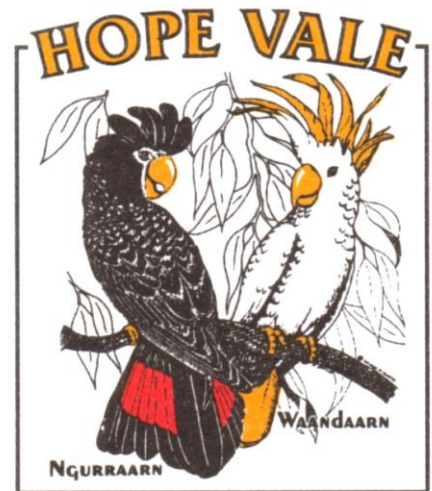


HOPE VALE ABORIGINAL SHIRE COUNCIL



General Complaints Process Policy

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3	25 February 2014		Council Resolution
4	18 January 2017		Council Resolution
5	21 February 2018		Council Resolution

GENERAL COMPLAINTS PROCESS POLICY

ORIGIN/AUTHORITY

Local Government Act 2009, Section 268
Local Government Regulation 2012, Section 306

PURPOSE

Hope Vale Aboriginal Shire Council must operate in an open, transparent and accountable manner. This is a policy documents Councils complaints management process to deal effectively and efficiently with complaints regarding its administrative actions.

This policy excludes actions and decisions made under other legislation which provide for avenues of appeals, such as the *Sustainable Planning Act 2009*.

Under *Local Government Act 2009 Section 268*, Council must adopt a process for resolving complaints about administrative actions of the local government made by an affected person. An affected person is someone who is directly affected by the administrative action.

The *Local Government Regulation 2012 Section 306 (Process for resolving administrative action complaints)* requires Council to adopt by resolution:

- (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.

PRINCIPLE

Hope Vale Aboriginal Shire Council acknowledges the right of customers to provide feedback, both positive and negative, on services it provides and the decisions it makes. It also understands that there are occasions when people may wish to lodge a complaint. Our council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

APPLICATION

This policy applies to all administrative action complaints made to the local government.

This policy does not cover staff complaints.

DEFINITIONS

In this policy the words below are defined as follows:

“*administrative action complaint*” as defined in the *Local Government Act 2009* S268 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.

A customer request is not an administrative complaint. However, a customer’s concern about inaction in respect to a customer request shall constitute an administrative complaint.

1. Handling of Administrative Complaints

How are administrative complaints made?

Administrative complaints are usually directed to Council in writing or verbally (in person at Council offices or by phone).

Process for Dealing with Administrative Complaints

Written Administrative Complaints (includes web, facsimile or letter)

1. Upon receipt, the records officer shall refer the complaint to the appropriate manager for investigation.
2. The manager to whom the complaint is referred for investigation shall forward a letter acknowledging the complaint (within 14 days) which:
 - Demonstrates that the subject of the complaint is understood
 - Indicates what will happen next
3. The manager who is investigating the complaint shall do so as expeditiously as possible.
4. The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
5. Record complaint and action in the General Complaints Register.

Note: In replying to the complainant the manager shall explain that, if they are unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or externally to either the Office of the Ombudsman or the Crime and Corruption Commission.

Verbal Administrative Complaints

1. The officer who first receives the complaint (either by phone or over the counter) shall refer the matter to the appropriate manager for attention.

2. The manager shall:

- Record the details of the complaint on the Complaint Form;
- Confirm with the complainant the accuracy of what has been recorded;
- Explain what will happen next;
- Investigate the complaint as expeditiously as possible and recommend/take remedial action;
- The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
- Record complaint and action in the General Complaints Register.

Note 1: In those cases where a complaint is received verbally which relates to a staff matter, the complainant is to be advised that the complaint must be lodged in writing.

Note: 2: In informing the complainant of the action taken, the manager shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or to either the Office of the Ombudsman or the Crime and Corruption Commission.

