

Council Policy

POLICY TITLE:	COMPLAINTS MANAGEMENT POLICY - COUNCIL POLICY
RESPONSIBLE DIVISION:	Corporate & Community Support
RESPONSIBLE SECTION:	GOVERNANCE & INFORMATION SUPPORT
LINK TO CORPORATE PLAN:	STRATEGIC THEME 1 - EFFECTIVE AND INCLUSIVE GOVERNANCE
RESPONSIBLE OFFICER:	Chief Executive Officer
AUTHORISED BY:	
ISSUE DATE:	3 December 2008
AMENDMENT DATE/S:	16 October 2013
DATE REVIEW DUE:	April 2014

POLICY OBJECTIVES/PURPOSE:

The objectives of this policy are:

- To ensure that the process for managing complaints relating to administrative actions is in line with legislative requirements and dealt with in a fair, objective, effective, transparent, consistent and accountable way
- To facilitate the use of the information obtained from the complaints management process to improve Council's overall service delivery.

DEFINITIONS:

Section 268(2) of the *Local Government Act 2009* (the LG Act) defines an '**administrative action complaint**' as 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.

An 'affected person' is defined in section 268(3) of the LG Act as:-

An **affected person** is a person who is apparently directly affected by an administrative action of a local government.

A **complaint** is a generic term referring to the expression of dissatisfaction, orally or in writing, about the action of Council or its staff.

A **complaints management process** means the policy, processes, personnel and technology used by Council in receiving, recording, responding to and reporting about complaints.

A **request for service** is where a person wants Council to take action. Examples include: a barking dog, a pot hole, an overflowing waste bin or another issue requiring Council service.



POLICY SCOPE:

This policy applies to all administrative action complaints made to Western Downs Regional Council. This policy and associated process have been adopted in accordance with Council's obligations as detailed in the *Local Government Act 2009* and the *Local Government Regulation 2012 (Chapter 9 Part 4 – Process for resolving administrative action complaints)*.

Policy Commitment:

Western Downs Regional Council intends to provide a level of customer service that does not attract complaints, however acknowledges the right a person has to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action being taken.

However, if a complaint is determined to be frivolous and vexatious, or lacking in substance or detail, Council may elect to take no further action in relation to the matter, and provide the complainant with written advice of the decision and the reasons for it.

Complaints Management Process:

The following summarises the process adopted by the Western Downs Regional Council for the handling of administrative action complaints. (Note: For the purposes of this policy, **complaint** does not mean a complaint made under *Chapter 3, Division 7 "Competitive neutrality complaints" of Local Government Regulation 2012.*)

Stage 1 – Primary Investigation and Resolution

When a complaint is lodged (in person, in writing with address, website, online complaint form, email, telephone or fax) about an administrative action, including staff complaints, the elements of the complaints management process will be followed. Each complaint will be investigated with the attempt to resolve the complaint as soon as practicable. The complainant, and the staff member (if applicable) will be advised of the decision and the reasons for the decision.

If the complainant is not satisfied that the complaint has been resolved, the complainant may lodge a request for an internal review.

Stage 2 – Internal Review

Where a complainant is not satisfied that the complaint has been resolved, the complainant may lodge a request for a review with the Council. The Complaints Administrator will task the internal review to another Manager/General Manager or external Agency as appropriate to review the original investigation. The complainant will be advised of the decision and the reasons for the decision.

Stage 3 – External Review

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 agency or the courts.

This policy will be supported by the Complaints Management Process document.

Timeliness of Complaint

A complaint about a decision or action of Council must be made no later than one year after the affected person was notified or made aware of the decision or action. Complaints made outside this time period will only be reviewed if Complaints Administrator or Chief Executive Officer considers that exceptional circumstances warrant consideration of the out-of-time complaint.

Complaints Management Elements

Visibility and Access



- Complaints about Council's administrative actions can only be lodged by a person directly affected;
- Information about where and how to lodge a complaint is available on Council's website and at Council's customer services offices;
- Complaints are accepted verbally and in writing through a variety of channels such as in person, telephone, letter, email, facsimile or internet;
- Persons with a disability are offered every opportunity and assistance in accessing Council's complaints process. Reasonable assistance is also provided to any complainant upon request; and
- Council's complaints management process and complaints information is available to the public, customers and staff.

Responsiveness

- Council will inform staff of the existence and operation of its complaints management process;
- Council will respond to complaints in a timely manner;
- Council will monitor timeframes for resolution of complaints; and
- Council will communicate with the relevant parties about the progress of the investigation and resolution.

Assessment and Action

- Council will ensure that complaints are dealt with fairly and objectively;
- Council will assess the nature of complaints, how complaints should be dealt with and by whom; and
- Council will refer complaints to external agencies, where required.

Feedback

- Council will provide complainants with timely feedback;
- Council will provide complainants with available review options; and
- Council will provide feedback to relevant areas of the organisation where potential system improvements are identified.

Monitoring and Review

- Council will meet any statutory, policy or procedural reporting requirements;
- Council will identify complaint trends; and
- Council will monitor the time taken to resolve complaints.

RELATED LEGISLATION/AGENCIES:

Local Government Act 2009

Local Government Regulation 2012

Queensland Competition Authority

Energy and Water Ombudsman Queensland (www.eoq.com.au)

RELATED DOCUMENTS (LOCAL LAWS, POLICIES, AND DELEGATIONS ETC):

WDRC COMPLAINTS MANAGEMENT PROCESS

WDRC CODE OF CONDUCT

WDRC CORPORATE PLAN

WDRC 2050 COMMUNITY PLAN

WDRC CUSTOMER SERVICE CHARTER

ATTACHMENTS:

NIL

REVIEW TRIGGER:



