

Policy Title: ADMINISTRATIVE ACTION COMPLAINTS PROCESS

Policy Subject: Governance

Policy No: #1982593

Directorate: Office of the CEO

Department: Strategic Integration

Section: Corporate Governance

Responsible Officer: Senior Corporate Governance Officer

Authorised by: Chief Executive Officer

Adopted Date: 02/03/11

Review Date: Annual

Amended Date:

OBJECTIVE:

To establish an Administrative Action Complaints Process that ensures compliance with the provisions Local Government Act 2009 and Regulations. The specific sections are as follows;

1. Section 268 of the *Local Government Act 2009*;
2. Section 115 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*
3. Section 119 of the *Local Government (Operations) Regulation 2010*.

POLICY:

The complaints process has been established for resolving complaints by affected persons about an administrative action of the Council.

Council will adopt an Administrative Action Complaints Process (the complaints process) to meet the requirements of the *Local Government Act 2009* (the Act) and will include the elements required under section 268 and supporting Regulations.

The complaints process applies from the date of the Council resolution of adoption. Any amendment of the complaints process must be approved by resolution of Council.

Philosophy

The 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.

The complaints process has been instituted to ensure that, to the great 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.

It is also important to ensure that the complaints process is easy to understand and is readily accessible to all.

Role

The complaints process and supporting procedures have been established to ensure the fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the council.

The complaints process will endeavour to achieve the following;

- The detection and rectification, where appropriate, of administrative errors.
- Identification of areas for improvement in the Council's administrative practices.
- Increase the awareness of the complaints process for the Council's staff and the community.
- Enhance the community's confidence in the complaints 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.

Authorities and Responsibilities

- Council is responsible for ensuring that appropriate measures are in place to support persons who wish to lodge complaints.
- Directors and Executive Managers are responsible for the implementation and support of this policy and procedures within their areas of responsibility.
- Employees are responsible for the accurate recording and actioning of complaints within their areas of responsibility.

Scope and Activities

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 of Council, a counter officer or a councillor can easily and simply lodge a complaint.
- Complainants are provided with information on the complaints process 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 Council's administrative practices.
- Complaints are responded to as quickly as possible, based on the circumstances.
- Complainants will not suffer any reprisal from Council or its officers for making a complaint.
- Complaints are properly monitored with a view to continuous improvement of Council's business processes.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any right of review and, if they request, be provided with details of any further review mechanism that is available.

Recording and Reporting Standards

As per the *Local Government (Operations) Regulation 2010*, the Local Government must;

1. Record all administrative action complaints; and
2. Ensure the public may inspect the complaints management process (including the related policies and procedures) at the local government's public office and on its website; and
3. Ensure internal reports are occasionally provided to senior management about the operation of the complaints management process; and
4. Ensure mechanisms are in place to—
 - (i) identify, analyse and respond to complaint trends; and
 - (ii) monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example).

To remove any doubt, the Regulation states that in deciding if a complaint is an administrative action complaint it is irrelevant;

- How quickly the complaint was resolved; or
- To which area of a local government the complaint was made; or
- Whether the complaint was a written or verbal complaint; or
- Whether or not the complaint was made anonymously.

In addition, the *Local Government (Finance, Plans and Reporting) Regulation 2010* states;

1. The annual report for a financial year must contain—
 - (a) statement about the local government's commitment to dealing fairly with administrative action complaints; and
 - (b) a statement about how the local government has implemented its complaints management process, including an assessment of the local government's performance in resolving complaints under the process.
2. The annual report must also contain particulars of—
 - (a) the number of the following during the year—
 - (i) administrative action complaints made to the local government;
 - (ii) administrative action complaints resolved by the local government under the complaints management process;
 - (iii) administrative action complaints not resolved by the local government under the complaints management process; and
 - (b) the number of administrative action complaints under paragraph (a)(iii) that were made in a previous financial year.

HEAD OF POWER:**Local Government Act 2009 – Section 268 Process for administrative action complaints**

- (1) A local government must adopt a process for resolving administrative action complaints.
- (2) An **administrative action complaint** 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.
- (3) An **affected person** is a person who is apparently directly affected by an administrative action of a local government.
- (4) A regulation may provide for the process for resolving complaints about administrative actions of the local government by affected persons.

