding Principles

Complaints are to be assessed and, where appropriate, thoroughly and expeditiously investigated with the aim of achieving a mutually acceptable resolution and informing improvements in Council's service delivery and business practices. No action will be taken on complaints properly assessed as trivial, frivolous or vexatious.

To facilitate the effective management of complaints, Western Downs Regional Council will:

- (a) develop and maintain complaints management policies and processes and ensure that adequate training is provided to Council staff and Councillors.
- (b) ensure that affected persons are aware of the avenues available to them to make a complaint.
- (c) provide a mechanism for continuous improvement through performance reporting and customer feedback.

1.5 Benefits of Managing Complaints

By effectively analysing complaints, steps can be taken to:

- (a) redesign products and services
- (b) improve business procedures and policies.
- (c) increase efficiency and effectiveness.
- (d) reassess training priorities.
- (e) reassess customer information needs such as newsletters, pamphlets, website content.
- (f) increase community confidence in Council decision making.
- (g) promote transparency and accountability.

1.6 Scope

The Complaints Management Process applies to all administrative action complaints including:

- (a) complaints about Council decisions;
- (b) complaints about staff conduct (where not otherwise covered by the *Crime and Corruption Act 2021*); and
- (c) complaints about Council actions, services and operations.

However, the Complaints Management Process does not apply to:

- (a) any complaint that is not an administrative action of Council;
- (b) a complaint made by a person not deemed to be an "affected person";
- (c) requests for service or information - where a person wants Council to act or provide a service. Examples include: a barking dog enquiry, an overflowing waste bin, a pothole or another issue requiring Council service. Requests for service will be dealt with through Council's Customer Request Management System;
- (d) suggestions, enquiries or petitions;
- (e) a decision made under a local law (e.g. a compliance notice) which has review, appeal or stay mechanisms under a local law process;
- (f) any matter covered by a separate statutory prescribed review or reporting process under:
 - i. the *Crime and Corruption Act 2001*;
 - ii. the *Public Interest Disclosure Act 2010*;
 - iii. the *Local Government Act 2009* e.g. competitive neutrality complaints;
 - iv. the *Planning Act 2016*;
 - v. the *Animal Management (Cats and Dogs) Act 2008*; or
 - vi. any other statutory instrument.
- (g) a decision of a court.
- (h) complaints relating to the conduct or performance of Councillors. Complaints about the conduct of Councillors should be made to the Office of the Independent Assessor.
- (i) internal staff grievances – staff should refer to the *Employee Grievance - Organisational Policy*.

1.7 The Process

Council has a staffed administrative action complaints management process to allow for the efficient and effective resolution of complaints. The process allows for:-

- (a) complaint assessment
- (b) preliminary review (investigation) and resolution by Operational area
- (c) internal review by independent officer
- (d) external review by the appropriate external authority (e.g. Office of the Queensland Ombudsman).

The Chief Executive Officer, or a delegated officer, can make the decision to escalate a complaint matter where, due to the complexity, age or other reasons, there are strong grounds for this decision.

2.0 LODGING A COMPLAINT

2.1 Making a Complaint

Administrative action complaints may be lodged:-

- Telephone:** 1300 268 624 (1300 COUNCIL)
(Western Downs Region callers only - excluding mobiles & interstate callers)

(07) 4679 4000 (All callers - local, mobiles and outside of Western Downs Region area)
- Mail Address:** The Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405
- Online:** Online form at www.wdrc.qld.gov.au
- Facsimile:** 1300 329 937 (1300 FAX WDRC)
- Email:** info@wdrc.qld.gov.au
- In person:** Customer Contact Centre (see www.wdrc.qld.gov.au)

2.2 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).

Persons with a special need are offered every opportunity and assistance in accessing Council's complaints process. Reasonable assistance is also provided to any complainant upon request.

2.3 Complainant Rights

A complainant is entitled to:

- (a) an acknowledgement of Council's receipt of the complaint (unless made anonymously).;
- (b) a prompt response to the complaint;
- (c) be kept informed of the progress and outcome of the complaint;
- (d) confidentiality of personal details (insofar as this is possible within the law);
- (e) a thorough and objective investigation or review of a complaint; and
- (f) have their human rights respected in accordance with the *Human Rights Act 2019*.

