ADMINISTRATIVE ACTION COMPLAINT PROCESS

INTENT

This procedure provides a framework for community members and employees to understand the steps involved in receiving, handling and recording Administrative Action Complaints, assessing complaints, rectifying an unfair or wrong decision and making improvements in Council's practices. It outlines the steps taken to ensure complaints received by Council are addressed in an ethical, inclusive and timely way.

SCOPE

This framework has been developed to inform Council staff and community members of the process undertaken to deal with administrative complaints received by Council as required by section 268 of the *Local Government Act 2009* and section 306 of the *Local Government Regulation 2012*.

For the purposes of this procedure, a complaint is someone expressing dissatisfaction about something Council has or has not done and is seeking a resolution.

The following matters are not Administrative matters and are dealt with under different systems, policies or legislation:

- Requests for service or information are processed through Council's Customer Service Request Management System or through HPE Content Manager workflows;
- Complaints regarding Councillor conduct or performance are referred directly to the Office of the Independent Assessor (OIA) in accordance with the Local Government Act 2009 — Council does not maintain a separate Councillor conduct investigation policy;
- Competitive neutrality complaints are dealt with under Council's Competitive Neutrality Complaint Management Policy;
- Public interest disclosures are dealt with under Council's Public Interest Disclosure Policy;
- Code of Conduct complaints are dealt with under Council's Code of Conduct Policy; and

- Corruption complaints are dealt with under Council's Complaints about Public Officials: Section 48A of the Crime and Corruption Act 2001 Policy. All information or matters that are reasonably suspected of involving corrupt conduct will be referred to the Crime and Corruption Commission (CCC). A record will be made of all alleged corrupt conduct not notified to the CCC. The Corrupt Conduct Assessment form is to be used and will capture the assessment process and decision not to refer.

The most common form of complaint is an administrative action complaint as these complaints concern the general operations of Council and the provision of services to the community (see Definitions).

Furthermore, section 268 (2)(b) states that an administrative action complaint is a complaint made by an affected person (see Definitions).

Whilst the definition of an administrative action complaint is quite wide ranging there are complaints that would be excluded from this complaint management process. These exclusions include:

- any matter where recourse is available through -
    - a statutory appeal process; or
    - a statutory resolution mechanism; or
    - a dispute resolution mechanism available in an industrial instrument;
- requests for service.

DEFINITIONS

TERM	DEFINITION
Administrative action complaint	Defined in Section 268(2) of the Local Government Act 2009 as a complaint that is about an administrative action of a local government including the following: a decision, or failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or failure to do an act; the formulation of a proposal or intention; the making of a recommendation; and is made by an affected person.
Affected person	Defined in section 268(3) as a person who is apparently directly affected by an administrative action of Council
Complaint	An "expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response is explicitly expected or legally required"[1]

[1] See Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for Complaint Management in Organisations (as amended) at www.standards.com.au .

TERM	DEFINITION
Complainant	A person or entity who makes a complaint
Frivolous matter	A matter viewed as trivial, lacking in substance, or unworthy of serious attention. Considerations include whether: • The complainant has a history of making false or unsubstantiated complaints; • There is no information to support the allegation in any way; • The allegation is not serious or sensible, and is of such a nature that a reasonable person could not treat it as being bona fide; • The allegation is without any foundation and appears to be designed to harass, annoy or embarrass the subject officer; • The allegation is inherently improbable and there is no information that in any way supports it.
Investigating officer	The officer selected to investigate the complaint and may be a supervisor, manager or an external investigator.
Vexatious complaint	A complaint which is intended to, or perceived to intend to cause distress, embarrassment, or to harass the subject of the complaint (may also relate to Frivolous complaints).

COMPLAINT PROCESS

Lodgement of Complaint

Complaints may be submitted to Council through the following options:

- Emailing Council at mail@cook.qld.gov.au
- Post to The Chief Executive Officer, Cook Shire Council, PO Box 3, Cooktown Qld 4895
- Lodged in person at Council's Administration Office at 10 Furneaux Street, Cooktown
- The "Contact" page on Council's website

An affected person should, if possible, lodge their complaint in writing. This will assist Council in understanding the nature of the complaint and any outcomes sought by the complainant.

Council will provide reasonable assistance to an affected person to enable lodgement of their complaint. Anonymous complaints will be referred to the Governance Coordinator who will determine the appropriate action to be undertaken or whether further action will be taken.

Initial Assessment

Upon receipt of a complaint, the receiving officer will determine the category of the complaint as per the process map contained in **Appendix A** and have the complaint either:

- Logged into Council's Customer Request Management System; or
- Profiled into Council's Electronic Document Management System (EDMS) to the relevant officer.

If it is not clear to the receiving officer as to the category of the complaint, the matter should be referred to the Governance Coordinator to confirm the correct method in progressing the complaint.