Local Government (Operations) Regulation 2010 – Section 119 Process for resolving administrative action complaints

- (1) This section provides, for section 268(4) of the Act, the process for resolving complaints about administrative actions of the local government made by affected persons.
- (2) By 1 July 2011 a local government must, by resolution, adopt—
- (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.
- (3) A **complaints management process** is a process for resolving complaints about administrative actions of the local government that—
- (a) covers all administrative action complaints made to the local government; and
 - (b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
 - (c) includes the criteria considered when assessing whether to investigate a complaint; and
 - (d) 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.

RELATED LEGISLATION:

- Local Government Act 2009
- Crime & Misconduct Act 2001
- Public Interest Disclosure Act 2010

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

- Fraser Coast Regional Council Code of Conduct
- Councillor’s Code of Conduct.

ATTACHMENT TO POLICY:

- Administrative Action Complaints Procedure
- Fraser Coast Regional Council Complaint Form

DEFINITIONS:

Administrative Action

An administrative action of 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 a failure to provide written reasons for a decision;
- the formulation of a proposal or intention;
- the making of a recommendation.

Affected Person

A person who is apparently directly affected by -

- an administrative action; or
- an alleged minor breach.

Complainant

The affected person or organisation making a complaint.

Complaint

An expression of dissatisfaction by a person regarding -

- a decision or other action of Council; or
- an alleged minor breach.

Council Officer

Includes a permanent, part time, temporary, casual or contract member on Council's staff.

HISTORY:

The General Complaints Process Policy to be repealed upon adoption of the Administrative Action Complaints Process Policy.

ATTACHMENT - Administrative Action Complaints Procedure**PURPOSE:**

The purpose of this procedure is to formalise the Council processes in relation to the receipt, actioning and reporting of complaints.

SCOPE:

The Administrative Action Complaints procedure has been established for resolving complaints by affected persons about an administrative action of Council. The procedures are designed to meet the of the *Local Government Act 2009* (the Act) and includes the elements required under section 268 and supporting Regulations.

PROCEDURE:**Sources of Complaints**

Council may receive complaints from the general public or external agencies. These will normally relate to administrative action by the Council or alleged conduct breaches by Council employees or Councillors. In some cases, complaints may also relate to allegations of official misconduct by Council employees.

Complaints could be received via;

- Verbally from members of the public;
- In writing from members of the public via mail or email;
- The online Administrative Action Complaints Process;
- The Ombudsman Office, Crime & Misconduct Commission or other external agency referring a matter to Council;

Required Action and Complaint Reporting**1. Verbal Complaints**

All verbal customer complaints or requests are to be lodged into the Customer Request Management System (CRM). These could be received either in person or over the phone. An action request is then assigned to a responsible officer. The action request is closed when the responsible officer feels the matter has been effectively resolved.

- Monthly reporting from the CRM system to be provided to the Executive Leadership Team.
- Quarterly reporting from the CRM system to be provided to Council.

2. Written Complaints

All correspondence received by Council is reviewed by the centralised Records Department then distributed to a responsible officer for actioning. The correspondence is made a record, or closed, when the responsible officer feels the matter has been effectively resolved.

Council has a dedicated complaints handling process called "contact us", via its website, for the public to lodge queries or complaints via email. All email correspondence received by Council is reviewed by the centralised Records Department then distributed to a responsible officer for actioning.

This may result in a matter being lodged into the action request system or a reply directly issued by the responsible officer.

Should a written complaint be considered of a more serious nature, the matter may be referred to the Chief Executive Officer or member of the Executive.

In all cases, a detailed record of the complaint and tracking of any action or resolution is to be maintained in the Complaint Recording System.

- Monthly reporting from the Complaint Recording System to be provided to the Executive Team.
- Quarterly reporting from the Complaint recording System to be provided to Council.

3. Administrative Action Complaints

Council has an Administrative Action Complaints process in place. This is a formal process and all matters received via this avenue are immediately referred to the Senior Governance Officer for actioning or management of any necessary investigation. A detailed record of the complaint and tracking of any action or resolution is to be maintained in the Complaint Recording System.

An administrative action complaint is a complaint that is about an administrative action of a local government, including the following, for example:

- a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- an act, or a failure to do an act;
- the formulation of a proposal or intention;
- the making of a recommendation; and

The complaint needs to be lodged/made by an affected person, who is a person who is apparently directly affected by an administrative action of a local government.

For further information, refer the Administration Action Complaints Policy

- Monthly reporting from the Complaint Recording System to be provided to the Executive Team.
- Quarterly reporting from the Complaint recording System to be provided to Council.
- Particular information relating to the complaints management process is to be included in the Local Governments annual report.