2.4 Complainant Obligations

To assist in managing this Process, Council ask that a complainant provide:

- (a) full details of their name, address and telephone contact number before a complaint will be registered. (anonymous complaints - see section 3.5)
- (b) sufficient details regarding the complaint issues and outcome sought in order for the complaint to be actioned.

2.5 Public Interest Disclosures (PID)

Complaints about wrongdoing are often anonymous due to concern over possible reprisal. A complainant may be afforded some protections under the *Public Interest Disclosure Act 2010* including protection against reprisal.

Complaints which may constitute a public interest disclosure under the *Public Interest Disclosure Act 2010* will be managed in accordance with Council's *Public Interest Disclosure -Council Policy* and associated process.

2.6 Complaints Made by a Third Party (Agent)

A complaint lodged by a person as agent for an affected person will be responded to directly to the affected person and not to the agent unless a letter of authority is provided indicating the agent is acting on behalf of the affected person and Council considers that the appointment as agent has been validly made. Verification must include a letter from the complainant authorising the agent to act on their behalf and specifying whether the agent or the complainant is to be the recipient for all future correspondence in relation to the complaint.

3.0 ASSESSMENT OF COMPLAINTS

3.1 Assessment and Allocation of Complaints

On receipt of a complaint, the complaints administrator will evaluate the details of the complaint and the history of officer involvement in considering the issues.

Where the complaint has not been considered by the relevant Operational Manager, the matter can be referred to that Manager for consideration in line with preliminary review (investigation) function under this Process.

Alternatively, the complaints administrator may determine to escalate the matter straight for Internal Review. The complaint may be escalated to Internal review where:-

- (a) the matter has already been considered by the Operational Manager; and/or
- (b) the history, complexity or other reason supports the matter being referred for Internal Review.

3.2 Staff Conduct

Complaints regarding staff conduct will be dealt with under this process in conjunction with Council's Human Resources processes and procedures. Dependent on the circumstances, the complaints administrator, the appointed Operational Manager, the Internal Review officer and/or the Human Resources team may play a role in reviewing the complaint and undertaking any investigations relating to staff conduct.

3.2.1 Complaints Against the Chief Executive Officer

Complaints about an administrative action of the Chief Executive Officer will be referred directly to the Mayor. The Mayor may delegate their responsibilities to assess and/or

investigate the complaint. The Mayor or delegate (the Internal Review Officer) will deal with the matter in accordance with this Process. This includes referral to the Crime and Corruption Commission if the allegation is about suspected corrupt conduct. This referral will be done in accordance with the *Complaints About the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy*.

To ensure the independence of the handling of any complaint about the Chief Executive Officer, the following additional steps are required: -

- a) if the Internal Review Officer considers that the complaint is frivolous or vexatious, he/she will consult with the Mayor. Only if the Mayor considers the complaint to be frivolous or vexatious, will a decision be made to that effect.
- b) if the complaint is other than frivolous, vexatious or corrupt conduct, the Internal Review Officer may appoint an independent person (External Investigator) to investigate the allegations. The External Investigator will be a person who is independent of Council and who has knowledge and experience enough to be capable of conducting the investigation.
- c) the External Investigator will report his/her findings to the Internal Investigator; and
- d) upon receipt of that report, the Internal Investigator will present it to the Mayor for consideration and to make any decisions in relation to the report's findings and recommendations. The Mayor may consult with other Councillors during that process.
- e) subject to confidentiality, the outcomes of the investigation will be reported to Council.

3.2.2 Complaints Against a General Manager

Complaints about an administrative action of a General Manager will be referred directly to the Chief Executive Officer. The Chief Executive Officer may delegate their responsibilities to assess and/or investigate the complaint.

The Chief Executive Officer will deal with the matter in accordance with this Process. This includes referral to the Crime and Corruption Commission if the allegation is about suspected corrupt conduct and the Chief Executive Officer has not already referred the matter.

- a) if the Chief Executive Officer considers that the complaint is frivolous or vexatious, a decision will be made to that effect. This decision, and the grounds upon which the decision to class the complaint as frivolous or vexatious, is to be documented and recorded on file along with any supporting information on which the decision is based.
- b) if the complaint is other than frivolous, vexatious or corrupt conduct, the Internal Review Officer may appoint an independent person (External Investigator) to investigate the allegations. The External Investigator will be a person who is independent of Council and who has knowledge and experience enough to be capable of conducting the investigation.
- c) the independent person will report findings to the Chief Executive Officer; and
- d) upon receipt of that report, the Chief Executive Officer will make any decisions in relation to the report's findings and recommendations.