Anonymous Complaints

Council acknowledges the inherent difficulty in investigating and resolving complaints made by unknown persons. Nevertheless, anonymous complaints, or complaints from people who wish their names to be held in confidence, will be accepted for investigation, provided that there is sufficient information to enable an investigation to be conducted.

People wishing to remain anonymous are to be advised that Council's ability to investigate the complaint may be limited by their anonymity.

Any anonymous complaints that allege fraud, corruption or misconduct by an officer will be referred directly to the CEO.

Complaints about the Chief Executive Officer

Only complaints involving a direct decision or action of the Chief Executive Officer (CEO) will be considered through this process. The complaint, which must be made in writing, is to be referred to the Mayor.

The Mayor will consider the information provided by the complainant and seek a response from the CEO. In the event that the Mayor considers that some form corrective action is required and the Mayor and CEO fail to agree on this action, the Mayor may refer the matter to the full Council.

In considering the matter, the full Council is to provide a reasonable opportunity to both the Mayor and the CEO to present supporting information in regard to the complaint, including providing reasonable notice to prepare to present such information.

Appeal Process

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

There is a two (2) stage process; internal and/or external.

Internal Appeals

Who will conduct internal appeals?

The following positions are responsible for reviewing complaints as a result of an appeal:

- a. For complaints relating to an initial investigation by a manager, a review is to be carried out by the CEO.
- b. For complaints relating to an initial investigation by the CEO, a review is to be carried out by the Mayor.

How will an internal review be conducted?

1. The reviewing officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
2. If, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, he/she will inform the complainant accordingly.
3. If the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, he/she will:
 - Counsel the officer who initially handled the complaint;
 - Institute action to achieve the desired result;
 - Inform the complainant of the outcome of his/her review.
4. In circumstances where the Review Officer is the CEO, the CEO will inform the Mayor.

Note: In replying to the complainant, the reviewing officer shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, an appeal may be lodged with either the Office of the Ombudsman or the Crime and Corruption Commission.

External Appeals

If a person feels that the Council has not properly dealt with a complaint internally, that person may wish to refer the matter to any of the following Appeal Agencies:

The Office of the Ombudsman
GPO Box 3314
Brisbane Qld 4001

Telephone: (07) 3005 7000
Facsimile: (07) 3005 7067

Crime and Corruption Commission
GPO Box 3123
Brisbane Qld 4001
Telephone: (07) 3360 6060
Toll Free: 1800 061 611
Facsimile: (07) 3360 6333

2. Monitoring and Review

How are administrative complaints recorded?

A register of all administrative complaints will be maintained by the Records Manager and a quarterly report will be provided to the Chief Executive Officer, who in turn will inform Council.

Upon written request to the Chief Executive Office, a member of the public may inspect the register.

In accordance with the requirements of the Local Government Regulations 2012 a report will be included in Council's annual report relating to administrative complaints.

Adopted by Council on the 21 February 2018

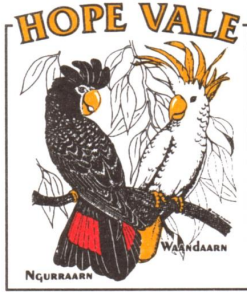
Resolution Number:

Shannon Gibbs
Director of Finance

06/02/2018

APENDIX A

GENERAL COMPLAINTS FORM



Hope Vale Aboriginal Shire Council

Complaint Lodgement Form

We want to make it easy for you to complain. Simply fill out this form and send it to Hope Vale Aboriginal Shire Council, by mail, email, or fax. If you prefer, you can ring our office or visit our website for advice on how to complain.

Personal Details

Full Name:

Address:

Telephone (home): _____ mobile: _____

Email: _____

Preferred way for Council to contact you:

Are you the person affected for this complaint?

Yes No

If not please state your relationship to the person affected by the complaint:

Parent

Friend

Other (please specify) _____

If you are acting on someone's behalf please provide their details:

Full Name:

Address:

Telephone (home): _____ mobile: _____

Does the person affected by the complaint have a disability or other special need? Yes
 No

If yes, please specify:

Complaints Details

Have you raised your complaint to Council before? Yes No

If yes, who did you speak to and what were you told and why are you still dissatisfied? Attach any documentation from your previous complaint.

