



## Fact Sheet – Making a Complaint

This Fact Sheet has been prepared to assist anyone who is considering lodging an Administrative Action or Councillor Conduct Complaint with Council.

Council has established a complaints process in line with the requirements of the *Local Government Act 2009* and *Local Government Regulation 2012*.

Depending on the nature of the Complaint, Council will try to resolve your Complaint at the first point of contact, however, if this cannot be done, our Complaints Management Process will be followed, which is outlined in Item 7.

### 1. What is a request for service?

A request for service is where you want Council to take action.

#### **A request for service is NOT a complaint**

Examples of a request for service include:

- A barking dog;
- A leaking water pipe;
- An overflowing waste bin;
- A pot hole;
- Overgrown allotments;
- Road maintenance i.e. Grading needed;
- Information requests i.e. Rates balances;
- How to register a dog; or
- Any other issue requiring Council service

For a **request for service**, please phone 4189 9100.

### 2. What is a complaint?

A Complaint is an expression of dissatisfaction, orally or in writing, by a person who is directly affected by a decision of Council or its employees, including a failure to make a decision or provide a written statement of reasons for a decision.

Complaints dealt with by this process include:

- a complaint about a Council service or other administrative action;
- a complaint about a Council decision; or
- the conduct of the Mayor, Deputy Mayor or a Councillor

### 3. Who can make a Complaint

Complaints can be made:-

- by any person who is directly affected by the actions outlined in Item 2;
- by the agent of a person who is directly affected by the actions outlined in Item 2 (*provided written authority from the affected person is submitted with the Complaint*); or
- anonymously.

### 4. Types of Complaints which can be made

#### **Administrative Action Complaint**

This type of complaint is about an administrative action, inaction, decision, failure to make a decision or the formulation or a proposal or intention of a local government. This type of complainant can be made by a person directly affected by that action or by another person on behalf of a complainant, provided written authority to do so is provided with the Complaint Form.

An Administrative Action Complaint must be made no later than six (6) months after the Complainant was notified or made aware of the decision or action in question.

#### **Councillor Conduct Complaint**

This type of complaint is about the conduct of a Councillor (including the Mayor or Deputy Mayor) and could relate to inappropriate conduct, misconduct, corrupt conduct or another matter. Such as a breach of Council's Councillor Code of Conduct Policy.

### 5. How to make a complaint

Complaints can be made in either of the following methods:-

- in writing addressed to the Chief Executive Officer (CEO);
- by telephoning Council on 4189 9100;
- by email to [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au);
- by visiting any of Council's Customer Service Centres and completing/lodging a Complaint Form.

Council can also receive a Complaint via a referral from the Queensland Ombudsman's Office.

Complainants can request assistance from a Council Officer when making a Complaint.

## 6. What to include in your complaint

To assist Council in dealing quickly and effectively with your complaint, you are asked to provide the following:

- as much detail as possible about the matter;
- list any other agencies or authorities you have already reported this matter to;
- your contact details, i.e. your name and at least one method of contact (phone, email, address), anonymous complaints are accepted however no outcome provided;
- an outline of the outcome you are seeking; and
- any supporting information including, photos, or contact details of anyone else who can support your complaint.

## 7. What is Council's complaints process?

Council's Complaint Management Process (CMP) is intended to enable poor decisions to be rectified quickly and efficiently, prevent Complaints from escalating, identify and rectify defective business processes, promote customer satisfaction, develop good administrative practice and ensure that breaches of Council's Councillor Code of Conduct Policy or any other inappropriate Councillor conduct are handled in accordance with legislative and regulatory requirements.

It is a methodical approach to resolving problems and avoiding delays that may otherwise arise when matters pass through various levels within Council.

The four (4) stages and responsibility for managing Complaints are as follows:-

### Stage 1 – Preliminary Assessment

A Preliminary Assessment is an assessment of a Complaint to determine the type and is the function of the Social and Corporate Performance Branch (S&CP) of the Corporate Services Department – except for a Complaint against a Councillor, which the CEO assesses. The CEO then determines what type of action, if any, is required, and if so, whether the Investigating Officer is a Council Officer or whether an External Agency is to be involved.

Every Complaint will also be assessed to determine if it is a Public Interest Disclosure, and if so, the strict provisions of the *Public Interest Disclosure Act 2010* will be applied.

### Stage 2 – Investigation and Decision

An investigation seeks to examine the issues raised by the Complainant and the Investigating Officer then makes a decision based on the weight of evidence provided and various investigative processes undertaken.