3.2.3 Corrupt Conduct

Corrupt Conduct is wrongdoing by a public officer in carrying out their duties or exercising their powers as defined in section 15 of the *Crime and Corruption Act 2001* (the CCC Act).

Any complaint that raises a reasonable suspicion of corrupt conduct relating to a staff member will be immediately referred to the Chief Executive Officer or nominated person (under Council's *Complaints About the Chief Executive Officer (Section 48A of the Crime and Corruption Act 2001) - Council Policy*). The Chief Executive Officer or nominated person will assess the complaint and any information that is readily available in order to form a view about reasonable suspicion of corrupt conduct.

The *Crime and Corruption Act 2001* imposes a duty on the Chief Executive Officer or nominated person to report any reasonable suspicion of corrupt conduct. The Crime and Corruption Commission (CCC) has primary responsibility for reviewing complaints about, or matters involving, corrupt conduct. The CCC may refer a matter back to Council for investigation and assume a monitoring role or investigate a matter themselves.

All CCC matters will be considered and dealt with in accordance with the requirements set out by the CCC. As noted above, the requirements of the Administrative Action Complaints Management Process do not apply to CCC matters.

3.3 Frivolous or Vexatious Complaints

The Chief Executive Officer, General Manager or the Customer Support & Governance Manager can decide that a complaint is frivolous or vexatious.

If the Chief Executive Officer, General Manager or the Customer Support & Governance Manager decide that a written or oral complaint is frivolous or vexatious, he/she may decide to take no further action in relation to the matter.

The complainant will be provided with written advice of the decision and the reasons for it.

3.4 Refusal to Investigate

The Chief Executive Officer, General Manager or the Customer Support & Governance Manager may refuse to review or investigate a complaint, or, having started investigating a complaint, refuse to continue the investigation.

The following may be grounds for refusal to investigate a complaint if:

- a) the complaint is lacking in substance or detail;
- b) the complaint is trivial; or
- c) the complaint concerns a frivolous matter or was made vexatiously; or
- d) the complainant does not have a sufficient direct interest in the administrative action the subject of the complaint (i.e. is not an affected person); or
- e) all the following apply:
 - a. the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted;
 - b. it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the officer investigates, or continues to investigate, the complaint;
 - c. any matter that is already covered by a separate (statutory) review process, for example, planning issues that can be addressed through appeal processes under the *Planning Act 2016*

- f) in the circumstances, investigating the administrative action complained of is unnecessary or unjustifiable.
- g) any complaint regarding an issue that is outside the jurisdiction of Council, and that should be referred to another body for resolution.
- h) the matter relates to a claim against Council for damages (personal, property, liability etc) or for which Council has notified its insurer of the potential liability. These matters will be referred to Council's insurers or legal representatives for action.
- i) the matter is the same, or substantially the same, as a complaint matter already dealt with under the administrative complaint process, or other formal review process, and is made by the same complainant.

The complainant will be advised of the decision about the complaint and the reasons for the decision.

3.5 Anonymous Complaints

Anonymous administrative action complaints will be dealt with under this complaints process. In assessing and determining what action to take in relation to anonymous complaints, consideration is given to whether:-

- a) the seriousness of the complaint issues;
- b) whether the complaint can be actioned without further information from the complainant; where the complaint cannot be actioned without further information from the complainant it will not be actioned; and
- c) if the anonymous complainant gave sufficient information or detail to allow a complaint to be fully investigated.

Decision on what action to take in relation to anonymous complaints about administrative actions will be at the discretion of the Chief Executive Officer, General Manager or the Customer Support & Governance Manager

3.6 Further information from Complainant

Complainants must be given the opportunity to give the Customer Support & Governance Manager, Operational Manager or internal review officer further information about the complaint. Where further information is provided that is related to the original complaint it will be included as a related matter and not as a new complaint.

3.7 Withdrawal/Resolution of Complaint

A complaint may be resolved or withdrawn by the complainant at any time during the complaints process.

A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect.

3.8 Penalty Infringement Notices (PINs)

Parking fines and other Penalty Infringement Notices (PINs) will be managed in accordance with the *Complaints Management - Council Policy* and this Complaints Management Process.