Important: Any officer who receives a complaint concerning either corrupt conduct or a public interest disclosure should not discuss the matter with other officers unless seeking guidance from senior management. Severe penalties may be incurred should confidentiality not be maintained.

Note - If the content of the complaint could reasonably be assumed to be either vexatious, frivolous or of such a nature that it may impact negatively upon the wellbeing of staff, the matter must be referred to the Governance Coordinator for further assessment.

Management of Complaint

Administrative action complaints that cannot be progressed through Council's Customer Request Management System will be tasked to the Governance Coordinator. Upon receipt of the complaint the Governance Coordinator will undertake the following actions:

- enter the details of the complaint into Council's Customer Complaint Register –
    - EDMS reference number of the complaint
    - date complaint was received and relevant financial year
    - name of complainant
    - investigating officer handling the complaint
- create a Complaint Action Record Sheet and enter the EDMS reference number for this document into the register
- issue an acknowledgement letter to the complainant within five (5) working days of Council receiving the complaint. This acknowledgement letter will advise the complainant of the name of the investigating officer and the expected date of complaint determination. Details of the acknowledgement letter is to be recorded in the Complaint Action Record Sheet.
- through Council's EDRM, refer the original complaint and the Complaint Action Records Sheet to the investigating officer (if other than the Governance Coordinator).

Investigating

The investigating officer will take all reasonable and necessary actions to objectively and impartially assess the complaint. All documents received or created must be recorded in the Complaints Action Record Sheet with relevant EDMS reference numbers.

The timeline to complete the assessment of the complaint is 15 business days from Council's receipt of the complaint. Should the complaint be of a complex nature this timeline may be extended upon written advice to the complainant?

The complainant is to be advised in writing of the determination of the complaint, the reasons for that decision, if appropriate the rectification action and the option available to request an internal review of the decision should the complainant not be satisfied with the outcome.

The investigating officer must inform the Governance Coordinator that the complaint has been finalised to enable the Governance Coordinator to update the Customer Complaints Register.

Internal and External Review

The investigating officer must inform the complainant, in the original decision letter, that they have the option to request an internal review of the decision, should they not be satisfied with the outcomes. The internal review must be carried out by an officer of the same or higher seniority than the investigating officer and who has not had any involvement with the original complaint investigation or have any conflict of interest in the matter.

A complaint referred for internal review will be acknowledged within five (5) business days and the complainant will be advised of expected timeframes (i.e. 15 business days from receipt of the request for review). Should this timeline need to be extended due to the complexity of the complaint, the complainant will be advised in writing.

The internal review will be an objective assessment of:

- the reasons the complainant is dissatisfied with the complaint process or outcome;
- any relevant information supporting their complaint;
- their requested outcomes from the internal review.

The internal review will involve;

- a thorough examination of the records of the complaint;
- consultation with relevant officers; and
- other inquiries as needed to gather all relevant information.

The complainant will be advised of the determination of the review and of their option to further their complaint through the external review processes if the complaint has not been determined to the affected person's satisfaction.

Monitoring Complaints

Complaints will be monitored by the Governance Coordinator who will report as requested on information including but not limited to:

- complaints received and outcomes determined;
- time taken to resolve complaints;
- trends and significant outcomes, recurring issues and identified improvements.

In addition, the following information will be provided in Council's Annual Report:

- Council's commitment to dealing fairly with complaints;
- an assessment of its performance in resolving complaints;
- the number of complaints made in the financial year;
- the number of complaints resolved in the financial year;
- the number of complaints not resolved in the financial year;
- the number of complaints not resolved in the financial year that were made in the previous financial year

It is the responsibility of the Governance Coordinator to monitor the adequacy of this procedure and implement and approve appropriate changes. This policy will be reviewed formally every four (4) years or as required by Council.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Executive Officer	Promote a culture that values complaints and their effective resolution and provide adequate support and direction to key staff responsible for handling complaints.
Executive Leadership Team	Encourage excellence in customer service by Council officers and ensure that all officers implement the Councils complaint management policies and procedures in the manner intended by Council. Encourage and support recommendations for system improvements.
Governance Coordinator	Oversight of the Customer Complaints Register and coordination of complaints received. Oversight of the policy and annual review of the effectiveness of the complaints management process
Managers	Provide reports to ELT on issues arising from complaint handling work and ensure recommendations arising from the process are canvasses where appropriate. Encourage staff managing complaints and assist them to resolve them promptly.
All Staff	Treat all people with respect, including people who make complaints.

RESPONSIBLE OFFICER	RESPONSIBILITY
	Be aware of complaint management procedures and assist people who wish to access Council's complaint process.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for Complaint Management

RELATED DOCUMENTS

Appendix A – Complaints Management Process Map – D22/10234

Administrative Acton Complaints Management Policy – D22/8956

IMPLEMENTATION/COMMUNICATION

Upon formal adoption, the *Administrative Action Complaint Process* will be published on Council's website and communicated to staff via an All Staff email. Additional training will be provided to the Customer Experience and Records teams by the Governance Coordinator.