Refer Attachment (A) – Fraser Coast Regional Council Complaint Form

4. Referral by External Agencies

All correspondence received from external agencies such as Queensland Ombudsman, Department of Infrastructure & Planning or the Crime & Misconduct Commission are reviewed by senior officers within the centralised Records Department of Council. Depending on the nature of the content, the correspondence is either forwarded to the Chief Executive Officer or Mayor in the first instance. The Chief Executive Officer or Mayor may then appoint a responsible officer for actioning.

In some cases, matters may also be directly emailed to Council Officers from the respective agency. The CEO or a member of the Executive is to be made aware of such matters and may request separate updates. A copy of the complaint is to be also forwarded to the Governance area for recording in the Complaint Recording System. A detailed record of any action or resolution is to be maintained. The correspondence is made a record, or closed, when the responsible officer feels the matter has been effectively resolved.

In the case of CMC matters, details may also be directly emailed to the CMC Liaison Officer. Dependant on the nature of the complaint, the CMC Liaison Officer will advise either the CEO or Mayor and progress any investigation activity under instruction.

A detailed record of the complaint and the tracking of any investigation is to be maintained in the Complaint Recording System.

In all cases, a formal response to the external agency is normally required.

- Monthly reporting from the Complaint Recording System to be provided to the Executive Team.
- Quarterly reporting of these matters to Council.

5. Internal Complaints

Complaints may be received from internal sources dealing with the conduct of other staff members or an administrative action directly affecting an employee. These types of complaints are normally handled directly by the People Development Department of Council.

Formal Administrative Action Complaint Handling Process

The following process is to be followed for the handling of Administrative Action complaints:

(1) How a complaint may be made

A complainant may make a complaint in any of the following ways -

- orally, either by telephone or in person to the Senior Corporate Governance Officer
- on-line via Council's website
- in writing (by letter, fax, or by completing Council's complaint form, whether signed or unsigned).

All written and electronic complaints should be addressed to the CEO. The complainant's contact details should be identified so the council can contact the complainant.

If an oral complaint is received the Chief Executive Officer, or delegate, may request that the complaint be put in writing if it is of a complex nature or contains complex material.

The Council officer who receives an oral complaint will record details in the CRM system and, if the complaint is not resolved to the complainant's satisfaction, will refer the complaint for action under the complaints process.

All written complaints will be referred to the CEO, or delegate, who will arrange for the complaint details to be recorded in the (Complaint Recording System).

If 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 matter of concern to the complainant and the outcome/s sought.

If a complainant requires interpreter services, or has special needs, the complainant will be referred to the appropriate council officer who will provide advice or arrange for the giving of assistance, to the extent practicable.

(2) Complaints by agents

If a complaint is lodged on behalf of a person by a professional agent eg a solicitor or accountant, the Council will respond directly to that agent.

A complaint lodged by a person as agent for an affected person will be responded to direct 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 the Council considers that the appointment as agent has been validly made.

(3) Initial review

This section applies if a person makes a complaint about an administrative action of Council or a minor breach.

When a person makes a complaint without having contacted the relevant service area of Council (or the councillor in question in the case of a minor breach) to try to resolve the complaint, the person may be requested to take this initial step.

If the complaint is not resolved by the relevant service area or with the relevant Councillor, the complaint will be dealt with in accordance with the complaints process.

Compliance with this section is not a prerequisite to the submission of a formal written complaint under the complaints process where it is clear on the face of the document that a complaint has been made. In those circumstances the complaint will be dealt with under the complaints process, unless it is earlier resolved to the complainant's satisfaction or is withdrawn by the complainant.

(4) Investigation Options

The investigation of complaints received can be undertaken by way of either an internal or external review. As a guide, the following criteria can be applied in making the decision about the method of review:

Internal Review - An internal review of a complaint may be conducted where the administrative action in question was undertaken by a council officer. The review will be conducted by the CEO, or an officer appointed by the CEO, as the complaints officer for the complaint. The complaints officer must not be less senior than the officer who took the administrative action that is being reviewed.