For **NEW** complaints, tell us what happen. What was involved? When and where did it happen? For example, does you complaint involve a decision that impacts on you or the quality of services? Please make sure that you tell us the specific details of the problem. Attach a separate sheet/s if needed.

Have you done anything about your complaint already? Perhaps you have spoken to your Councillor, professional advisor, government department? If yes, please provide the details (e.g. the person you spoke to, when and the advice received).

What to expect

We take complaints seriously. We will contact you within 14 days of receiving this complaint and advise you what we will do and the expected time frame it will take. Your information will be treated confidentially.

Signature: _____ Date: _____

Office Use Only

Complaint received by:

- Telephone Email Fax
 Letter In person Web Other (specify)

Date received

Staff member who received the complaint:

Position: _____

Summary of advice provided to complainant on initial contact:

Complaint referred to

Name: _____

Date referred: _____

Summary of any further advice provided to complainant:

Nature of complaint

- Customer Service Administrative Action
 Policy Procedures Other (specify)

Location of problem

- Administration & Finance Community Services Building
 Planning Water & Sewerage Civil works
 Waste Parks & Gardens Commercial Services
 CEO & Managers Other (specify) _____

Hope Vale Aboriginal Shire Council is collecting your personal information in order to process your application. This information will only be disclosed to any other third party with your written consent or as we are required by law.

APENDIX B

GUIDE TO FACE-TO-FACE COMPLAINT HANDLING

The first stage is the acceptance of the complaint by Council. It is important that the initial contact is handled well. The environment in which the complaint is taken – if it is made face-to-face – should be private (if possible) and the complainant encouraged to fully express their concerns.

- The Officer is to greet the person courteously, give his/her first name and inquire in a positive manner as to how he/she can help.
- Treat complainants respectfully, courteously and professionally. Maintain confidentiality where appropriate.
- Listen empathetically to what the complainant has to say – everyone appreciates being listened to, so give the complainant time to tell his/her story.
- If necessary, for people with speech or hearing impairment, arrange to use the National Relay Service (13 36 77).
- Use active and reflective listening skills, use positive body language (adopt an open body posture), maintaining eye contact and showing interest.
- Take notes of the conversation for later reference.
- Seek clarification of any points that are not clear in a non-judgmental way, using open-ended questions that start with how? when? where? who? why?
- Ask the complainant about possible remedies to resolve the matter by asking, “How do you believe your complaint can be resolved?”
- Make it clear to the complainant that the complaint has been understood by summarising the main points and seeking confirmation.
- Provide any relevant information that will assist complainants to better understand the decision or action that they are aggrieved about.
- Show empathy. Remember, whether the complaint is justified or not, the complainant’s sense of grievance is real and it is Council’s job to deal with that grievance effectively.
- Review and investigate the complaint in accordance with Council’s General Complaint Policy, first ensuring that the matter meets Council’s definition of a complaint
- Inform the complainant of the outcome of the investigation
- Handle complaints quickly, within established timeframes and in accordance with Council’s policies, keeping complainants informed of progress.
- Log the complaint and any action taken In the General Complaints Register.

All written responses to complaints are to be personal and specific. When resolving a complaint – whether verbally or in writing – the Officer is to:

Give reasons: explain any relevant policy of Council or the legislative provision that is the basis for the decision made. If possible, provide the complainant with a copy of the relevant provision of the policy or legislation.

Where appropriate, apologise: if an apology is warranted, the receiving officer is to offer an apology there and then. It may sometimes be necessary to express regret without accepting blame on behalf of Council.

Be polite: be positive and focus on solving the problem rather than apportioning blame or finding fault.

Take action: take action to rectify the problem presented if it is within the Officer's authority to do so. If the Officer does not have the authority to rectify the problem, advise the complainant to whom the matter will be referred.

Let the complainant know: about any improvements that have been made as a result of their complaint.

Thank the complainant: for their feedback.

