

POLICY



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Policy title: **ADMINISTRATIVE ACTION COMPLAINTS – COMPLAINTS MANAGEMENT PROCESS**

Directorate: ORGANISATIONAL SERVICES

Branch: CORPORATE GOVERNANCE

Policy objective: To establish a complaints management process for investigating complaints about an administrative decision and/or actions of Council in accordance with section 268 of the *Local Government Act 2009*.

Policy scope:

This policy applies to all councillors and employees of Council and details how Administrative Action Complaints will be managed.

Policy statement:

1. Scope
 - (a) This policy details the Administrative Action Complaints Process (the complaints process) of Logan City Council (Council).
 - (b) The complaints process has been established for resolving all Administrative Action Complaints by affected persons about the administrative action of Council.
 - (c) The complaints process is adopted under section 268 of the *Local Government Act 2009* (the Act) and includes the requirements under section 306 of the Local Government Regulation 2012.
 - (d) The complaints process is about ensuring that the correct legislative and/or procedure process has been followed to make a lawful decision. However, where the correct process has been followed, the complaints process is not about overturning lawfully made decisions. *For example, where a decision has been lawfully made and the complainant is dissatisfied they should pursue other avenues for review or appeal.* In addition, due to confidential and privacy issues some types of complaints will be managed separately. The following are examples of other review or appeals options or types of complaints that will remain separated:
 - (i) infringement notice
 - (ii) competitive neutrality complaints
 - (iii) corruption complaints that are required to be dealt with under separate legislation
 - (iv) Public Interest Disclosures made under the *Public Interest Disclosures Act 2010*
 - (v) a development decision made under the *Sustainable Planning Act 2009* (SPA) or other statutory instruments and legislation
 - (vi) a decision made under a local law which is reviewable under Local Law No. 2 (Administration) 2001

- (vii) about a staff or councillor's conduct matter. Complaints relating to staff conduct will be investigated by the People & Culture branch, in accordance with the relevant procedure(s). Complaints about councillor's conduct will be dealt with under the relevant Act provisions; or
- (viii) a court or tribunal decision.

2. Objectives

- (a) The complaints process is established with the following objectives:
 - (i) The fair, efficient and consistent treatment of complaints about administrative actions of the Council.
 - (ii) A complaints process that is easy to understand and is readily accessible to all.
 - (iii) Detection and rectification, where appropriate, of administrative errors.
 - (iv) Identification of areas for improvement in the Council's administrative practices.
 - (v) Increase in awareness of the complaints process for Council's staff and the community.
 - (vi) Enhancement of the community's confidence in the complaints process and of the reputation of the Council as being accountable and transparent.
 - (vii) Building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

