

ADMINISTRATIVE ACTION COMPLAINTS POLICY

SCOPE

All complaints in relation to the administrative actions of Banana Shire Council, its Councillors and Employees.

Note: The following are not Administrative Action Complaints and are not covered by this policy:

- Requests for service or maintenance
- A work related grievance of an officer or employee
- Council's decision in respect of a liability claim
- Complaints which relate to actions and/or decisions which are provided a specific avenue or appeal through the instrument of legislation under which the action or decision was made such as:
 - Complaints in relation to a decision under the Sustainable Planning Act 2009 or other relevant legislation where a review process is statutorily established
 - Complaints where another instrument of appeal is provided under legislation such as:
 - Complaints about the conduct or performance of a Councillor which are dealt with under the relative legislative requirements of the Local Government Act 2009; or, in the case of official misconduct, by referral to the Crime and Corruption Commission under the Crime and Corruption Act 2001
 - Competitive neutrality issues, which are dealt with in the Local Government Act 2009 and the Queensland Productivity Commission Act 2015
 - Complaints made under the Public Interest Disclosure Act 2010
 - Other complaints where an alternate complaint process has been legislated

LEGISLATION

Local Government Act 2009
Local Government Regulation 2012

OBJECTIVE

- To manage and resolve complaints about administrative actions of Council in a process that covers all administrative action complaints made to Council
- To quickly and efficiently respond to complaints in a fair and objective way
- To include the criteria considered when assessing whether to investigate a complaint
- To inform an affected person of Council's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously

- To enhance the community's confidence in the complaints process and of the reputation of the Council as being accountable and transparent

DEFINITIONS

Administrative Action Complaint	Means a complaint that: <ul style="list-style-type: none"> (a) is about an administrative action of Council, including the following, for example— <ul style="list-style-type: none"> (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
Administrative Action Complaints Process	Means the process for dealing with Administrative Action Complaints as required under the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>
Affected Person	Means a person who is apparently directly affected by an administrative action of the Council
CEO	Means Chief Executive Officer of Banana Shire Council
Complainant	Means a person or organisation who makes a complaint
Council	Means Banana Shire Council
Council Officer	Means all permanent, temporary and casual staff and staff employed under contract

POLICY

That Banana Shire Council acknowledges the right of persons to lodge a complaint about a decision or other action of Council.

PRINCIPLES

When addressing complaints, Council is committed to the following principles.

Fairness and Objectivity

All complaints received by Council are considered on their merits and addressed in an equitable and unbiased manner whilst observing the principles of natural justice.

Accessibility

The Complaints Management Policy and Procedure are easy to access and can be understood by all people, including those with special needs.

Visibility

Information about lodging a complaint or feedback, and the complaints management process, is publicised to the Shire Community.

Confidentiality

All complaints/feedback are treated with relevant level of confidentiality.

Client Focus

Receipt of each complaint/feedback is acknowledged in accordance with Council's customer service policy at that time, and customers are treated courteously and kept informed of progress with their complaint or the outcome of their feedback.

Human Rights

When developing policy and procedures and when applying decisions Council will give consideration to the provisions of the Human Rights Act 2019 and ensure that:

- there is no discrimination when applying policies and procedures
- that every person is provided equal protection through policies and procedures
- all persons are treated equally before the law

Integration into Business Improvement Processes

The outcomes under the Administrative Action Complaints management process are analysed and Council's systems, policies and procedures amended if improvements are identified as contributing to business effectiveness.

Openness and Accountability

Council believes in openness and accountability so that the process for reporting on the actions and decisions of Council is clearly established, including the outcome of investigations under this Administrative Action Complaints Management process.

Natural Justice

The Administrative Action Complaints Management Process complies with the principals of natural justice so that all parties directly affected by the complaint have an opportunity to present their views and the process is conducted without bias.

Courtesy to Council Officers

Procedures are in place to protect officers from the small percentage of customers who may display an unacceptable level of rudeness or aggression.

Reprisal

Complainants will not suffer any reprisal from Council or its Officers for making a complaint.

COMMITMENT

Council commits to:

- A complaints process that is easy to understand and is readily accessible to all

- A structured process for complaints management to ensure anyone who is dissatisfied about a decision or other action of Council, a Council Officer or a Councillor can easily and simply lodge a complaint
- An increase in awareness of the complaints process for Council's staff and the community
- The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of Council
- Providing complainants with information on the complaints process and, if necessary, assistance to make their complaint
- Enhancement of the community's confidence in the complaints process and of the reputation of Council as being accountable and transparent
- Identifying and allocating the management resources needed for an effective administrative action complaints process
- The training of officers to deal with complaints and to record and analyse complaints data by building the capacity of staff to effectively manage complaints in an environment of continuous improvement
- Training Council Officers on Good Decision Making in Government
- Council Officers receiving complaints in a professional manner
- Detection and rectification, where appropriate, of administrative errors
- Identification of areas for improvement in Council's administrative practices
- Welcoming valid feedback as an opportunity for improvement of Council's administrative practices
- Responding to complaints as quickly as possible and in accordance with the timeframes set out in the complaints procedure
- Monitoring complaints with a view to continuous improvement of Council's business processes
- Providing information to affected people as to their statutory rights of review if they are not satisfied with the outcome of the Administrative Action Complaints Management Process

REMEDIES

The Council commits to a range of options for addressing unfair or wrong decisions or any unreasonable or oppressive policy or procedure.

Responses deemed appropriate and reasonable include, but are not limited to:

- admission of fault
- explanation
- apology
- change of decision
- review of policy or procedure
- financial compensation including an ex gratia payment
- repair / rework / replacement
- technical assistance
- waiver of debt

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

RIGHT OF REVIEW

If the Council's decision is subject to a statutory review process or another review process created by the Council for a specific category or matter, a complainant will be notified of the right of review and of relevant contact details.

INTERNAL AND EXTERNAL REVIEW

If a statutory review process does not exist, an investigation into a complaint may be undertaken either by way of internal review or external review.

FURTHER REVIEW

If a complainant is not satisfied by the initial response to the complaint, a further review may be undertaken or the complainant advised of the option of an external review.

CUSTOMER-FOCUSED APPROACH

The Council encourages a customer-focused approach by all its staff and welcomes customer feedback to improve its business operation in terms of its service delivery.

All complaints are to be thoroughly and expeditiously investigated with the aim of achieving a mutually acceptable resolution and, if necessary, improving Council's service delivery.

INTERNAL REPORTING

Reports to be generated within council to provide the basis for analysis of the complaints received. The Complaints Officer will report on complaints received, both oral and written, their management and any emerging trends to the CEO at appropriate intervals, usually three (3) monthly.

COMMUNICATION

Council will take steps to publicise this policy and the associated procedure to all customers and officers of the Council.

REVIEW OF POLICY / EVALUATION

The policy and the associated procedure will be reviewed on a regular basis as decided by the CEO. The review will evaluate the performance of the complaints handling policy and procedures. As part of the evaluation process, the following aspects will be considered, as necessary:

- accessibility – whether the complaint policy and procedures are readily available to members of the community and are user friendly
- timeliness – whether any targets set for responding to complaints have been met and, if not, remedial action proposed
- satisfaction – as evidenced by any complaint about the policy or procedures

- compliance – by considering reports on the operation of the policy and procedures

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION



CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

9/4/20

DATE