



**CARPENTARIA SHIRE**

*Outback by the Sea<sup>®</sup>*

Administrative Action Complaints

Procedure

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## **1.0 INTRODUCTION**

Carpentaria Shire Council's ("Council") Administrative Action Complaints Procedure has been established to support the Administrative Action Complaints Policy ("AAC Policy") and provide further detail on how Council will receive, record, assess, process, respond and report on administrative action complaints.

## **2.0 COMMENCEMENT**

This procedure will commence on and from 01 October 2020. It replaces all other procedures or arrangements governing administrative action complaints (whether written or not).

## **3.0 EARLY RESOLUTION**

In the first instance, Council's frontline staff will attempt to resolve the complaint through discussions with the affected person to the satisfaction of both parties. Where this is successful, the receiving officer shall ensure the complaint and resolution is recorded in Council's Administrative Action Complaint Register by providing all information to the Office of the CEO.

Where the complainant is not satisfied through discussions the complainant may lodge an administrative action complaint by completing the Customer Feedback Form.

## **4.0 RECEIPT OF ADMINISTRATIVE ACTION COMPLAINT**

Complainants may lodge an administrative action complaint verbally, or in writing. Where Council receives the complaint verbally or by other means where insufficient information is provided, complainants will be requested to complete a Customer Feedback Form.

Completion of the Customer Feedback Form is not mandatory however it does ensure Council receives all the relevant information regarding the complaint and will assist in a more efficient complaint resolution. Where the complainant chooses not to complete a Customer Feedback Form, the receiving officer shall record as much information as possible, on a form, including:

- a) the complainants name and contact details; and
- b) details of the complaint; and
- c) what the complainant would like to see as a result of their complaint.

## **5.0 ENQUIRIES INTO OPEN COMPLAINTS**

Once Council commences an investigation of a complaint, enquiries/further complaints regarding the original complaint will not be processed other than to discuss the complaints process.

## **6.0 INTERNAL ASSESSMENT**

All administrative action complaints received by Council will be forwarded to the Office of the CEO in the first instance for assessment.

The Office of the CEO will make an assessment of the complaint to determine:

- a) If the complaint is an administrative action complaint (by referring to Council's AAC Policy);
- b) The complexity level of the complaint (as per Table 1 of the AAC Policy);
- c) If Council will investigate the complaint or not, giving consideration to whether the complaint is considered to be vexatious or frivolous, as defined in the AAC Policy;
- d) If the complaint is substantially the same as a complaint the person has previously made; and
- e) Who shall investigate the complaint.

Where the assessment indicates another matter separate to the complaint about Council (e.g. where the complaint triggers a compliance matter), the receiving officer shall advise the complainant in the Receipt and Assessment of Complaint letter that the matter will be looked into by the relevant section outside of the complaints process.

## **7.0 INITIAL RESPONSE TO COMPLAINTS**

Council will issue a written acceptance of all complaints within 5 business days of receipt. This notice will advise:

- a) confirmation of receipt of complaint;
- b) the complaint reference number;
- c) where insufficient details have been provided, Council may request additional information;
- d) the complexity level of the complaint; and
- e) if Council will be investigating and the timeframe as detailed in the AAC Policy.

## **8.0 INTERNAL INVESTIGATION**

Where an employee is chosen to undertake the investigation, they shall be appropriately qualified and shall not be less senior than the officer who took the action that is being investigated. The investigating officer shall remain neutral and have no conflict of interest or perceived conflict of interest in the matter.

The internal investigation is conducted to establish and evaluate the facts to determine whether the complaint has merit or not.

Where the complaint is about the action or inaction of a Council officer, the investigating officer shall review if the matter being complained about is covered by a Council policy or procedure and if so, were they followed correctly.

Where the complaint is about a Council decision or failure to make a decision, the investigating officer shall investigate what led to the decision, or failure to make a decision.

The investigating officer shall record all the information in a confidential investigation report which is to be provided to the relevant Director for review along with the original complaint, keeping to the timeframes set in clause 9 of this procedure.

The investigating officer shall always maintain confidentiality of the complaint and complainant and adhere to Council's Information Privacy Policy and the privacy principles prescribed in the Information Privacy Act 2009.

## **9.0 TIMEFRAMES FOR INVESTIGATIONS**

Council will endeavour to meet the following timeframes for dealing with a complaint:

- a) Low complexity complaints should be investigated, and a written outcome of complaint provided to the complainant within 10 business days from receipt of the complaint.
- b) Medium complexity complaints should be investigated, and a written outcome of complaint provided to the complainant within 30 business days from receipt of the complaint.
- c) High complexity complaints should be investigated, and a written outcome of complaint provided to the complainant within 45 business days from receipt of the complaint.
- d) Where these timeframes cannot be met due to the complexity of the complaint or due to other matters outside of Council's control, Council will issue a written notice to the complainant advising of an extension to the timeframe for the investigation. This notice will include a new timeframe for Council to respond.