The initial investigation into complaints related to PINs will be handled in accordance with the *Issuing of an Infringement Notice Standard Work Practice*. Applications for internal review will be managed under this Process and associated policy.

Complaints will be responded to prior to these matters being lodged with the State Penalties Enforcement Registry (SPER).

Internal review processes may be dispensed with in circumstances where the complainant, dissatisfied with the decision of the Council, elects to have the matter heard by the Magistrates court.

Where possible, Council will seek to resolve the matter quickly to avoid a hearing in the Magistrates Court. In these circumstances an internal review process may be undertaken in accordance with this Process.

3.9 Human Rights Act 2019

The *Human Rights Act 2019* requires that Council ensures its actions and decisions are 'compatible with human rights' which means that Council needs to act and make decisions compatibly with human rights.

In considering complaint matters, the principles of the *Human Rights Act 2019* (the Act) must be considered across the entire complaint management process - from receipt to resolution.

If Council does not comply with the requirements of the Act, a person can make a complaint to Council, who has 45 days to respond after which the individual can make a formal complaint to the Queensland Human Rights Commission (QHRC) if their complaint remains unresolved.

Complaints in relation to the *Human Rights Act 2019* will be handled in accordance, where appropriate, with the *Guide: Handling Human Rights Complaints* (as amended) issued by the Queensland Human Rights Commission.

3.10 Multiple Complaints Regarding the Same or Similar Issue

The complaints process is not a tool to bring Council business to a halt, to delay or prevent Council from making decisions, or to interrupt Council's operations.

If multiple complaints are received about the same or similar issue, the complaints may be dealt with under Council's *Complaints Management - Council Policy*.

This will ensure that an appropriate method for dealing with such complaints is considered but may limit further enquiries that are made to those which are necessary for an investigator to conclude an investigation and make appropriate recommendations.

4.0 PRIMARY REVIEW, INVESTIGATION AND RESOLUTION BY OPERATIONAL AREA

4.1 Introduction

Generally, in the first instance any complaint matter will be referred to the relevant Operational Manager for consideration and response as part of a Primary Review and Investigation.

The Operational Manager who receives a complaint is required to investigate the complaint with the intention of resolving it.

The Manager may amend the decision or cause a remedy to have effect.

4.2 Acknowledgement and Timelines for Complaints

The complainant will be provided with written acknowledgement (within 5 days) of their complaint by the Complaints Administrator. This will include an indication of the approximate time to complete the primary investigation and respond to the complaint.

The acknowledgement serves multiple purposes. The acknowledgement advises the complainant of how the complaint will be handled, by whom and the timeframe for response. It also serves to provide contact details for the responding officer, thereby allowing the complainant to provide further information about the complaint if required.

Where further information arises that relates to the original complaint issue/s it will be included as a related matter and not a new complaint.

Dependent on the circumstances, where a complaint can be responded to in full within ten (10) business days it is reasonable that a separate acknowledgement is not issued to the complainant.

Complaints will be responded to in accordance with the factors identified below for determining the level of complaint.

- a) Level 1 - 10 days from date of acknowledgement
- b) Level 2 - 20 days from date of acknowledgement
- c) Level 3 - 30 days from date of acknowledgement or by arrangement of both parties.

Where extensions are required in order to respond to a complaint these should be negotiated with the complainant.

Factors that determine the level of the complaint include:

- (a) the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved.
- (b) the likelihood that the complaint can be quickly resolved.
- (c) the complexity or number of the complaint issue/s.
- (d) staff resources required to undertake the investigation.
- (e) the number of organisational branches involved in the matter.

If a complaint is received by mail or email, the Complaints Administrator will ensure all the information is included before proceeding with the investigation. i.e. Has the complainant listed what outcome/remedy they require?

4.3 Review, Investigation and Resolution

Complaints will be tasked to the relevant Manager of the operational area responsible for the disputed administrative action. If the Manager has been named or referred to in the complaint it will be re-tasked by the Complaints Administrator in consultation with the Customer Support & Governance Manager where required.

If the nature of the complaint contains a potential breach by a staff member of Council's Code of Conduct, it will also be investigated by the relevant Manager in consultation with the Human Resources Department. Part, or all, of the complaint may be referred to the Human Resources Department by the Customer Support & Governance Manager for

investigation as "out of scope" of the administrative action Complaints Management Process.

