

Administrative Action Complaints

DEPARTMENT Organisational Services

PROGRAM Governance and Safety

VERSION 1.0



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1. Introduction

This procedure outlines the process by which Mackay Regional Council (MRC) receives, records, assesses, processes, responds and reports on administrative action complaints.

Administrative action complaints encompass all complaints made by customers about administrative actions of MRC.

This process has been developed to:

- provide a single system through which complaints about administrative actions can be managed.
- comply with section 268 of the *Local Government Act 2009* and the requirements under section 306 of the *Local Government Regulation 2012* for resolving complaints.
- provide a mechanism to improve our systems and processes through reporting and customer feedback.

2. What is an Administrative Action Complaint (AAC)?

An AAC is a request for review of an administrative action made by MRC based on an expression of dissatisfaction by an affected person. An administrative action includes:

- a decision or an act
- a failure to make a decision or do an act
- the formulation of a proposal or intention
- the making of a recommendation

In determining if a complaint is an administrative action complaint, it is irrelevant—

- how quickly the complaint was resolved; or
- to which area of a local government the complaint was made; or
- whether the complaint was a written or verbal complaint; or
- whether or not the complaint was made anonymously.

Administrative action complaints include:

- complaints regarding how a previous request has been handled by MRC.
- requests to review a decision or action made by MRC.
- complaints about the way a response has been provided by MRC.
- complaints which revisit the same, specific issue after an initial response has been given by MRC.
- complaints about a decision of Council or a Committee of Council.
- a failure to complete a request for service or provide a decision in the designated timeframes.

3. What is not an AAC

Matters that are not an AAC include:

- customer requests.
- reports of damaged or faulty infrastructure such as potholes or hazards, such as fallen branches.

- a suggestion or proposed service improvement.
- an enquiry or request for further information.
- requests for further clarification.
- a follow up or further request for service that has not been completed by MRC but is still within the timeframes advised to the customer.
- petitions to Council about a particular matter.
- comments or submissions received during formal consultation or community engagement.
- complaints about Councillor conduct

4. Scope

This procedure applies to complaints made by affected persons about administrative actions of MRC. It applies to all MRC employees (regardless of their employment status or position), contractors and volunteers.

Some types of complaints will generally be managed separately and these include:

- Competitive neutrality complaints.
- Corruption complaints that are required to be dealt with under the *Crime and Corruption Act 2001*.
- Public Interest Disclosures (PIDS) made under the *Public Interest Disclosure Act 2010*.
- Internal complaints relating to staff conduct (ie Code of Conduct matters) will be referred to People and Culture to be dealt with under the relevant policies.
- Complaints about Councillor conduct which will be dealt with in accordance with the processes outlined in the *Local Government Act 2009*.
- Complaints about the Chief Executive Officer which will be managed in accordance with *MRC Policy No. 100 Complaints against the CEO* but will be recorded and reported as an administrative action complaint.
- Matters currently being dealt with or have been previously dealt with by a court, tribunal or external complaints agency.
- Disputes about legal liability.
- Social media comments.
- Customer requests.

5. Purpose

The purpose of this procedure is to ensure that:

- Initial complaints that can be resolved quickly via contacting the relevant officer and communicating to the customer by phone are resolved in this informal manner.
- All complaints are treated with appropriate respect for the confidentiality and privacy of the parties involved.
- Anyone who is dissatisfied with a decision or action of MRC can easily lodge a complaint.
- All complainants will be offered assistance in lodging a complaint.
- Each complaint is recorded and initially assessed in terms of its seriousness, priority, complexity and degree of urgency.
- Complaints will be responded to as quickly as possible and in accordance with the timeframes set out in the section *The administrative action complaints process*.

- Complainants will be informed of the complaint outcome, decision and reasons for the decision. The complainant will also be provided information about any available review options.
- Complaints are properly monitored with a view to continuous improvement of MRC services and processes.