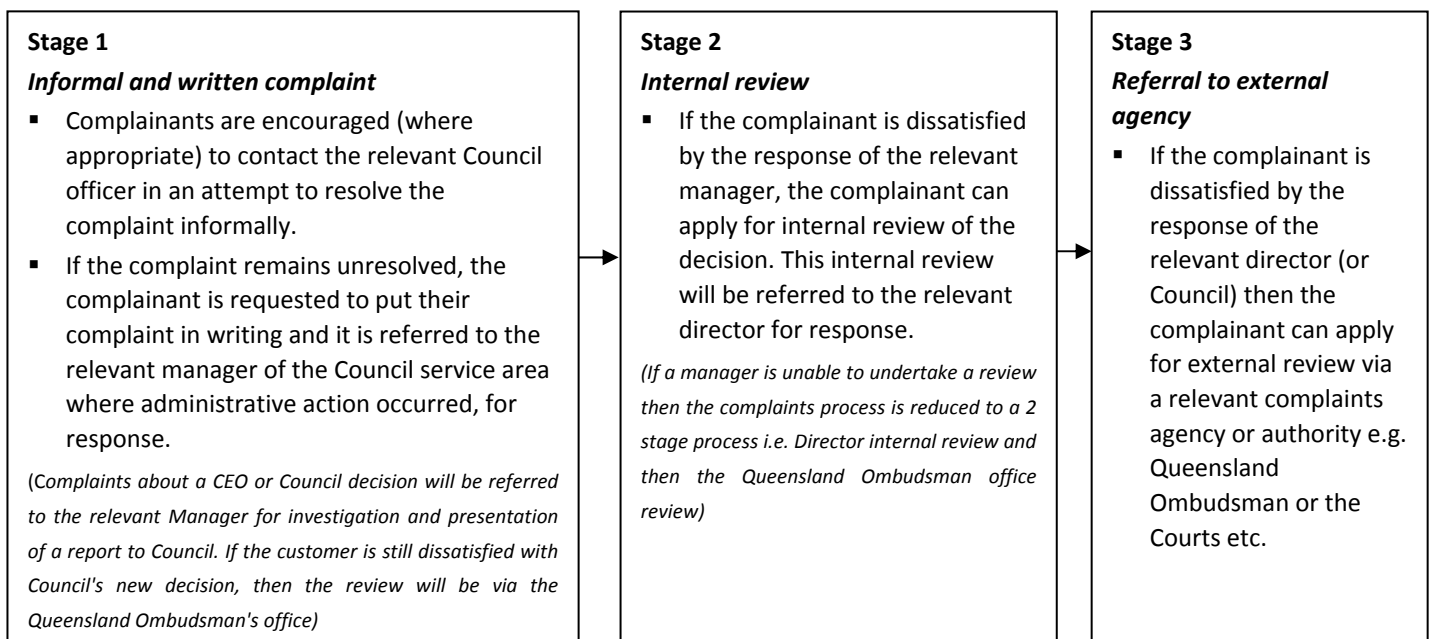
3. Policy commitment

- (a) Council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about the administrative actions of Council.
- (b) The complaints process has been adopted to ensure that, to the greatest practical extent, any complaint is dealt with fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant.
- (c) Council commits to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.
- (d) To this end, Council endeavours to ensure that:
 - (i) Initial complaints that can be resolved informally via contacting the relevant officer(s) are resolved in this informal manner. Where this is not successful and/or impractical, the complainant will be requested to put their complaint in writing.
 - (ii) Anyone who is dissatisfied with an action of the Council or a Council officer can easily and simply lodge a written complaint (subject to the exemptions described under section 1 of the policy statement).
 - (iii) Complainants are provided with information on the complaints process via Council's website, including information about where and how to make a complaint and how complaints are managed (including timeframes and communication).
 - (iv) All complainants will be provided with assistance in lodging a complaint. For example, hearing and speech impairments will be provided with reasonable assistance to make their complaint via referral to relevant agencies for assistance.
 - (v) Each complaint is initially assessed in terms of its seriousness, consequences/implications, complexity and degree of urgency.
 - (vi) Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of Council's administrative practices.

- (vii) Complaints are responded to as quickly as possible and in accordance with the timeframes set out in the complaints process.
- (viii) Complainants will not suffer any reprisal from Council or its officers for making a complaint.
- (ix) Complaints are properly monitored with a view to continuous improvement of the Council’s business processes.
- (x) If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any statutory right of review and, if they request, be provided with details of any further review mechanism that is available.

4. Complaint handling framework

The following framework describes the model adopted by the Council for handling complaints:



5. Managing unreasonable conduct (see Id: 10357100)

- (a) While Council is committed to providing excellent customer service, there are occasions where complainant's behaviour (or conduct) can be unreasonable (or inappropriate) and places Council, its officers or councillors in a position of unreasonable diversion of resources and/or potential threat (or harm).
- (b) Where a complainant's behaviour (or conduct) is identified as unreasonable, Council officers and/or councillors will implement suitable strategies based upon the Queensland Ombudsman's office guide for Managing Unreasonable Complainant Conduct Manual, Council's workplace health and safety directive for workplace violence or relevant local law. This can include (but is not limited to):-
 - (i) not answering carbon copied or blind carbon copied ('cc' or 'bcc') correspondence or emails
 - (ii) restricting contact to written communication only (i.e. no further direct face-to-face or phone contact)
 - (iii) blocking or redirecting emails
 - (iv) after a reasonable attempt to engage with the complainant, not entering into further correspondence with the complainant

- (v) providing relevant assistance to officers, where threats are made that threaten officer's private lives e.g. employee assistance program, legal advice or court cases; and/or
- (vi) seeking assistance from the Queensland Police Service.

This policy is to be used in conjunction with the administrative procedure on Administrative Action Complaint Process identified in the related documents table.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
8512779	Administrative Procedure	Administrative Action Complaint - Complaints Management Process Administrative Procedure
https://www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm	Legislation	<i>Local Government Act 2009</i>
https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/managing-unreasonable-complainant-conduct/identifying-and-managing-unreasonable-complainant-conduct	Guideline	Unreasonable Complainant Conduct Manual