



WINTON SHIRE COUNCIL

ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY

OBJECTIVE

The complaints management process is established with the following objectives:

- The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the Council;
- A complaints management process that is easy to understand and is readily accessible to all;
- Detection and rectification, where appropriate, of administrative errors;
- Identification of areas for improvement in the Council's administrative practices;
- Increase in awareness of the complaints management process for the Council's staff and the community;
- Enhancement of the community's confidence in the complaints management process and of the reputation of the Council as being accountable and transparent;
- Building the capacity of staff to effectively manage complaints in an environment of continuous improvement;
- Complaints will be acknowledged and resolved in a timely manner;
- Council will manage complaints confidentially and ensure that complainants do not suffer any form of reprisal for making a complaint; and
- Council will abide by the principles of natural justice/ procedural fairness when dealing with complaints.
- Council decisions and actions can impact upon an individual's human rights.
- Council will consider human rights in all decision-making and action and will only limit human rights in certain circumstances and after careful consideration.

SCOPE

The complaints management process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The complaints management process does not apply to a complaint as follows:

- That could be made under Chapter 3 of the Act about competitive neutrality issues;
- About official misconduct that should be directed to the Crime and Misconduct Commission;
- Made under the Public Interest Disclosure Act 2010; and
- About conduct and performance of councillors as prescribed in Chapter 6, part 2, Division 6 of the Local Government Act 2009.

RESPONSIBLE PARTIES

Council - Council has developed an appropriate Administrative Action Complaints Policy to be followed at the workplace of the Winton Shire Council.

Managers - to implement and follow the Policy set out below and ensure that they are brought to the attention of their workgroups and when necessary, take appropriate action to enforce the Policy.

Supervisors - ensure that the Policy is followed by staff and when necessary, to take appropriate action to enforce the Policy.

Employees - to abide by the Policy and report to supervisors any breaches of the Policy.

All Council Officers -

- Are required to observe the complaints management process; and

- Wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints management process.

DEFINITIONS:

Terms used in the complaints management process have the following meanings:

Administrative Action - an administrative action of the Council, being an action about a matter of administration, including each of the following:

- A decision and an act;
- A failure to make a decision or do an act, including to provide written reason for a decision;
- The formulation of a proposal or intention; and
- The making of a recommendation.

Affected Person - is a person who is apparently directly affected by an administrative action of a local government.

CEO - a person appointed to the position of Chief Executive Officer under Section 194 of the Local Government Act 2009, and anyone acting in that position.

Council - shall mean the Winton Shire Council.

Council Officer - includes a permanent, temporary, casual or contractor employed by the Council.

Complaints management process - is a process for resolving complaints made to the local government that:

- Covers all administrative action complaints made to the local government;
- Requires the local government to quickly and efficiently respond to complaints in a fair and objective way;
- Includes the criteria considered when assessing whether to investigate a complaint; and
- Requires the local government to inform an affected person of the local government's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

The Act - Local Government Act 2009.

Human Rights - principals of dignity, equality and mutual respect shared across cultures, religions and philosophies.

Natural Justice - or procedural fairness is giving someone who might be adversely affected by a decision a fair hearing before the decision is made.

Review - to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.

POLICY STATEMENT

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 a decision or other action it takes.

Council commits to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.

To this end, Council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action can easily and simply lodge a complaint;
- Complainants are provided with information in the complaints management and, if necessary, assistance to make their complaint;
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices;
- Complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward;
- Complainants are advised of their appeal rights at the relevant stages of the complaint management process;
- Complainants will be provided with a written statement of the outcomes, including the details of the reasons for the outcome at the relevant stages of the decision-making process;
- People with particular needs are assisted - for example people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.

REMEDIES

Council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:

- An explanation for the action in question;
- An admission of fault;
- An apology;
- Revocation or amendment of the decision;
- Rectification, including repairing or replacing the matter in dispute;
- Revision of relevant policy, procedure or practice;
- Provision of technical assistance;
- Reimbursement of costs incurred as a result of the action in question;
- Financial compensation, including and ex-gratia payment;
- Waiver of debt.

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

IMPLEMENTATION OF REMEDY

Council, through the CEO or delegate, will act in a timely manner to implement any remedy made available to a complainant and/or any revision of its policy, practice or procedure.

REVIEW BY OTHER COMPLAINTS ENTITIES

If Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details). It is also entitled to have a matter externally reviewed if they are still dissatisfied with the outcome of the Council's review process.

COMPLAINTS MANAGEMENT SYSTEM

Council will maintain a Register of administrative action complaints to ensure complaints are recorded including the decision and outcome.

COMMUNICATION

The Council will take appropriate steps to publicise the complaints management process. For example, Council will place this document on its website and include training on the complaints management process for new employees and in other staff training.

The Administrative Action Complaints Policy is available for inspection at Council's Administrative Office, 75 Vindex Street, Winton or on Council's website at www.winton.qld.gov.au.

The complaints management process also forms part of the induction and training process for Council employees.

RELATED POLICIES and SUPPORTING DOCUMENTS

The following documents were considered in the development of the Policy:

- Section 268 the Local Government Act 2009
- Section 306 the Local Government Regulation 2012
- Human Rights Act 2019
- Procedure - Administrative Action Complaints; and
- Administrative action complaint form.

REVIEW OF POLICY

This policy remains in force until amended or repealed by resolution of Council. Council will determine review dates as required.

RECORD OF AMENDMENTS and ADOPTIONS			
DATE	REVISION NO	REASON FOR AMENDMENT	ADOPTED BY COUNCIL
20 th July 2011	--	Adopted by Council	July 2011
16 th June 2017	1	Review by Council	June 2017
17 th July 2020	2	Reviewed by Council	July 2020