External Review - An external review of a complaint may be conducted where the administrative action in question was taken by;

- (a) Council, or a committee of Council, at a meeting;
- (b) The mayor or the chairman of a standing committee acting under statutory or delegated authority;

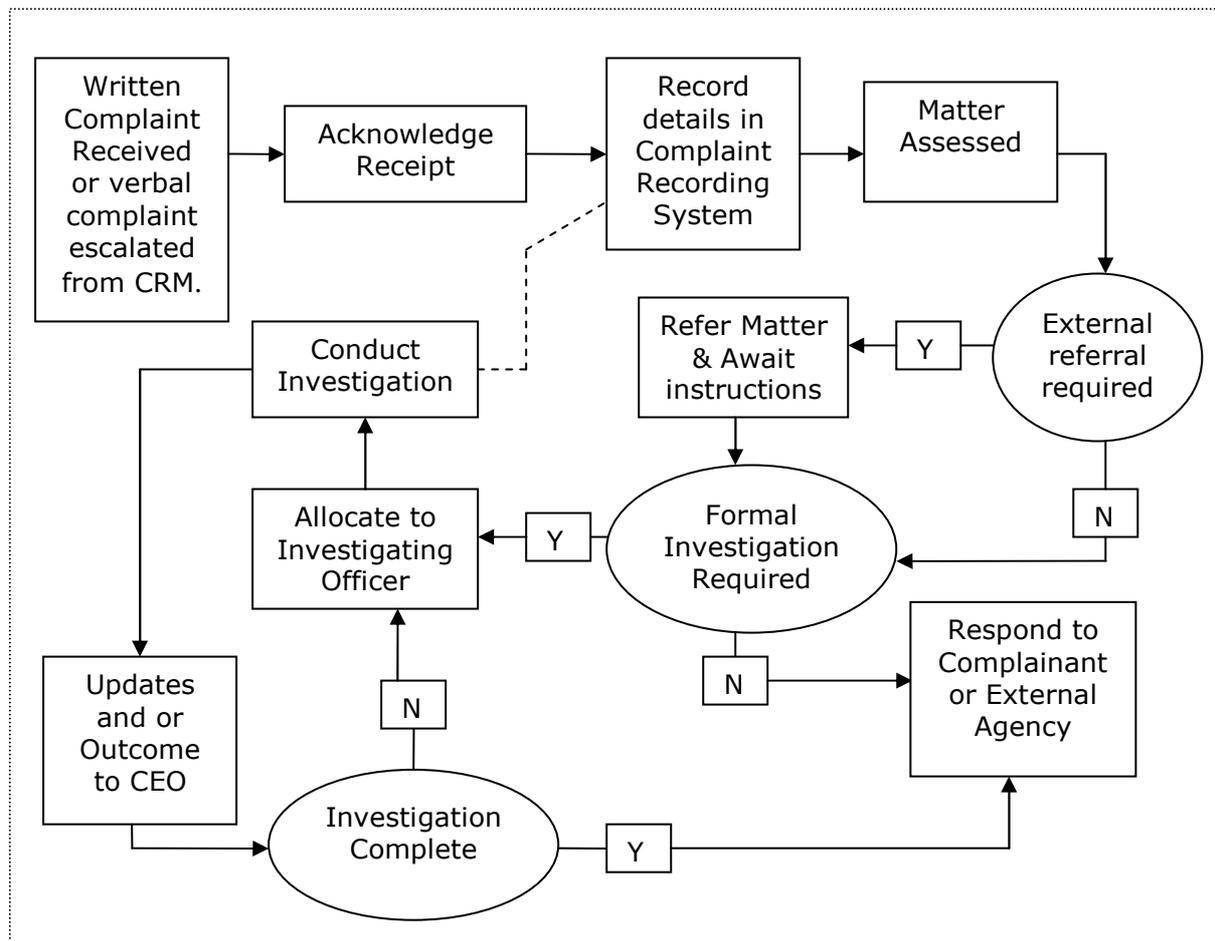
- (c) The Chief Executive Officer; or
- (d) A Council officer and the requirement that an internal review be conducted by a council officer who is no less senior than the officer who took the administrative action cannot be met (for whatever reason).

An external review may also be conducted for a complaint about a minor breach.

The person appointed as a complaints officer for a complaint must have the appropriate knowledge, qualifications, skill and experience, including the relevant investigative, analytical and report-writing skills, to conduct an investigation into the complaint, make findings, formulate recommendations (where appropriate) and prepare a report on the outcome of the investigation for consideration by the Council or Chief Executive Officer.

The complaints officer appointed to investigate a complaint by way of internal or external review must not have been involved with the administrative action or alleged breach.