The Manager/General Manager who receives a complaint is responsible for overseeing the investigation of the complaint with the intention of resolving it. The Manager/General Manager may delegate part or all of the investigation to other staff but remains responsible for ensuring that the complaint is fully investigated and resolved within the timeframes provided.

The relevant Manager/General Manager will be the Manager/General Manager responsible for the work unit in which the disputed action took place. Where this is not possible the Customer Support & Governance Manager will nominate an alternative officer to investigate the matter.

The investigating Manager/General Manager should:

- (a) ensure they act within their power and understand their role and terms of reference.
- (b) establish a list of people, including the complainant to be interviewed and any files or locations to be inspected.
- (c) conduct interviews and inspect sites and documents.
- (d) gather and record information by e.g. 'talking to both sides' ensuring that natural justice has been afforded to all parties.
- (e) provide relevant information to those involved in the investigation.
- (f) give people the opportunity to comment on information adverse to them before deciding whether to act on it (natural justice).
- (g) observe any legal requirements involved in making decisions including consideration of the *Human Rights Act 2019* and the extent to which the decision is compatible with human rights. Human rights need to be considered in the investigation of the complaint matter to ensure that the original decision is sound. Similarly, investigating officers should consider their human rights obligations in the context of the investigation that they are completing themselves including any internal review process.
- (h) research and apply any relevant law.
- (i) evaluate the evidence and make findings.
- (j) identify factors that contributed to the complaints arising.
- (k) formulate recommendations.
- (l) complete the investigation form provided clearly summarising the matter, results of the investigation, setting out findings and recommendations.

4.3.1 Attempt to Resolve Complaint/Remedies.

The Operational Manager/General Manager should attempt to resolve the complaint either during or at the conclusion of their investigation. Types of remedies can include (more than one remedy may be applied):

- (a) admission of fault.
- (b) explanation.
- (c) apology.
- (d) change of decision.
- (e) change to policy or procedure.

- (f) repair / rework / replacement.
- (g) technical assistance.

4.3.2 Decision

At the completion of the investigation, the Operational Manager/General Manager should make a decision as to:

- (a) whether the complaint is upheld;
- (b) what remedy or remedies, if any, will be applied; and
- (c) provide a statement about the consideration of the *Human Rights Act 2019* and the extent to which the decision is compatible with human rights.

The Operational Manager/General Manager should provide advice of the decision, including reasons for the decision, and any remedies, on the "Complaint Investigation Report" to the Complaints Administrator as soon as practicable after the completion of the investigation to ensure complaint timelines are met.

4.3.3 Advice to Complainant

The Customer Support & Governance Manager will provide advice to the complainant of the decision, including reasons for the decision and any remedies to the complainant as soon as practicable after the completion of the investigation. Advice will also include any action to be taken in response to the complaint. Options for further review will also be provided.

As a general guide, a response from the Customer Support & Governance Manager to the complainant could include the following (as applicable):

- (a) details of the Decision Maker;
- (b) relevant council policies, local laws and other statutory provisions, such as the source of the legislation;
- (c) correspondence and other communications relating to the complaint;
- (d) evidence and other material available to Council;
- (e) findings of fact;
- (f) any decisions made by Council regarding the complaint;
- (g) the reasons for Council's decision;
 - a. Provide a statement about the consideration of the Human Rights Act 2019 and the extent to which the decision is compatible with human rights; and
- (h) the review options available to the complainant.

All information contained within the response should consider legislative parameters including, but not limited to, the *Information Privacy Act 2009*.

The review option for this Primary Review, Investigation and Resolution is a request for an Internal Review in writing to Council.

4.2 Recording of Complaint and Outcome

All complaints, discussions, investigation and resolution activities, decisions and outcomes must be recorded in Council's complaints management register. To maintain

confidentiality, any complaint meeting the threshold for reporting as suspected corrupt conduct or is a public interest disclosure within the meaning of the *Public Interest Disclosure Act 2010* is not to be recorded in the complaint's management register.

Each complaint should have a Complaint Investigation Report completed by the investigating Manager/General Manager/Chief Executive Officer or independent person. The form should then be kept in Council's electronic records management system.

5.0 INTERNAL REVIEW

5.1 Introduction

The Internal Review function provides a review mechanism where a complainant is not satisfied that the complaint has been resolved by the Operational Area. The complainant may lodge a request for an Internal Review with Council's CEO or Customer Support & Governance Manager.