APPROVED BY

Council Resolution 2023/72

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Governance Coordinator
ADOPTION DATE:	April 2023
REVIEW DATE:	April 2027

THIS ADMINISTRATIVE INSTRUCTION IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY EXECUTIVE MANAGEMENT

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
V1	New Procedure separated from Policy and focused on administrative action complaints.	July 2022	Council Resolution 2022/173
V2	Amendment to corrupt conduct references and referrals	April 2023	Council Resolution 2023/72
V2.1	Interim amendment directed by ELT. Removal of exclusion of decisions by Council resolved at Council meetings, inconsistent with s268 LGA 2009.	26 October 2026	Executive Leadership Team

APPENDIX A – COMPLAINTS MANAGEMENT PROCESS MAP

IMPORTANT!!: An officer in receipt of a complainant regarding Corrupt Conduct or a Public Interest Disclosure cannot discuss content with anyone else unless seeking guidance from Senior Management. Severe penalties can be incurred should confidentiality not be maintained

Complaint received

Is complaint written?

Yes

No

Can complaint be processed through CRM?

No

Complete Verbal Complaint Record

Yes

Create CRM and advise customer of CRM reference number

CRM to be processed as per CRM workflows and relevant procedures. Customer to be informed of resolution by actioning officer

Is complaint regarding Corrupt Conduct?

Yes

Is complaint about the Mayor or Councillors?

Refer complaint to CEO immediately
Note- this is handled under the Councillor Investigation Policy and Code of Conduct for Councillors in Qld

Refer to Office of the Independent Assessor (OIA) for assessment

Is complaint about the Chief Executive Officer?

Refer complaint to Mayor immediately
Note – this is handled under the Section 48A Policy

Is complaint about Staff, Contractors or Volunteers?

Refer complaint to CEO immediately
Note – this is handled under the Code of Conduct

Complaint is assessed using Corrupt Conduct Assessment form

If a reasonable suspicion is formed that the matter may involve corrupt conduct refer the complaint to the Crime and Corruption Commission as per s38 of the Crime and Corruption Act 2001. Complaint cannot be discussed with anybody.

If reasonable suspicion that the matter may involve corrupt conduct is not formed and is not required to be notified to the CCC under s38 of the Act, a record of the decision is made that complies with s40 of the Act and is stored in CM10

Depending upon assessment:
- refer as a Public Interest Disclosure; or
- refer to the CCC; or
- apply appropriate action in accordance with the Code of Conduct

No

Is complaint a Public Interest Disclosure?

Yes

Refer complaint to CEO immediately

Complaint to be processed as per Public Interest Disclosure Act 2010

Public Interest Disclosure
Any person, including a public sector employee, can make a Public Interest Disclosure about:
- danger to the health and safety of a person with a disability
- danger to the environment caused by commission of an offence or contravention of a condition in certain environmental legislation
- reprisal after making a public interest disclosure

A public sector officer can also make a public interest disclosure about:
- corrupt conduct
- maladministration that adversely affects someone's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health and safety
- a substantial and specific danger to the environment

No

Is complaint about the Conduct of the Mayor or Councillor

Yes

Refer complaint to CEO

No

Complaint to be referred to Governance Coordinator

Action to be undertaken by Governance Coordinator
1. If complaint not profiled in CM10, profile accordingly
2. Complete relevant sections of Customer Complaints Register
3. Complete relevant sections of Complaint Action Record Sheet
4. Send complainant an acknowledgement letter and advise complainant of officer dealing with complaint (within 5 working days).
5. Profile original complaint documentation and Complaint Action Records Sheet to the investigating officer to progress complaint (if other than the Governance Coordinator).

Action to be taken by Investigating Officer
1. Complete all reasonable and necessary actions to impartially and objectively asses the complaint in accordance with Council's Administrative Action Complaint Management Process.
2. Continually update the Complaint Action Record Sheet with all actions undertaken.
3. Ensure all relevant documentation is profiled into CM10 and reference numbers detailed in the Complaint Action records Sheet.
4. Advise complainant, in writing, the determination of the complaint, reasons for this determination and decision review avenues (within 15 working days of receipt of complaint by Council).
5. Advise the Governance Coordinator that complaint has been finalised.

Governance Coordinator to update the Customer Complaints register with all relevant details.

Corrupt Conduct can involve, but is not limited to:
- performance of functions or exercise of powers not undertaken honestly and impartially; or
- conduct that involves the misuse of agency –related information or material; or
- dishonestly obtaining public funds or State assets; or
- evading a State tax, levy or duty or fraudulently causing a loss of State revenue; or
- fraud relating to an application for a license, permit or other authority relating to public health or safety, the environment, or the State's natural, cultural, mining or energy resources.
- conduct that knowingly breaches public trust; or
- collusive tendering; or
- fraudulently obtaining or retaining an appointment; or