(5) Overview of process



(6) Actioning timeframes & requirements

The Chief Executive Officer, or other officer authorised by the Chief Executive Officer, after the oral or written complaint has been recorded, will arrange for the complaint and other materials, including relevant documents from the council's records, to be forwarded to the complaints officer for assessment of the complaint as soon as practicable.

The timeframe for dealing with a complaint will depend on an assessment of the following factors by the Chief Executive Officer or authorised officer;

- the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- the likelihood that the complaint can be quickly resolved;
- the complexity of the complaint issue/s;
- whether the complaint requires internal review or external review in accordance with the criteria for the selection of a complaints officer.

In general terms, Council will endeavour to meet the following timeframes for dealing with a complaint;

- for urgent matters – within (14) business days;
- for non-urgent complaints that are not considered to be complex or where the complaint is to be investigated under the internal review mechanism – within (30) business days;
- for complex complaints or where the complaint is to be investigated under the external review mechanism – within (45) business days.

If the nominated timeframe for dealing with a complaint cannot be met for any reason, the Chief Executive Officer may extend the time for dealing with the complaint and notify the complainant in writing of the extension before the expiry of the initial timeframe.

The complaints officer will acknowledge receipt of the complaint and any other material, indicating the date of receipt.

If a complaint is resolved to the complainant's satisfaction before it is sent to a complaints officer for investigation, notice that the complaint has been resolved may be given to the complainant in the same medium by which the complaint was initially made eg. an oral response may be given to a complaint that was made orally.

However, Council may give a formal written response to a complaint irrespective of the medium by which the complaint was made. Council will make a record of any oral advice given to a complainant that the complaint has been resolved.

As a condition of appointment, an external reviewer will be required, when forwarding his/her investigation report to the Chief Executive Officer, to return all records and documents relating to the investigation.

(7) Complainant to provide further information

The complaints officer will invite the complainant to provide further information after the initial assessment of the complaint material to assist in fully understanding the complainant's concerns, the issue/s to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought by the complaint.

Seeking further information from the complainant at this stage of the complaints process may be undertaken by informal means such as telephone, e-mail or face-to-face discussion. The complaints officer will record a fair summary of any oral information received and will confirm with the complainant in an appropriate manner that the summary accurately reflects the information provided by the complainant.

The complaints officer will attempt to resolve the complaint informally, for example, by providing an explanation for Council's or a Councillor's action in the particular case. 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 to the complaints officer. Written notice that the complaint has been resolved, and the general manner in which it was resolved, will be given to both Council and the complainant.

If in the opinion of the complaints officer, resolution of a complaint about an administrative action merely involves rectification of an obvious error or a remedy of a similar nature, the complaints officer will discuss the issue with the relevant Council officer with a view to resolving the complaint.

(8) Decision to not investigate

In assessing a complaint (including any further information provided by the complainant) the complaints officer will consider whether there is any grounds on which the complaint may be refused. The complaints officer may refuse to investigate a complaint, or, having started to investigate a complaint, refuse to continue the investigation if the officer reasonably considers that;

- (a) the complaint is trivial; or
- (b) the complaint concerns frivolous matter or was made vexatiously; or
- (c) the complainant does not have a sufficient direct interest in the administrative action or alleged breach which is the subject of the complaint; or
- (d) both of the following apply -
 - (i) the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted;
 - (ii) 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;
- (e) in the circumstances, investigating the complaint is unnecessary or unjustifiable.

The complaints officer will give both Council and the complainant written notice of a decision made by the officer to refuse to investigate the complaint, or to continue the investigation, and the reasons for the decision.

(9) Investigating the complaint

The investigation of a complaint will be undertaken by the complaints officer in an independent, impartial and objective manner. A complaints officer may, if the officer considers appropriate in the circumstances, undertake mediation between the parties with a view to resolving a complaint, but will not act as an advocate for either the complainant or the council or for any council officer or councillor who is the subject of the complaint.

The investigation of a complaint will typically involve the following stages –

- preparation of an investigation plan;
- information gathering, including discussions and interviews with the complainant, Council personnel and third parties (where relevant) and examining relevant laws and Council policies and procedures;
- analysis of all relevant information obtained;
- formulation of findings and any recommendations for Council's consideration;
- preparation of a report on the results of the investigation or the outcome of the complaint if it was resolved during the complaints process or was withdrawn by the complainant.