The trigger for this stage is the referral of:

- (a) a written request by a complainant for a review of a previously investigated complaint about an administrative action (received within twenty (20) business days as notified):
 - i. Including a concise summary of the reasons for requesting the internal review - why the decision was wrong or why/how the service provided was deficient.
 - ii. Any new information that should be considered in reviewing the matter/issue.
 - iii. The outcome being sought.

5.2 Purpose of Internal Review

An internal review is conducted to ensure that the investigative process undertaken by the original complaint investigator has been thorough and has considered all material relevant to fully understanding the complaint and determining the outcome.

The internal review will also consider any new information provided by the complainant and consider the reasons for requesting the internal review i.e. why the complainant considers the original decision to be in error.

An internal review will not generally reinvestigate the original complaint. However, where the internal review finds that the original investigation has been deficient or is in error, the internal review should address the deficiency/error in order that the correct outcome is determined.

5.3 Refusal to Undertake an Internal Review

The Chief Executive Officer and/or Customer Support & Governance Manager may refuse to allow an internal review where:

- a) a written request for the internal review was not received within twenty (20) business days; or
- b) the reasons for requesting the internal review are not provided or are, in the opinion of the Chief Executive Officer and/or Customer Support & Governance Manager, not sufficient to warrant an internal review; and/or

- c) no new information is provided to support the review.

The complainant will be advised in writing of a decision to refuse an internal review which will include the grounds for refusing the request.

5.4 Allocation of Request for Internal Review

Where a matter is assessed and allocated for consideration under Internal Review, the Customer Support & Governance Manager will assess the request and allocate the review to an Internal Review Officer.

The appointed Internal Review Officer must not be involved with the subject of the complaint and be independent of the original decision. The Internal Review Officer may be another Manager, General Manager, the Customer Support & Governance Manager, an external provider or an officer with appropriate skills and experience to review the matter. The allocation of the request will be guided by the nature and complexity of the complaint.

The Internal Review Officer is required to review the history of the matter, including any findings from the Primary Review, Investigation and Resolution and any responses and information provided to the complainant.

The Complaints Administrator will provide findings which may include either:

- (a) recommendations for resolving the complaint, or
- (b) reasons for upholding a finding/decision.

The Customer Support & Governance Manager, in conjunction with the Internal Review Officer if appropriate, will consider the appropriateness of appointing an external investigator to consider any complaint matters.

5.5 Acknowledgement and Timelines for Internal Review

The complainant will be provided with written acknowledgement (within five (5) business days) of their request for an internal review by the Complaints Administrator. This will include an indication of the approximate time to complete the internal review and respond to the complaint.

The acknowledgement serves multiple purposes. The acknowledgement advises the complainant of how the internal review will be handled, by whom and the timeframe for providing the outcome. It also serves to provide contact details for the responding officer, thereby allowing the complainant to provide further information about the complaint if required.

Where further information arises that relates to the original complaint issue/s it will be included as a related matter and not a new complaint.

Dependent on the circumstances, where an Internal Review can be responded to in full within ten (10) business days it is reasonable that a separate acknowledgement is not issued to the complainant.

5.6 Internal Review Response

Internal Reviews will be responded to as quickly as possible, depending on an assessment of the following factors:

- (a) resource availability;
- (b) the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;

- (c) the number of issues in the complaint;
- (d) the complexity of the complaint issue/s;
- (e) the likelihood that the complaint can be quickly resolved; and
- (f) the number of operational branches involved in working through the complaint issues.

There is an expectation a complainant will be appropriately kept up to date on the progress of the matter where it will take more than the allocated time frames to respond to the complaint. Where extensions are required in order to respond to an internal review these should be negotiated with the complainant.

5.6.1 Review Recommendations

As a general guide, the Internal Review Form should be completed under the following headings, and include:

- a) a summary clearly stating the outcome.
- b) introduction/background.
- c) the complaint issue(s) and any relevant background material.
- d) assessment of the complaint and issues selected for review.
- e) an outline of the investigation process, including persons interviewed or otherwise consulted, and the process followed to give natural justice, if necessary.
- f) relevant information obtained during any interviews and consultations, and other evidence gathered and considered.
- g) relevant facts established.
- h) laws, policies, standards and any relevant research dealing with the complaint issues.
- i) analysis of complaint issues, including opinions and findings on material questions of fact and law.
- j) a statement about the consideration of human rights and the extent to which the decision is compatible with human rights.
- k) whether the complaint is sustained or not sustained, in whole or in part, and the reasons for that finding.
- l) if the complaint is sustained, any recommendation(s) for redress and systemic improvements to administrative practices to prevent similar complaints (for example, direct benefit remedy, systemic remedy).

