



## **Complaints Management Process (CMP) Policy and Procedures**

### **Cherbourg Aboriginal Shire Council**

#### **1. Authority**

This is Cherbourg Aboriginal Shire Council's (CASC) CMP and supporting procedures for resolving administrative action complaints as required by *Local Government Act 2009* (s268) and the Local Government (Operations) Regulation 2010 s119).

The CMP covers all administrative actions complaints and their management from receipt to resolution.

#### **2. Commencement**

The CMP and related policy and procedures were adopted by council resolution and apply from the date of resolution. Any amendment of the CMP including this policy and procedures must be approved by council resolution.

#### **3. Commitments**

CASC acknowledges the right of people to make complaints about its administrative actions. The CMP has been implemented to ensure that complaints are managed fairly, promptly and professionally.

CASC is committed to ensuring:

- Anyone who is dissatisfied about an administrative action of council can easily lodge a complaint.
- Complainants will be provided with reasonable assistance to make their complaint, if necessary.
- Complainants will not suffer any reprisal from council or its staff for making a complaint.
- Complaints will be responded to quickly and in an objective and fair way.
- Complainants will be advised of the complaints decision and reasons.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, council will inform the complainant of any further internal or external right of review/appeal.
- Complaints will be recorded, monitored and reported on to identify improvements in council's systems, practices and service delivery.

#### **4. Objectives**

The objectives of the CMP are to:

- provide an easy to understand and readily accessible CMP to customers, staff and the community.
- efficiently, fairly and promptly resolve complaints about the administrative actions of council
- identify and rectify poor administrative actions.
- identify improvements in the council's administrative practices and service delivery
- build the capacity of staff to effectively manage complaints.
- enhance the community's confidence in council's accountability and openness.



## **5. CMP availability**

The CMP and this related policy and procedures are available on council's website and for inspection at council's office.

All staff will be informed of the existence and operation of the CMP.

## **6. Scope**

The CMP applies to all administrative action complaints about council or its staff.

An administrative action complaint is a complaint made by an affected person about an administrative action of council, e.g.

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

An administrative action complaint includes a complaint that is

- resolved quickly
- made to any area of the council
- made verbally or in writing
- made anonymously.

An affected person is a person who is apparently directly affected by an administrative action of a council.

The CMP doesn't apply to –

- complaints about competitive neutrality issues
- complaints about the conduct or performance of councillors
- complaints or information raising a suspicion of official misconduct
- public interest disclosures
- other matters covered by separate statutory review/appeal processes.

## **7. Complaints Model**

Council's CMP is a staged way of receiving, recording, assessing, reviewing, responding and reporting on complaints. It recognises that generally, complaints are made verbally to the CEO or to council office.

Stage 1 – Complaints are initially managed and resolved by the CEO. However, the CEO may refer a complaint to the relevant head of department (HOD) for review and response.

Stage 2 - Unresolved complaints (stage 1) are referred to council for review and response.

Stage 3 - Dissatisfied complainants may refer their complaint to the Queensland Ombudsman for external review.

## **8. Receiving Complaints**

Making a complaint - A person may make a complaint in any of the following ways:



- orally, either by telephone or in person to a council officer
- by email or on-line via council's website
- in writing (by letter, fax, or complaint form) addressed to the CEO
- anonymously.

### **Complaints by agents**

- If a complaint is lodged on behalf of a person by a professional advisor e.g. a solicitor or accountant, council will respond direct to that advisor.

3

- If a complaint is lodged by a person acting as an agent for the complainant, council will respond directly to the complainant (not the agent), unless a letter of authority is provided indicating the agent is acting on behalf of the complainant and council is satisfied the appointment as agent is valid.

### **Reasonable assistance to make complaint**

- If necessary, reasonable assistance may be provided by a council officer to a complainant on how to make a complaint, including how it should be documented.
- 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.

### **Acknowledgement of complaints**

- The receipt of complaints will be acknowledged.
- Acknowledgements can be made verbally or in writing and should be in the way preferred by the complainant.
- Acknowledgements should include the issues raised, the process, expected timeframe and contact officer details.
- Acknowledgements will be provided promptly and within 2 days of the complaint being received.