6. Legislative Requirement

- *Local Government Act 2009 (section 268)*
- *Local Government Regulation 2012 (section 306)*

7. Related Policies

- MRC Policy No. 001 - Administrative Action Complaints
- MRC Policy No. 045 - Fraud & Corruption Prevention
- MRC Policy No. 078 - Public Interest Disclosure
- MRC Policy No. 095 - Competitive Neutrality Complaints
- MRC Policy No. 100 - Complaints against the CEO
- MRC Code of Conduct

8. Administrative Action Complaints Process

(a) Stage 1 – Initial Complaint

Complainants are encouraged (where appropriate) to contact the relevant MRC service area in an attempt to resolve the complaint.

The initial complaint will be investigated by an MRC officer and may include talking to those involved and auditing documentation. Once the investigation is completed a decision, reasons for the decision and available review options will be provided to the complainant and advice of any remedy.

(b) Stage 2 - Internal Review

If the complainant is not satisfied with the outcome of Stage 1 they may request a review. The nature of the complaint will be assessed in accordance with the complaint criteria and a reviewer will be appointed. The reviewer will be equal to or senior in position to the previous decision makers involved in the matter. The reviewer should have had no previous involvement in the subject matter and be completely independent of both the original decision made and the *Stage 1 Initial Complaint* decision.

The internal review may be undertaken by an officer of MRC or a suitably qualified person external to MRC. This person will be appointed on the basis that he/she has the appropriate knowledge, qualifications, skill and experience to successfully resolve a complaint.

Once the review is completed the complainant will be provided a decision and reason/s for the decision. The complainant will also be provided information about available review options.

(c) Stage 3 - External Review

If the complainant remains dissatisfied after progressing through Stages 1 and 2, they can pursue external options - e.g. alternative dispute resolution; complaints agency such as the Queensland Ombudsman, Queensland Civil and Administrative Tribunal (QCAT) or other avenues of appeal or review.

9. Procedure

There are six steps in the management of administrative action complaints:

- Receive
- Record
- Assess
- Process
- Respond
- Report

(a) Receive

i. Lodging a Complaint

Customers may make a complaint in any of the following ways:

- **By completing** MRC's **Complaint Lodgement Form**, which can be accessed and lodged via the [MRC website](#).
- **By email** to complaints@mackay.qld.gov.au
- **In person** to an officer of MRC at:

Mackay Client Service Centre
Sir Albert Abbott Administration Building
73 Gordon Street
MACKAY

Sarina Client Service Centre
65 Broad Street
SARINA

Mirani Client Service Centre
20 Victoria Street
MIRANI
- **In writing** to:

Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740
- **By facsimile** to: (07) 4944 2403
- **By telephone** to 1300 MACKAY (622 529)

ii. Assistance

If necessary, assistance may be provided to a complainant on how to make a complaint, including how it should be documented. The aim is to clarify the matter of concern to the complainant and the outcome/s sought.

If a complainant requires interpreter services, or has special needs, the complainant will be referred to an appropriate MRC officer who will provide advice or make arrangements to ensure the necessary assistance is provided.

iii. Complaints by third parties

A complaint will be accepted from a third party acting on behalf of an affected person. To verify this fact, MRC will contact the third party requesting satisfactory evidence of authority prior to taking any action.

A complaint lodged by an applicant on behalf of an affected person will be responded directly to the affected person (and not the applicant), unless a letter of authority is provided indicating the applicant is acting on behalf of the affected person.

If a complaint is lodged on behalf of a complainant by a professional advisor, for example a solicitor corresponding on firm's letterhead or email, verification is not required and MRC will respond directly to the advisor.

iv. Anonymous complaints

Anonymous complaints or feedback about administrative actions are accepted by MRC and will be assessed as per the criteria for AAC complaint types set out in the section *Administrative Action Complaint Types and Service Delivery Standards*.

Unless there is sufficient detail about the complaint, it will be difficult for MRC to fully and effectively consider the issue and usually feedback cannot be provided to an anonymous complainant. However, if possible, a complaint reference number should be given to ensure that further contact can be made to provide further information or request progress updates.

In assessing and determining what action to take in relation to anonymous complaints consideration should be given to:

- the seriousness of the complaint issues;
- whether the complaint can be actioned without further information from the complainant. If not, the complaint may not be actioned; and
- if the anonymous complainant gave sufficient information or detail to allow a complaint to be fully investigated.