5.6.2 Internal Review Consideration

The Customer Support & Governance Manager and Internal Review Officer, in consultation with the Manager/General Manager will review the report and any recommendations of the reviewing party.

The Customer Support & Governance Manager will then determine which recommendations will be adopted and any further actions to be taken. If required, the Customer Support & Governance Manager may request guidance from a member of the Executive Leadership Team.

5.7 Advice to complainant

The Customer Support & Governance Manager will provide advice to the complainant of the decision about the internal review and the reasons for the decision. It will also include any action to be taken in response to the complaint.

The advice should include options available to the complainant. That is, if the complainant is still not satisfied that the complaint has been resolved, they may lodge a complaint with an external complaint agency such as the Queensland Ombudsman, other agencies or the courts.

5.8 Recording of Review of Complaint

All complaints, discussions, investigation and resolution activities, decisions and outcomes must be recorded at the time it is undertaken on Council's electronic records management system.

6.0 REVIEW BY EXTERNAL AGENCY

If the complainant remains dissatisfied with the outcome of the internal review, they may lodge a complaint with an external entity such as the Queensland Ombudsman, other Agency or the courts.

7.0 ROLES AND RESPONSIBILITIES

7.1 Role of the Customer Support & Governance Manager

The Customer Support & Governance Manager manages the complaints management process by coordinating activities that support the policy and the resolution of complaints. The Customer Support & Governance Manager:

- (a) oversees the complaint management process at each stage.
- (b) manages the allocation of requests for an internal review.
- (c) manages the appointment of Internal Review Officers
- (d) manages the engagement of external providers.
- (e) provides reports to the Senior Leadership Team on complaints data and analysis and collates information available on administrative action complaints.
- (f) provides input to the Annual Report on complaints data.
- (g) liaises with the Queensland Ombudsman, Crime and Corruption Commission and other external agencies.
- (h) provides support to the Complaints Administrator, operational Managers and Internal Review Officers
- (i) ensures recommendations or changes to procedures are discussed at quarterly Complaints Management Working Group or Senior Leadership Team meetings.
- (j) ensures recommendations are included in annual reports to the Executive Leadership Team

7.2 Role of the Complaints Administrator

- (a) provides support to the Customer Support & Governance Manager
- (b) oversees the Complaint Management process at each stage, including monitoring of timeliness of complaints investigation reports.

- (c) manages the allocation of complaints to the appropriate Operational Manager/General Manager
- (d) maintain complaints register for reporting and auditing purposes.
- (e) Assists investigating Operational Managers with possible suggestions for recommendations.
- (f) prepares reports for Executive and Council about administrative complaints.
- (g) liaises with the Queensland Ombudsman as required.
- (h) provides administrative support to the Customer Support & Governance Manager, Operational Manager, Internal Review Officer or external provider records investigation and review details and outcomes of complaints about administrative actions on complaints files.
- (i) records complaints information, including investigation and outcome details, in a secure database system.

7.3 Role of the Manager/General Manager/CEO/Mayor (Investigating Officer)

- (a) investigates (or oversees the investigation) the complaint with the intention of resolving it.
- (b) conducts a thorough investigation that is fair, objective, confidential, prompt and in a respectful manner.
- (c) provides a report to the Complaints Administrator of their decision and the reason/s for their decision on the Complaint Investigation Report Form.
- (d) gives feedback on possible recommendations or changes to processes or the like as a result of the complaint investigated.

7.4 Role of the Internal Review Officer (May be Another Agency/General Manager/Internal Auditor)

- (a) provides an independent review of a complaint requested by the complainant after investigation by the Manager/General Manager/CEO/Mayor.
- (b) provides support to the Customer Support & Governance Manager if required.
- (c) investigates complaints made against General Managers.