The complaints officer will adhere to the following principles when conducting an investigation of a complaint:

- Procedural fairness/natural justice;
- Establishment and maintenance of an investigation plan which will provide a complete document trail (to facilitate any subsequent review that may be undertaken of the investigation conducted by the complaints officer);
- Council and other policies are designed for administrative guidance only, and should not be rigidly applied irrespective of the merits of a particular case. An administrative policy may be departed from if the merits of a particular case warrant that course of action;
- Lawfulness of a particular action is not necessarily decisive of the issue in dispute. The complaints officer will also assess whether the action was unfair, unreasonable or wrong.
- The civil standard of proof applies for administrative investigations. This means that allegations have to be established on the balance of probabilities – that is, it must be more probable than not that the allegation is substantiated.
- Confidentiality about the investigation must be maintained to the extent that it can reasonably be achieved, subject to other legal requirements about the disclosure of information.

(10) Obligation of the complaints officer

If a complaint is not resolved during the investigation process to the satisfaction of the complainant or is not withdrawn by the complainant, the complaints officer will give the council and the complainant a written report on the results of the investigation and any recommendations. The complaints officer must give the report to both the council and the complainant within the time agreed, subject to any approved extension of time.

The report will typically address the following matters to the extent each matter is relevant in the particular case –

- the complainants issue/s;
- a concise summary of the material facts and circumstances of the matter;
- investigation plan and authority to investigate;
- any relevant legislation;
- any relevant council or other policy;
- persons interviewed and/or consulted and relevant information obtained during any interviews and consultations;
- results of any relevant research;
- analysis of complaint issues to the extent necessary;

- findings on material questions of fact and law;
- whether the complaint is sustained and reasons for that finding;
- if the complaint is sustained, any recommendation/s to Council to redress the complainant's grievance, whether by way of benefit to the complainant and other affected persons (if any) and/or systemic improvements to Council's administrative practice with a view to preventing a recurrence of similar complaints.

The report will contain any recommendations that the complaints officer considers to be appropriate in the circumstances. In some cases, it will be appropriate to make a recommendation for procedural improvement even where the complaint has not been sustained. A recommendation may relate to;

- a specific remedy or remedies that is/are available to redress the complainant's grievance; and/or
- the 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.

(11) Remedies

Council can adopt a range of remedies for addressing administrative actions that it considers to be unfair or wrong. These 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 an 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.

(12) Consideration of report

A complaints officer's report prepared under the complaints process, including any recommendation(s), on a complaint about an administrative action will be considered;

- (a) by Council by resolution if the administrative action in question was taken by -
 - (i) Council, or a committee of the council, at a meeting;
 - (ii) the mayor or the chairman of a standing committee acting under statutory or delegated authority;
 - (iii) the Chief Executive Officer, or
 - (iv) another Council officer where the requirement that the complaints officer be no less senior than the officer who took the administrative action, cannot be met;
- (b) by the Chief Executive Officer under delegated authority if the administrative action in question was taken by a senior officer who reports directly to the Chief Executive Officer;
- (c) by another Council officer under delegated authority if the administrative action in question was taken by a Council officer who is not more senior than the delegate.

The Chief Executive Officer, by accepting or rejecting the findings of the complaints officer, has authority to recommend any lawful remedy for the complainant that is available.

Where the complaints officer's report includes a recommendation that a suitable policy be made to address the complaint issue, or an existing policy be appropriately amended, the recommendation will be referred to the council for consideration by resolution.

(13) Notice to complainant

Written notice of the outcome of a complaint will be given to the complainant following Council's or Chief Executive Officer's consideration of, and decision on, the complaints officer's report and recommendations (if any).

The notice to the complainant will generally include the following advice –

- Whether the complaint is sustained;
- If the complaint is not sustained, the reasons for the decision;
- If the complaint is sustained, any remedy to be made available to the complainant
- If applicable, the circumstances and timeframe in which any remedy will be made available; and/or
- Whether the investigation identified the need to revise Council policy, procedure or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.

(14) Implementation of remedy

Council, through the Chief Executive Officer, will take action in a timely manner to implement any remedy to be made available to a complainant and/or any revision of its policy, practice or procedure.

(15) Request for review

If a complainant is dissatisfied with the outcome of the consideration of the complaints officer's report and any recommendation, the complainant may request a review of the decision on the complaint. The complainant may submit new information with the request for review and seek reconsideration of the complaint on the basis of the new information or on any other basis.

