

# AP186 ADMINISTRATIVE ACTION COMPLAINTS PROCEDURE

## INTRODUCTION

This procedure outlines the process by which Council receives, records, assesses, investigates, resolves and reports on administrative action complaints.

Administrative action complaints encompass all complaints made to Council about administrative actions of Council. However, complaints will be dealt with in different ways to reflect the type of administrative action complaint made. For example, a complaint about a Penalty Infringement Notice (PIN) will be received and recorded as an administrative action complaint but has a clearly defined process of resolution which is different from that used to resolve other types of complaints.

This model of operation will assist Council to resolve matters in an efficient manner and at the local level where possible. Monitoring administrative action complaints in this way will also allow Council to follow trends, identify opportunities and operate in a continual business improvement environment.

## APPLICABILITY

This policy applies to all Brisbane City Council employees including permanent, temporary, casual or part-time employees, contractors or volunteers. It covers all employees, regardless of their employment status, role or position.

## DEFINITIONS

*Administrative action complaint* – as per section 250, *City of Brisbane Act 2010*, is a complaint about:

- (a) an administrative action of the Council, 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
- (b) is made by an affected person

*Affected person* – a person who is apparently directly affected by an administrative action of Council.

*Appropriately authorised Council officer* – a Council officer who has the authority to make the decisions referred to in the outcome of an administrative action complaint. This will generally be a Manager, a Divisional Manager or Executive Manager, or in some cases, the Chief Executive Officer.

*Complainant* – a person or organisation who makes an administrative action complaint or expression of dissatisfaction.

*Council officer* – includes a permanent, temporary, casual or contract member of Council staff.

*Customer* – a person or organisation that uses Council's products or services.

*KPI* – Key Performance Indicator which indicates the timeframe in which Council aims to carry out an activity, e.g. Council has a KPI to acknowledge receipt of an SMS or MMS that reports a problem within two working days.

*Natural justice* – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

*Team Leader or Manager* – the immediate supervisor or manager of a Council officer.



*Matters that are not an administrative action complaint include:*

- a request for information – request for information about Council services, policies or procedures
- a request for service – request for action to be taken in relation to a service or product provided by Council
- a report – report of damaged or faulty infrastructure, such as potholes, or of hazards, such as fallen branches
- a suggestion – proposed service or product improvement
- an enquiry – request for clarification or further information
- a follow up – further request for service or information that has not been completed by Council but is still within the timeframe of the Key Performance Indicator (KPI) advised to the customer
- a petition to Council about a particular matter
- comments received during formal consultation or negotiation processes
- Councillor conduct – dealt with under the *City of Brisbane Act 2010*
- officer behaviour – dealt with under *HRP040Code of Conduct*.

## **PROCEDURE**

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

1. Receive
2. Record
3. Assess based on criteria
4. Investigate
5. Resolve
6. Report

### **1. Receive**

*Lodging an administrative action complaint*

Customers may make an administrative action complaint in any of the following ways:

- telephone the Contact Centre on (07) 3403 8888
- visit a Customer Service Centre
- write to Council at GPO Box 1434, Brisbane, Qld, 4001
- go online to [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au)
- use social media, such as facebook or twitter
- contact their local Councillor.

In addition to the definition of an administrative action complaint found above, the following assessment criteria may assist Council officers to determine whether the matter is an administrative action complaint.

The matter is NOT an administrative action complaint if it relates to:

- a request for information about Council services, policies or procedures, such as the location of tree plantings under the 2 Million Trees Project
- a request for service or action to be taken in relation to a service or product provided by Council, such as branches trimmed on a footpath tree or a rubbish bin fixed
- a report of damaged or faulty infrastructure or hazards, such as potholes or fallen branches
- a suggestion for a proposed service or product improvement, such as additional kerbside clean-up events
- an enquiry or request for clarification or more information, such as a question about the environment levy on a rates bill
- a follow up or further request for service that has not been completed by Council but is still within the timeframe of the KPI advised to the customer, such as the customer was told their rubbish bin would be collected within three days and the customer contacted Council again within one day.
- a petition to Council about a particular matter
- comments or submissions received during formal consultation or community engagement, which has a specific process for addressing complaints.