In some cases, an investigation may simply consist of speaking with certain persons or inspecting records to enable a decision to be made. Whereas some Complaints may be more complex in nature, requiring a greater degree of research and evaluation. While a Complaint should always be investigated fully, the depth of the investigative processes will depend on factors such as severity, safety implication, complexity and urgency of the Complaint.

Throughout the CMP, the Investigating Officer will act in good faith and not take advantage of the fact that Complainants may not have argued certain matters to their advantage.

### Stage 3 - Internal Review

Where a Complainant is not satisfied with the Investigating Officer's Complaint Decision, the Complainant can seek an internal review of the decision.

The Internal Review is always carried out by the CEO (the Internal Reviewer), or in the CEO's absence or inability, the CEO will delegate that responsibility to a Council Officer whose position is senior to the Investigating Officer of the Complaint.

The Internal Reviewer looks anew at both the process and the merits of the original decision or action of the Investigating Officer. The Investigating Officer of the Complaint must provide the Internal Reviewer with:-

- a summary of the Complaint and any other relevant information from their file, so the Complainant is not forced to repeat the details already provided; and
- sufficient information so that the CEO can determine who has been involved in the matter and what has occurred to date.

In addition to advising the Complainant of his/her decision, the Internal Reviewer will also communicate that decision back to the original Investigating Officer, as this encourages prevention of similar situations arising in the future.

### Stage 4 – External Review

For Administrative Action Complaints, an External Review cannot be carried out unless the Complainant has requested an internal review be carried out and a Review Decision has been issued.

A review by an external body seeks to ensure that SBRC's decision-making is fair and reasonable and that proper procedures were followed in making decisions. In Queensland, the *Legislative Standards Act 1992* requires that any legislation which confers on "agencies" (such as local governments, etc.) and their officers an administrative power to affect people's rights, liberties and obligations, must ensure that the power is "subject to appropriate review".

## 8. What happens next?

Your Complaint will be recorded on the Complaints Management Database held by the Social and Corporate Performance Branch. Within five (5) working days of receipt of the Complaint by Council, the Assessing Officer will:-

### For Administrative Action Complaints - write to the Complainant:-

- acknowledging receipt of the Complaint;
- advising the type of Complaint it has been assessed as;
- advising the Investigating Officer appointed to the Complaint;
- advising the anticipated time-frame for conducting the investigation; and
- advising the Council Reference Number for the Complaint.

### For Councillor Conduct complaints relating to:-

#### Inappropriate Conduct:-

If your Complaint is:-

- About the Mayor or Deputy Mayor – the CEO will refer the matter to Chief Executive of the Department of Infrastructure, Local Government and Planning (CEDILGP);
- About any other Councillor – the CEO will refer the matter to the Mayor to take disciplinary action under section 181 of the *Local Government Act 2009*.

#### Misconduct:-

If your Complaint is:-

- About a Councillor, then the CEO carries out a Preliminary Assessment of the Complaint and refers the matter to the CEDILGP to investigate.
- About a Council Officer regarding a service or other action, it will be investigated in accordance with Council's CMP.

## 9. How long will it take to resolve a complaint?

Council aims to resolve all complaints as quickly as possible. The circumstances vary considerably between complaints, so it is not possible to guarantee a set timeframe for all complaints.

Complaints about simple matters not requiring a formal investigation are usually capable of being addressed within a few days. More serious and complex matters can take considerably longer.

As a complainant, you should be kept informed of the progress of any investigation and you will be notified of the outcome.

## 10. What if you change your mind?

If you change your mind and wish to withdraw a Complaint, you may do so at any time. If the original Complaint was made in writing, the withdrawal must also be in writing.

## 11. What happens to the documentation?

Documentation relating to a Complaint will be treated as confidential information. This includes the written Complaint, as well as communications between the Complainant, Assessing Officer, Investigating Officer and the Internal Reviewer (if any).

## 12. Other reference documents

- Council's Administrative Action & Councillor Conduct Complaint Management Policy
- Council's Administrative Action & Councillor Conduct Complaint Management Procedure
- Administrative Action & Councillor Conduct Complaint Form

## For more information

Contact Council on 4189 9100 and ask for the Social and Corporate Performance Branch.

### ***Council is committed to the following principles in relation to its Complaints Management Process:-***

- Encouraging feedback and culture that respects people's right to complaint about any aspect of Council's operations;
- Acknowledging, at the highest level, the value of effective complaints handling;
- Determining appropriate remedies to Complaints;
- Requiring internal accountability for the effective operation of Complaint handling; and
- Using complaints data to identify and rectify systemic and recurring problems.