Council will;

- undertake the review as requested and advise the complainant accordingly; or
- decline the review on the basis that the complainant has not provided any reasonable basis for the review.

Any review undertaken will generally be in accordance with the complaints process. The reviewer will be independent of the original decision maker and the complaints officer.

(16) 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).

(17) Reporting on complaint trends

Every three (3) months, commencing from the date the complaints process commenced, the CEO, or delegate, will complete a report on all complaints (oral and written) received through the complaints process, being complaints about administrative actions of Council.

The report will include details for the particular three (3) months and the financial year to date and, to the extent details are available, draw comparisons with preceding financial years.

Each report will set out –

- details of complaints received and resolved during the period;
- whether timeframes were met;
- how each complaint was dealt with (pre-complaint stage, by complaints officer, council decision on complaints officer's report, or still not resolved to complainant's satisfaction);
- a brief description of the outcome, including any remedy given to a complainant; and
- details of any service delivery or business improvements that have been effected as an outcome of the council's consideration of complaints.

The report will also –

- contain details of any systemic issues that have been identified and/or whether there is any trend in the complaints received; and
- suggest whether any other action should be taken to change service delivery and/or improve business activities, services, systems and staff skills, etc.

The Chief Executive Officer will discuss the report with the Executive Leadership Team and will thereafter submit it to Council for consideration, together with any comments from the Executive.

(18) Communication

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

(19) Duties and behaviour

Council is responsible for ensuring that appropriate measures are in place to support persons who wish to lodge complaints. Directors and Executive Managers are responsible for the implementation and support of the procedures within their areas of responsibility. Employees are responsible for the accurate recording and actioning of complaints within their areas of responsibility.

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 of Council, a counter officer or a Councillor can easily and simply lodge a complaint.
- Complainants are provided with information on the complaints process 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 Council's administrative practices.
- Complaints are responded to as quickly as possible, subject to the circumstances of the complaint.
- Complainants will not suffer any reprisal from Council or its officers for making a complaint.
- Complaints are properly monitored with a view to continuous improvement of Council's business processes.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any right of review and, if they request, be provided with details of any further review mechanism that is available.



Fraser Coast Regional Council Complaint Form

We want to make it easy for you to tell us of your complaints. Simply fill out this form and send to Fraser Coast Regional Council, by mail to PO Box 1943 Hervey Bay Qld 4655, by email to enquiry@frasercoast.qld.gov.au or fax to (07) 4197 4455. If you prefer you can contact Customer Service on 1800881400 or visit our website www.frasercoast.qld.gov.au for advice on how to lodge a complaint.

1. PERSONAL DETAILS

Title: _____ Last Name: _____ First Name/s: _____

Address: _____ Post Code: _____

Telephone (home): _____ (work): _____ (fax): _____

Email: _____ Mobile: _____

Preferred method to contact you: _____

Are you the person affected by the complaint? Yes: No: If not, please advise the

relationship to the person affected by the complaint: Parent: Friend: Other:

(Please specify): _____

If you are acting on someone's behalf, please advise his or her details:

Title: _____ Last Name: _____ First Name/s: _____

Address: _____ Post Code: _____

Telephone (home): _____ (work): _____ (fax): _____

Email: _____ Mobile: _____

Does the person affected by the complaint have a disability or other special need?

Yes: No: If yes, please specify: _____

2. COMPLAINT DETAILS

Have you raised your complaint with us before? Yes: No: If yes, tell us who you spoke to, what you were told and why you are still dissatisfied. Attach any documentation you have from your previous contact. Use a separate sheet if needed.

For new complaints, tell us what happened? Who was involved? When and where did it happen? For example, does your complaint involve a decision that impacts on you, or the quality of service? Make sure you tell us the specific area where the problem occurred. Attach a separate sheet if needed.

What would you like to see happen as a result of your complaint?

Have you done anything about your complaint already? If yes, please advise the details, for Example, the person you spoke to, when and the outcome.

3. WHAT TO EXPECT

Council takes your complaints seriously. We will contact you within 10 business days of receiving this complaint and advise you of what we will do and the expected time it will take to resolve.

Privacy Notice: In using this form you are providing personal information such as name, contact and complaint details. This information will be used for the purpose of assessing and investigating your complaint as required under the Local Government Act. Your personal information will be accessed by persons who have been authorised to do so. Your personal information is handled in accordance with the *Information Privacy Act 2009*.

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