The decision on what action to take in relation to anonymous complaints or feedback about administrative actions is to be made by the Manager Governance and Safety.

(b) Record

Once a complaint has been received, MRC officers will record the matter using existing systems, such as ECM and/or Pathway.

The complaint will then be referred to the Corporate Governance team either through ECM, Pathway or by email to complaints@mackay.qld.gov.au. The Corporate Governance Officer will:

- record the matter as a complaint in the Pathway CMS
- assign a complaint actioning officer in the CMS
- ensure all documentation is recorded in ECM and Pathway using correct naming conventions.
- within 3 business days, acknowledge receipt of the complaint and provide reference details to the customer either by phone, email or letter.

i. Verbal Complaints

If a customer wishes to lodge a verbal complaint, it must be recorded in the Pathway Customer Request System and referred to Corporate Governance for assessment and recording in the CMS if required.

Corporate Governance Officers may request that a verbal complaint be put in writing if it is determined to be of a complex nature or contains complex material.

(c) Assess

The following assessment criteria may assist MRC officers to determine the type of complaint and the best process to be used to resolve the matter.

i. Is the matter a complaint?

The matter is not a complaint if it relates to:

- a request for information about MRC services, policies or procedures
- a customer service request or report of damage or hazards
- a suggestion for a proposed service improvement
- an enquiry or request for clarification or more information
- a follow up or further customer service request that has not been completed but is still within the timeframes advised to the customer
- a petition to MRC about a particular matter
- comments or submissions received during formal consultation or community engagement, which has a specific process for addressing complaints.

ii. Is the person an affected person?

Determine whether the person is sufficiently directly affected by the matter, rather than having only an intellectual or emotional interest in the subject.

iii. What type of complaint is being made?

On receipt of a complaint, Corporate Governance Officers will evaluate the detail of the complaint and history of officer involvement in considering the issues.

The complaint will be referred to an officer of the relevant program who is independent of the original decision, for example program manager, team leader or coordinator.

All, HR related complaints will be referred to People and Culture for actioning.

The reviewer will be equal to or senior in position to the previous decision makers involved in the matter. The reviewer should have had no previous involvement in the subject matter and be completely independent of any decisions made.

Alternatively, it may be determined that a Governance Officer will undertake the review where:

- the matter has already been considered by the relevant program manager
- a conflict of interest has been declared
- 2nd stage prescribed infringement notice appeal
- a Governance controlled complaint (eg information privacy breach)
- the history, complexity or other reason supports the matter being processed by a Corporate Governance Officer.

iv. Complaint Types and Service Delivery Standards

If it has been determined that the complaint will be processed as part of the CMS, Corporate Governance Officers, in consultation with the relevant program, will determine the appropriate complexity according to the criteria outlined in the table below in order to establish the service delivery standard for processing:

Type of complaint	Criteria	Decision Timeframe
Low Complexity Complaints	Low complexity complaints require no investigation and can be easily addressed through the provision of information, or through negotiating a desired outcome, perhaps through face-to-face or over the phone - a written response may not be required. Low complexity complaints should be managed at the program level.	Up to 10 business days
Medium Complexity Complaints	Medium complexity complaints may require some research into the matter; it might also require some negotiation/facilitated discussion with the complainants or consultation with other areas of MRC. They are rated a medium complexity and typically include issues that relate to a single incident or a decision. Some investigation or fact finding of the complaint issues may be required. Typically, medium complexity complaints contain a small number of issues. A written response is required.	Up to 30 business days
High Complexity Complaints	High Complexity Complaints are matters where there are a large number of complaint issues; or where the complaint issues may refer to possible systemic concerns. These matters will typically involve complainants providing very detailed and lengthy background information that requires time to address. The matters can be of a very complex nature which may involve working with a number of programs in order to reach an outcome. Formal investigation may be required, involving assessment of information, and may involve interviews or discussions with staff and other relevant persons, including external consultation.	Up to 45 business days

If necessary, the Manager Governance and Safety may extend the timeframe for processing an administrative action complaint to 60 business days. If an extension is granted, the complainant is required to be notified before the expiry of the initial timeframe.

v. Frivolous or vexatious complaints

In assessing a complaint, consideration can be given to whether the complaint should be deemed frivolous or vexatious. Where an MRC officer recommends there be no further action or investigation, the officer must advise the CEO of the recommendation including the implications of, and rationale for, the recommendation. If the CEO is in agreement and is satisfied with the reasons presented, a decision can be made to take no further action on the matter.