## **9. Recording complaints**

All administrative action complaints will be recorded. Council will keep and maintain a complaints register. The complaints register should include the following details for all administrative actions complaints made to council:

- complaint reference number
- complainant's name
- date received
- complaint subject/topic
- complaint outcome
- date finalised
- action required and implementation date.

All written complaints will be referred to the CEO. The CEO will arrange for the complaint details to be recorded in the complaints register.



All oral complaints will be recorded by the receiving officer and referred to the CEO. Details of the complaint will be entered in the complaints register. If an oral complaint is complex, the CEO may request the complainant to put the complaint in writing.

A full and accurate record of the management of the each complaint should be created and maintained. The complaint record/file should include the following details:

- complaint reference
- complainant's name and contact details
- date complaints received (and how)
- complaint issue/s
- information collected and considered
- review/investigation actions taken to resolve complaint
- complaint decision and reasons
- final response communicated to complainant
- date complaint finalised.

4

## **10. Assessing Complaints**

Each complaint should be assessed to determine:

- the nature of the complaint
- how it should be managed, including priority
- what information is required.

The criteria for assessing whether to investigate/review a complaint are:

- whether the complaint involves an administrative action of council or its staff
- whether the complainant has a sufficient direct interest in the administration action
- whether the complainant has a statutory right of review/appeal and it is reasonable in the circumstances to require the complainant to exercise that right
- whether the complaint involves a serious or minor matter or is vexatious
- the time that has passed since the administrative action occurred
- the outcome/s the complainant is seeking and what remedies may be available
- the resources required to investigate/review the complaint compared to the complaint's seriousness and likely outcome
- whether the complaint indicates maladministration.

Anonymous complaints will be accepted and assessed against the same criteria as any other complaint. Important considerations include:

- the nature and seriousness of the complaint
- the quantity and quality of information provided
- the capability of productive investigation.

## **11. Reviewing complaints**

Complaints will be quickly and efficiently responded to in a fair and objective way.

The review of complaints should include:

- clarifying details of the complaint with the complainant
- gathering and considering all relevant information to the complaint
- identifying and considering relevant laws, policies and procedures



- giving any affected person to the complaint natural justice i.e. a fair hearing before the complaint is decided
- determining the complaint outcome and any appropriate remedy
- recording the decision and the reasons.

One or more of the following remedy options may be considered to resolve complaints:

- apology
- refund or financial compensation
- change of decision
- change of policy, practice, procedure
- correction of misleading or inaccurate records
- replacement, repair or re-work
- assistance, information, referral
- any other appropriate remedy.

## **12. Responding to complaints**

Complainants will be advised of the final response (complaint decision) promptly and with 15 working days. The final response can be provided verbally but should be confirmed in writing.

If the final response cannot be provided within this timeframe, the complainant should be advised of the progress and expected time for a response.

The final response will inform the complainant of:

- the complaint decision and the reasons
- the relevant contact officer details for further information or enquiry; and
- any available internal or external review rights.

## **13. Internal reporting on CMP operation**

An internal report on the operation of the CMP will be prepared and provided to senior management annually.

The operation of the CMP refers to collecting and analysing individual or aggregate complaints data to identify improvements and monitoring effectiveness of the CMP

### **Complaints data**

- The internal report will identify, analyse and respond to complaint trends, significant and systemic issues based on all administrative action complaints made to council as recorded in the complaints register and include any recommendations for improvements.
- Accepted recommendations will be monitored for implementation.

### **CMP effectiveness**

- The CMP will be reviewed to assess whether it is operating effectively.
- The review of the CMP should include reviewing visibility and accessibility, policy and procedures, complaints capture and recording, timeliness of complaint resolution. Staff, complainants and customers should be consulted as part of the review.
- The internal report will include the review findings and recommendations. Accepted recommendations will be monitored for implementation.



#### **14. External reporting**

Council's annual report will contain the following information about the CMP for resolving administrative action complaints as required by the Local Government (Finance, Plans and Reporting) Regulation 2010(s115).

Annual report information about CMP will include:

- a statement about council's commitment to dealing fairly with administrative action complaints
- a statement about how council has implemented the CMP including an assessment of council's performance in resolving complaints under the CMP
- the number of all complaints made, resolved and unresolved during the year
- number of complaints unresolved from the previous year.

Resolution Number : 1050

Date of Effect : 24<sup>th</sup> September 2013

Update History : 24<sup>th</sup> September 2014