APPENDIX C

INTERNAL REVIEW PRINCIPLES – COMPLAINT OFFICER

Council's Internal Review process ensures:

- The independence of the Complaints Officer from primary decision-makers;
- That the impartiality and independence of Complaints Officer is not compromised by other officers in Council;
- That the outcomes of the Internal Review are communicated to the primary decision-maker;
- That Council learns from the process of Internal Review by providing feedback;
- That primary decision-makers are not assigned the responsibility for reviewing their own decisions;
- That the review process is a free service.

The Complaint Officer has:

- Direct lines of communication to the appropriate part of Council for the purpose of resolving issues arising from the review;
- Access to relevant Council documents;
- Authority to recommend decisions in favour of the affected person or complainant; and
- Access to previous complaints to ensure consistent outcomes.

Internal Review Process

The Complaints Officer will:

- Provide an opportunity for the complainant to provide the Complaint Officer with additional information about the complaint;
- Provide a rational/logical process of review;
- Be fair and accessible;
- Assist complainants to understand the findings of the internal review by providing clear, written reasons addressing their concerns. Complainants will be informed of their external rights of review at this stage;

Internal Review Procedure

In deciding how a matter should be dealt with, consideration is to be given by the Complaints Officer to whether the Complaint Officer was involved with the administrative action. If the Officer was involved in such a way, the complaint is to be referred to the CEO for direction.

In order to reach an outcome, the Complaints Officer must:

- Establish a list of people to be interviewed and files or locations to be inspected;
- Conduct interviews and inspect sites and documents;

- Gather and record information;
- Provide relevant information to people involved in the investigation;
- Give people an opportunity to comment on information adverse to them before deciding to act on it (natural justice);
- Observe any legal requirements involved in making decisions;
- Research and apply any relevant law;
- Evaluate the evidence and make findings;
- Identify factors that contributed to the complaint arising;
- Formulate recommendations;
- Prepare a report for the Chief Executive Officer, or an appointed delegate, summarising the matter and results of the investigation and setting out findings and recommendations, including any remedies.

APPENDIX D

REMEDIES

In the event that an Internal Review of a complaint finds that Council's initial action was incorrect – either in part or in full – it will attempt to remedy the situation. The remedy is to apply to the error only. The following will be given consideration in attempting to remedy the situation.

Any remedy offered by Council will be appropriate to the complaint and, should, as far as possible, put the affected person or complainant in the position he or she would have been in had the decision been made correctly in the first place. This may not be possible in all cases because of the passage of time or events that have occurred. In such cases, Council will need to consider other ways to resolve the complaint.

General Principles

- Fair and Reasonable — any remedy provided should be fair and reasonable to the complainant and Council. Fairness means that whilst there may be no legal obligation for Council to provide a complainant with a remedy, there may be a moral obligation to take steps to redress any disadvantage caused.
- Equal Treatment for Equal Circumstances — in seeking to provide fair outcomes, Council will endeavour to be consistent. Previous remedies or actions in similar past circumstances will be a guide to suitable outcomes for current situations. However, changes in policy position or specific fact of individual situations will also be taken into consideration.
- No Abuse of Power — Council must not take advantage of its position of authority (in particular its knowledge and resources) to avoid or reduce its obligation to provide a fair remedy to the complainant.
- Comprehensive Resolution of the Complaint — the remedy should cover all issues raised in the complaint. This avoids any subsequent complaints about the same issues.
- Explanation — an explanation of Council's decision regarding a remedy is to be provided to the complainant.
- Timeliness — Council is to provide the remedy in a timely fashion, in accordance with the Performance Standards established in this procedure.

Mitigation

In some cases, it may not be possible to completely satisfy the complainant. In such cases, Council will attempt to take some action that may improve the situation for the complainant, i.e., mitigate the detriment suffered by the complainant.

Consideration will be given to any practical action which the complainant might suggest.

Practices of Council

In some cases, a complaint may identify some failure within Council's own practices, procedures or policies. An appropriate remedy would be to undertake a review of the practices to bring about change so that other people will not experience the problem. The complainant needs to be informed that Council is taking action to rectify a systemic issue.