Complainants will be informed of this decision and reasons for the decision. The complainant will also be provided information about available review options.

vi. Refusal to deal with a complaint

MRC can refuse to deal with a complaint if:

- The CEO deems the complaint to be frivolous or vexatious.
- The complainant does not have sufficient direct interest in the administrative action or the subject of the complaint.
- It is made using rude, aggressive, abusive or threatening language, or where the complainant is physically harassing an MRC officer.
- The complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternate review process.

Complainants will be informed of this decision and reasons for the decision. The complainant will also be provided information about available review options.

(d) Process

i. Initial Complaint

Complaints will be referred to the relevant MRC service area in an attempt to resolve the complaint. It may be possible to action the matter immediately. If not, the actioning officer may consult with their supervisor or manager in assessing a complaint.

The actioning officer will collect all relevant information about a complaint so that an assessment of the matter may be made.

The initial complaint will be investigated by the actioning officer and may include talking to those involved and auditing documentation. Once the investigation is completed a decision, reasons for the decision and available review options will be provided to the complainant and advice of any remedy.

If the customer is satisfied with the response, no further action is required. The actioning officer will record the appropriate notes and documentation in ECM and Pathway and action the complaint in the CMS.

ii. Internal Review

If the complainant is not satisfied with the outcome of Stage 1 they may request a review. The nature of the complaint will be assessed in accordance with the complaint criteria and a reviewer will be appointed. The reviewer will be equal to or senior in position to the previous decision makers involved in the matter.

The reviewer should have had no previous involvement in the subject matter and be completely independent of both the original decision made and the Initial Complaint decision.

The internal review may be undertaken by an officer of MRC or a suitably qualified person external to MRC. This person will be appointed on the basis that he/she has the appropriate knowledge, qualifications, skill and experience to successfully resolve a complaint.

The Manager Governance and Safety will determine if a complaint is required to be investigated by a person external to MRC.

The internal review will be conducted in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

When conducting an internal review of an administrative action complaint the following course of action is suggested:

- develop a plan on how you envisage the review will be undertaken.
- gather information for analysis (ie evidence, inspections, site visits).
- formulate decisions and recommendations.
- write a report detailing all steps taken, including recommendations.
- discuss report and recommendations with appropriate program manager and/or supervisors.

Resources and templates for reports have been provided in BRUCE and Pathway to assist officers in completing an internal review.

Once the review is completed the complainant will be provided a decision and reason/s for the decision in writing. The complainant will also be provided information about available review options.

The actioning officer will record the appropriate notes and documentation in ECM and Pathway and action the complaint in the CMS.

iii. *Internal Review Tips and Traps*

Tips <input checked="" type="checkbox"/>	Traps <input checked="" type="checkbox"/>
Plan your approach.	Lack of/poor planning.
Gather relevant and reasonably available information.	Lack of relevant information and poor use of resources.
Evaluate the facts.	Failure to obtain all relevant facts and evidence.
Make a decision on the complaint.	Making untested assumptions.
Consider and decide on appropriate remedy for sustained complaints.	Failure to communicate leading to unclear or unrealistic outcome.
Consider making recommendations for administrative improvement.	Failure to address potential improvements resulting in further complaints.
Maintain confidentiality.	Failure to protect the privacy and confidentiality of all parties involved in complaint.
Afford natural justice where required.	Failure to follow proper and fair processes/afford natural justice.
Manage and record information obtained.	Poor record keeping.

iv. Communication

The complainant should be kept informed during the investigation process via telephone, email, letter or in person.

This may include:

- an acknowledgement of receipt of the administrative action complaint
- a request for additional information
- an update on the progress of the investigation
- anticipated timeframe
- the outcome or resolution of the matter
- contact officer details
- external review rights.