7.5 Role of the Complaints Management Working Group or Senior Leadership Team

- (a) meet annually to review complaints data compiled by the Complaints Administrator.
- (b) reviews the procedures for functionality.
- (c) makes or reviews recommendations regarding, but not restricted to:
 - a. redesign of products and services
 - b. improvement of business procedures and policies
 - c. increased efficiency and effectiveness
 - d. re-assessment of training priorities

- e. re-assessment of customer information needs such as newsletters, pamphlets, website content.
 - f. strategies to increase community confidence in Council decision making.
 - g. promotion of transparency and accountability; and
 - h. any other identified proposed amendment of a relevant Council policy, procedure or practice to address any systemic issue raised by the complaint with a view to preventing similar complaints in the future.
- (d) report quarterly to the Executive Leadership Team

7.6 Role of the Ombudsman, or Other Agency

- (a) investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.
- (b) deal with complaints relevant to their jurisdictional responsibilities.
- (c) the Ombudsman/other Agency also helps local Councils improve their administrative practice by:
 - a. making recommendations based on investigations
 - b. conducting training on good decision-making and complaints management
 - c. providing advice and other assistance

7.7 Role of All Staff

All Council staff may deal with routine, non-complex and non-serious requests to alleviate the probability of the request escalating to a complaint and should be aware of relevant legislation and Council policies.

8.0 MISCELLANEOUS

8.1 Reporting

The Customer Support & Governance Manager will provide a report to the Senior Leadership Team every six (6) months containing:

- (a) the number and type of complaints and the resolution activities and actions during the period;
- (b) whether timeframes were met details of any service delivery or business improvements that have been identified as an outcome of the consideration or complaints; and
- (c) the report shall also provide some analysis, including trends and recommendations for improvement, such as the need for a procedural review, or staff training.

8.2 Annual Report

In accordance with Chapter 5, Part 3, s.187 of the *Local Government Regulation 2012*, Council's Annual Report for each financial year will contain:

- (a) a statement about the Western Downs Regional Council's commitment to dealing fairly and objectively with complaints.
- (b) a statement about how the Western Downs Regional Council has implemented its complaints management process, including an assessment of its performance in resolving complaints.
- (c) the number of complaints made to Western Downs Regional Council in the financial year.
- (d) the number of complaints resolved by Western Downs Regional Council in the financial year.
- (e) the number of complaints not resolved by Western Downs Regional Council in the financial year.
- (f) the number of complaints not resolved by Western Downs Regional Council in the financial year that were made in the previous financial year.

8.3 Delegation of Authority

Section 259 of the *Local Government Act 2009* requires Council to adopt a process for resolving administrative action complaints. The Chief Executive Officer will delegate authority to the Customer Support & Governance Manager to determine complaints. If the Customer Support & Governance Manager is unavailable, delegation will pass to the General Manager (Corporate Services).

8.4 Access to complaints information

In accordance with section 306(4)(a) of the *Local Government Regulation 2012*, Council will keep a record of all administrative action complaints. Complaints information may only be provided on a need-to-know basis. That is, it must not be readily available to all staff and only available to staff who are required to use the information in the performance of their duties in relation to complaints management.

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 Council's Confidentiality - Council Policy. This policy does not take precedence over state legislation that deals with information, e.g. *Right to Information Act 2009* and/or *Information Privacy Act 2009*.

8.5 Communication

Council will provide access to the Complaints Process on its website. Training is provided to new employees as part of the induction program. Managers will ensure that the information is made available to staff who do not have access to a computer.

8.6 Measurement of success

The effectiveness of the Complaints Management Process may be reflected in feedback from customer satisfaction surveys and monitored in several ways, including trends in the numbers, risk to council, and resolution of complaints.

As resourcing permits, but at least every 4 years, Council will conduct a review of the effectiveness of the administrative action complaints management process. The review will evaluate and consider the following aspects, where necessary:

- a) accessibility – whether the complaint process is readily available to members of the community and is user-friendly.
- b) timeliness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.
- c) satisfaction – as evidenced by any complaint about the complaints process.
- d) compliance – by considering reports on the operation of the complaints process.

Following each review, the complaints process will be amended in terms of any adopted recommendation arising from the review.

8.7 Legislation

The legislation relevant to adoption and operations of the Administrative Action Complaints Management Process includes, but is not limited to:-

- (a) Local Government Act 2009*
- (b) Human Rights Act 2019*
- (c) Public Sector Ethics Act 1994*
- (d) Crime and Corruption Act 2001*
- (e) Public Interest Disclosure Act 2010*