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# STATUTORY POLICY

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## Administrative Action Complaints



MAPOON ABORIGINAL SHIRE COUNCIL  
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# **Administrative Action Complaints Policy**

## **Policy Purpose**

This policy sets out the parameters for the implementation of Administrative Action Complaints process procedure.

## **Scope**

The Administrative Action Complaints Policy must be applied when an effected person makes a compliant to Council about:

- a decision of Council, or a failure by Council to make a decision,
- a failure by Council to provide a written statement of reasons for a decision;
- a failure of Council to act, or of Council a failure to do an act;
- where Council has the formulated a proposal or intention;
- where Council has made a recommendation.

## **Definitions:**

**Affected Person** means is a person who is apparently directly affected by an administrative action of a local government.

**Complaint** means an expression of dissatisfaction by a person or organisation

**Council Policy** means for the purposes of the Administrative Action Complaints Policy a policy of Council includes any document, process, procedure, formal policy made under a previous resolution of Council and is implemented by delegation.

**NOTE:** A complaint should not be confused with a request for service. For example, a customer may phone and request for infrastructure repair. This is a request for service. If a customer was to phone to register a request and was advised that certain action would be undertaken and nothing had been done, then this constitutes a complaint.

## **Policy Statement:**

The complaints process is established with the following objectives:

- The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the council;
- A complaints process that is easy to understand and is readily accessible to all;
- Detection and rectification, where appropriate, of administrative errors and identification of areas for improvement in the council's administrative practices;
- Increase in awareness of the complaints process for the council's staff and the community and the building of staff capacity to effectively manage complaints;
- Enhancement of the community's confidence in the complaints process and of the reputation of the council as being accountable and transparent.

## **How an Administrative Action Complaint can be made to Council**

Complaints can be made by phone, in person, letter, text message, email or via the Council's website.

Written administrative action complaints should be address to the Chief Executive Officer (CEO).

Affected persons that provide oral administrative action complaints should provide their name, address and contact details to assist Council in responding to the complaint.

The affected person may also be requested to provide a written submission regarding the matter or verify a written statement on the matter that has been dictated to a Council officer.

Anonymous complaints will be received however Council will have difficulty communicating with the complainant if they remain anonymous.

As a complaint can only be made by an affected person Council will make all reasonable attempts to contact the affected person/s in relation to the matter.

Complaints will be accepted from an agent for the affected person where a written authority signed by the affected person has been provided to Council by the agent.

Council reserves the right to contact the deemed affected person to verify the authorisation before commencing the review process. The term affected persons refers also to the agent of affected persons through the remainder of this policy.

## **Acknowledgement of receipt of an Administrative Action Complaint**

Council will provide the affected person with an acknowledgement of the receipt of the administrative action complaint within 7 days of receiving the complaint.

The acknowledgement will be in writing and outline the process that Council will follow to review the matter.

Where Council is unable to find the contact details for an anonymous complainant (after making reasonable attempts) the Council will note on the review that no acknowledgement has been made.

On acknowledgement of a complaint it will be added to the complaints register. Anonymous complaints will be added to the complaints register.

## **Criteria for assessing where to investigate an administrative action complaint**

The Council will not assess a complaint that:

- is not made by an affected person (or authorised agent)
- where no decision, policy, recommendation or action (or lack of action) is identified
- where the affected person has been deemed a vexatious complainant in relation to the current complaint matter
- where the complaint is deemed frivolous or vexatious.

The complainant will be advised within 14 days if Council decides that it will not access the complaint under these criteria.

### **How an Administrative Action Complaint will be processed by Council**

If the decision was made under Council policy or legislation where Council is delegated to make decision under that statute, the matter will be referred to another officer to review the decision.

That officer will take into account all information and any new information provided by the affected person in the review of the original decision.

The following table provides options for reviewing such matters.

<b>Previous Decision Maker</b>	<b>Options for Reviewer</b>
Chief Executive Officer	Manager External Party
Manager	Chief Executive Officer External Party
Other Officer	Chief Executive Officer Manager

Once the reviewer has reviewed the matter they will advise the affected person in writing within 14 days of the reviewer's decision being made.

That advice must include the reason for making the review decision and any other information that would assist the affected person understand the decision.

All attempts will be made to complete the review within a period of 30 days. This is subject to all information being available and is a target rather than a benchmark.

If the affected person is not satisfied with the reviewer's decision they should respond to the Council providing the reasons for dissatisfaction highlighting where they believe the decision error has been made.

Council will again review the matter using new reviewer and the same process.

Council will not review the matter a third time unless new information is provided that the CEO believes warrants further review.

### **Administrative Action Complaints where the decision was made by Council resolution**

On receipt of an administrative action complaint relating to a decision made by Council the CEO will:

- Provide an acknowledgement of receipt of the complaint within 7 days
- Provide the complainant with all information including agenda information and or reports (excepting confidential information) used in making the decision
- Meet with the affected person in relation to the matter once they have received the information and reports used in making the decision

- Provide access to Councillors including the opportunity for the affected person to address a Council workshop or meeting (depending on the nature of the matter)
- Where appropriate provide a further report to Council seeking a repeal or amendment of the decision where Council has indicated that it has made an error in policy development

Once the Council has reviewed the matter the CEO will advise the affected person in writing within 14 days of the Council's decision being made.

That advice must include the reason for making the review decision and any other information that would assist the affected person understand the decision.

All attempts will be made to complete the review within a period of 60 days. This is subject to all information being available and is a target rather than a benchmark.

If the affected person is not satisfied with the Council's decision they should respond to the Council providing the reasons for dissatisfaction highlighting where they believe the decision error has been made.

Council will again review the matter using the same process and may use an external party to provide advice to Council.

Council will not review the matter a third time unless new information is provided that the CEO believes warrants further review.

### **Rectification**

Where an administrative action complaint has been substantiated Council should immediately undertake action to amend processes, policies, procedures and advise the affected person of such action.

Where possible such rectification should be undertaken within a period of 30 days. This is subject to the ability to undertake such changes and any financial and operational constraints and is a target rather than a benchmark.

### **Reporting**

Details of the administrative action complaints are required to be reported annually in the annual report.

The CEO should also review the numbers and types of administrative action complaints on a regular basis to ensure that there are no trends that would identify a need to review process risks.

### **Related Policies and Legislation**

Local Government Act and Regulation