Email and letter templates have been provided in BRUCE and Pathway to assist officers in communicating with the complainant.

Each step of the investigation is to be documented including discussions, meetings, phone calls, site inspections and registered in ECM and/or Pathway.

v. Timeframes

MRC is committed to resolving complaints as quickly and efficiently as possible and in accordance with *Table A Complaint Types and Service Delivery Standards*.

(e) Response

At the completion of the investigation, the relevant program manager or Manager Governance and Safety should make a decision as to:

- whether the complaint is sustained/not sustained/partially sustained.
- what remedy or remedies, if any, will be applied.

It is best practice to provide a written response on the outcome of a complaint to the customer. The response will generally include the following advice:

- whether the complaint is sustained
- if the complaint is not sustained, the reasons for the decision
- if the complaint is sustained:
 - any remedy to be made available to the complainant
 - if applicable, the circumstances and timeframe in which the remedy will be made available; and/or
 - whether the investigation identified the need to revise an MRC policy, procedure or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.
- available review options.

i. Remedies

MRC may consider any of the following remedy options:

- an explanation, ie how and why the problem occurred, and steps taken to prevent a reoccurrence
- an admission of fault
- a change of decision

- the provision of a service
- the provision of additional information
- a correction of records
- waiving of a penalty
- a refund
- rectification actions
- a review of a policy or procedure
- staff training or other professional developmental activity
- an apology to the complainant
- any other appropriate or reasonable remedy to resolve the complaint

MRC will take action in a timely manner to implement any remedy to be made available to a complainant and/or any revision of its policy, practice or procedure.

All remedies must be approved by an appropriately authorised officer prior to being provided to a complainant.

ii. Recommendations

Program managers will be responsible for ensuring that any agreed recommendations identified as part of the outcome of the complaint review/investigation are actioned in a timely manner.

iii. Finalising Complaints

In reviewing a complaint, accurate and detailed records must be recorded in Pathway and/or ECM. Records may include:

- records of discussions.
- investigation and resolution activities.
- investigation/review report.
- decisions, actions and outcomes regarding the complaint.
- any correspondence, emails or record of communication.

(f) Report

A report detailing the performance of the administrative action complaints process will be made available through the MRC Annual Report which is published each year.

Regular reports will also be made available to SLPT for analysis to identify trends, systemic issues and potential improvements.

Each report will set out:

- details of complaints received and resolved during the period.
- the program/service area which is the subject of the complaint.
- whether timeframes were met.
- the decision/outcome for each complaint.
- the program that processed the complaint.

The report will also assist in providing management with details of any systemic issues that have been identified and/or whether there is any trend in the complaints received.

10. Withdrawal/resolution of a complaint

A complaint may be resolved or withdrawn by the complainant at any time during the complaints process. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect to the person handling the complaint.

11. External Review of a Complaint

Where the complainant remains dissatisfied with the outcome of the Internal Review (Stage 2), they may lodge a complaint with an external agency such as the Office of the Queensland Ombudsman.

12. Review and Auditing

MRC is committed to continually improving its services and will monitor agreed system improvements resulting from the review of complaints.

Periodic reviews and self-audits of the effectiveness of the administrative action complaints process will occur and include an evaluation of the major elements including; compliance with the policy, procedure and guidelines including complaints capture, recording and internal reporting, time taken to manage complaints, correctness of complaint outcomes.

13. Communication

MRC will ensure the AAC Policy and Procedure are easily available on the MRC website. All procedures and AAC resources will be made available to MRC officers through the administrative action complaints page on BRUCE and also provided through training and awareness sessions.