## *Assistance*

Council will ensure administrative action complaints are received with sensitivity and take into account any special needs of the complainant. For example, Council has a TTY facility available 24 hours a day, 7 days a week on (07) 3403 8422.

## *Anonymous administrative action complaints*

Council may accept anonymous administrative action complaints but, where possible, Council officers will advise the complainant that sufficient information to review a matter, including the complainant's name and contact details, will generally be required to ensure the matter can be dealt with effectively.

## *Acknowledgement*

Administrative action complaints received and resolved at the first point of contact may not require a formal acknowledgement.

Where appropriate, administrative action complaints will be acknowledged in accordance with *AP034 Correspondence Management Procedure* and appropriate Divisional Key Performance Indicators (KPIs).

## **2. Record**

Once a complaint has been received, Council officers will record the matter using existing systems, such as CMX, DART or Optimise, to document details.

Officers will, where possible:

- categorise the matter as an administrative action complaint, including ticking the complaint category in CMX or using the "complaint/commendation" category in Optimise
- use both subject lines if using Optimise or CMX
- include the word "administrative action complaint" in the "regarding" line in CMX.

Administrative action complaints received by the following channels will generally be referred to the Correspondence Unit for assistance and therefore captured via CMX:

- social media
- local Councillor.

Recordkeeping about administrative action complaints will be kept in accordance with the *iD24 Recordkeeping in Brisbane City Council Guideline*, as well as conforming to confidentiality and privacy policies and all other legislative responsibilities.

## **3. Assess based on criteria**

Once the matter has been confirmed and recorded as an administrative action complaint, the Council officer will collect all relevant information about the complaint so that an assessment of the matter may be made.

It may be possible to action the matter immediately. If not, the officer may consult with their Team Leader or Manager in assessing the complaint.

### 1. 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. If there is no direct interest, the complainant should be provided appropriate alternate options.

### 2. What type of administrative action complaint is being made?

The following table outlines some administrative action complaint types and suggested action for resolution. Some administrative action complaints may not need to be referred on for resolution but may be dealt with by the Council officer who receives the complaint. Some administrative action complaints may be referred to other areas of Council for resolution, depending on the nature of the complaint.

<b>Administrative action complaint type</b>	<b>Suggested action</b>
Competitive neutrality	These complaints will be referred to the Chief Executive Officer for review in accordance with the <i>City of Brisbane Act 2010</i> .
Council or Council Committee decisions	Where a Council or Council Committee decision is an administrative action, a complaint about such a decision will be dealt with in accordance with this procedure.
Dangerous dog declaration	These complaints will be directed to Compliance and Regulatory Services (CARS) to be dealt with in accordance with the <i>Animal Management (Cats and Dogs) Act 2008</i> .
Decision of an officer	These complaints will generally be referred to the officer's manager for initial review.
Development or matters covered by the <i>Brisbane City Plan 2014</i>	These complaints will be referred to CARS for review.
Corrupt Conduct	These complaints will be directed to the Ethical Standards Unit for initial review and, where appropriate, referred on to the Crime and Corruption Commission (CCC) to be dealt with under provisions of the <i>Crime and Corruption Act 2001</i>
Penalty Infringement Notices (PINs)	These complaints will generally be referred to Compliance and Regulatory Services (CARS) to be dealt with according to the established two-tier review process.
Public Interest Disclosure	Complaints made under the <i>Public Interest Disclosure Act 2010</i> will initially be referred to the Ethical Standards Unit.
Privacy / Right to Information	These complaints will be directed to Right to Information and Privacy Unit to be dealt with in accordance with the <i>Right to Information Act 2009</i> and <i>Information Privacy Act 2009</i> .
Staff conduct	Where staff conduct is an administrative action, a complaint about such conduct will be dealt with under this procedure. All other staff conduct complaints will be dealt with under <i>HRP040 Code of Conduct</i> .
Direct referral from Queensland Ombudsman's Office (QOO)	All referrals from the QOO must be registered with the CEO's Office to be dealt with by the Council and Committee Liaison Office.