## **10.0 NOTICE OF OUTCOME**

On the completion of the investigation, Council will issue a written notification to the complainant of Council's decision regarding the complaint and reasons for the decision. Council will also provide options for the complainant if they are not satisfied with Council's response.

## **11.0 WHERE THE COMPLAINANT IS NOT SATISFIED WITH COUNCILS RESPONSE**

### **11.1 INTERNAL REVIEW**

11.1.1 Complainants may request an internal review be conducted where they have reason to believe Council's policies and or procedures have not been followed in the original investigation or where they believe the right outcome has not been reached, by submitting an application in writing to the CEO, within 15 business days of Council's notice of outcome. This application must include:

- a) specific details of what policies or procedures the complainant believes were not followed during the investigation; or
- b) details as to why the complainant believes the outcome was incorrect.

11.1.2 Council may refuse to conduct an internal review where the criteria in clause 11.1.1 has not been met.

11.1.3 Council will notify the complainant in writing within 5 business days of receiving the written request of the outcome of their request.

11.1.4 An internal review is not an investigation or a re-investigation of the complaint; it is a review of how Council processed the complaint and Council's decision on the outcome of the complaint.

11.1.5 All internal reviews shall be conducted by an officer:

- a) who did not conduct the original investigation; and

- b) who is either equal to or more senior than the officer involved in the original decision of the complaint.

11.1.6 When conducting the internal review, the Council officer shall:

- a) review the information provided in the request for internal review;
- b) review the entire investigation and subsequent confidential report; and
- c) determine if Council policies and procedures were followed correctly in the processing of the complaint.

11.1.7 The reviewer is to provide a written confidential report to the CEO within 10 business days of receipt of the internal review request detailing:

- a) their findings and if they agree with the original outcome; and
- b) a recommendation of how to proceed and what remedial action should be taken, if any; and
- c) reasons to support their recommendation (what policy/procedure was or was not followed during the investigation) and also what remedy they believe is appropriate.

11.1.8 The CEO shall make the final decision regarding the internal review and shall communicate the outcome in writing to the complainant within 15 business days from the date of the internal review request.

11.1.9 The outcome of the internal review is final, Council will not accept any further requests for review on the matter in the absence of exceptional circumstances as decided by the CEO.

11.1.10 Where the internal review cannot be completed within the set timeframe the complainant will be notified in writing advising the new proposed date of completion.

## **11.2 EXTERNAL REVIEW**

Where the complainant remains dissatisfied with Council's internal review, they may make an application for external review to an external organisation.

## **12.0 REPORTING**

A monthly report will be provided to the CEO and Executive Leadership Team advising:

- a) the number of complaints received;
- b) the types of complaints;
- c) outstanding complaints;
- d) the number of complaints resolved and unresolved;
- e) complaints being finalised within the timeframes stipulated and if not, reasons for timeframes not being met; and
- f) remedial action completed and not completed.

## **13.0 BREACH OF PROCEDURE**

Where Council reasonably believes an employee has breached this procedure, the matter will be dealt with under the Code of Conduct for Employees.

## 14.0 COMMUNICATION AND DISTRIBUTION

Council will make available to the public, the Administrative Action Complaints Procedure on our website at [www.carpentaria.qld.gov.au](http://www.carpentaria.qld.gov.au)

The responsible officer shall liaise with the Manager Human Resources to create and deliver internal appropriate and regular training to relevant Council employees.

Supervisors will ensure this procedure is distributed as per the Distribution and Dissemination table on this procedure.

## 15.0 DEFINITIONS

- a) **Complainant** – is the affected person or affected persons authorised agent who has lodged the complaint with Council.
- b) **Fivolous Complaint** – is a complaint that has no serious purpose or value. It may have little merit and be trivial.
- c) **Receiving Officer** – is a Council employee to whom a complainant has lodged a complaint with.
- d) **Vexatious Complaint** – is a complaint reasonably considered to be;
  - I. a complaint without merit and is made with the intention of causing inconvenience, annoyance or expense to Council; or
  - II. a complaint made maliciously to damage a person's career or reputation or reputation of Council; or
  - III. a collusion between more than one person or complainant in an attempt to discredit or take retribution against an Officer, Councillor or Council.

## 16.0 ASSOCIATED LEGISLATION AND POLICIES

- Local Government Act 2009
- Local Government Regulation 2012
- Administrative Action Complaints Policy
- Code of Conduct for Employees