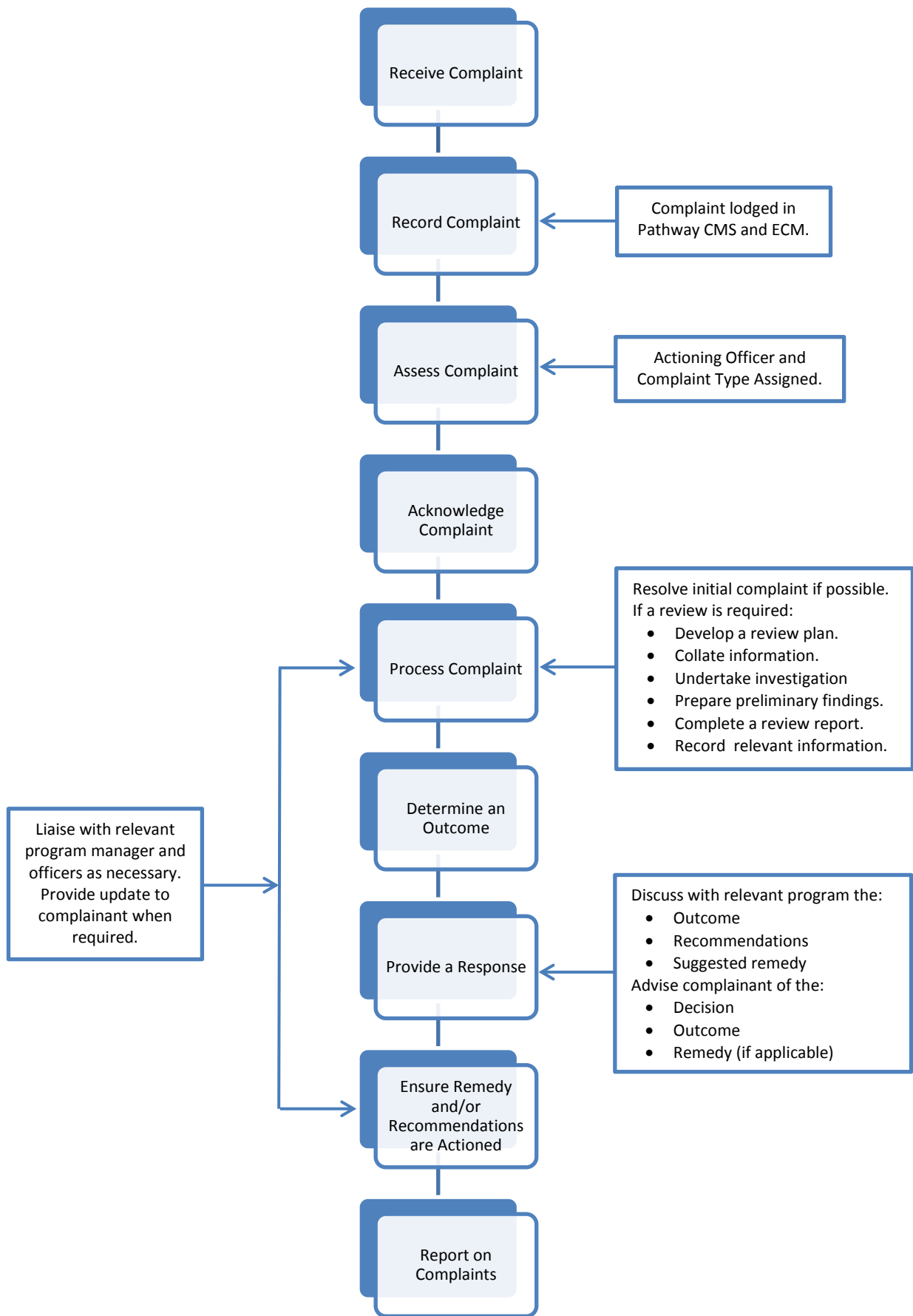
14. Review of Procedure

This procedure will be reviewed when any of the following occur:

- the related documents are amended or replaced.
- other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this procedure is to be reviewed at intervals of no more than three years.

Appendix A - Complaint Handling Flow Chart



Appendix B - Effective Frontline Complaint Handling

The first step is the acceptance of a complaint by MRC. 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.

- Greet the person courteously, giving your first name and ask in a positive manner how you 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 whose first language is not English arrange for an interpreter from Translating & Interpreting Service (TIS) telephone 13 14 50 and ask them to contact Mackay Regional Council on 1300 622 529.
- 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 our job to deal with that grievance effectively.
- Refer the matter to Corporate Governance for review.