In some instances, administrative action complaints may not be investigated or the investigation may be discontinued if:

- a complaint is made frivolously, without grounds, lacking in substance, or with the intent to harass;

- the complainant seeks to revisit the same issue after an initial investigation when no new evidence or material is provided; or
- the complainant displays aggressive or abusive behaviour, or threatens or uses physical violence against themselves, a Council employee, or property.

#### **4. Investigate**

Where possible, the Council officer will resolve an administrative action complaint at the first point of contact after the matter has been assessed. This may mean no formal investigation process is undertaken.

If the complainant is satisfied with the response, no further action is required. The Council officer will use existing recording and reporting systems to document the matter as being resolved.

##### *Timeframe*

Council is committed to resolving administrative action complaints as quickly and efficiently as possible. The length of time taken to deal with an administrative action complaint will depend on the circumstances of each complaint, such as the complexity of issues in the complaint, the time required to obtain necessary information, the time taken to hold a hearing, if required, and the availability of the parties.

##### *Referring a matter for investigation*

If the matter is unable to be resolved at the first point of contact, the complaint will be referred to the relevant Team Leader/Manager. The Team Leader/Manager may appoint another Council officer to undertake a preliminary review or conduct an investigation into the administrative action complaint. Where necessary, the matter will be escalated to the Divisional Manager, Executive Manager or other appropriate officer for review. The investigating officer will be independent of previous decisions made in the matter under review.

The Council officer will conduct the investigation in a fair, objective and timely manner. Natural justice principles will apply to all investigations.

##### *Investigation steps*

The Council officer will generally use the following process for conducting an investigation of an administrative action complaint:

- gather information for analysis
- formulate decisions and recommendations
- write a report detailing all steps taken, including recommendations
- gain approval for the report from the appropriately authorised Council officer.

The Council officer may consider oral evidence, documentary evidence, technical advice, site inspections, equipment or any other necessary details during an investigation.

During an investigation, the Council officer may also take into account any previous history and nature of complaints made by a complainant.

##### *Communication*

The Council officer will keep the complainant 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.

The Council officer will document each step of the investigation, including discussions, meetings, phone calls and site inspections on an official file.

The communication medium will generally be the medium used by the complainant, or that nominated by the complainant.

## **5. Resolve**

In resolving an administrative action complaint, the Council officer 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 review of a policy or procedure
- staff training or other professional development activity
- an apology to the complainant
- any other appropriate or reasonable remedy to resolve the administrative action complaint

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

Remedies that include recommendations for review, change or training should, where appropriate, include a timeframe and a mechanism to report back once the recommendation is complete.

Council officers will use existing recording and reporting systems where possible to document the decision.

An administrative action complaint is considered to be resolved at any point if the complainant withdraws their complaint or requires no further information from Council.

The complainant will be advised of Council's decision in an outcome letter that includes:

- a summary of the administrative action complaint
- the steps taken during investigation
- outcome of the investigation
- remedy option, if appropriate
- officer contact details, if appropriate
- review rights, if appropriate.

## **6. Report**

Council will report on administrative action complaints to allow any trends or systemic issues to be identified that may inform improvements to Council services.

Council will also satisfy legislative reporting requirements in Council's annual report (section 179 *City of Brisbane Regulation 2012*). This will include:

- number of administrative action complaints received
- number of administrative action complaints resolved
- number of administrative action complaints remaining unresolved from the previous financial year.

Reports will be gathered from the following areas:

- Optimise and CMX
- Office of the Disputes Commissioner
- Privacy Officer
- Office of the Chief Executive (for Ombudsman directly referred complaints)

- Ethical Standards Unit.

## **EVALUATION AND REVIEW**

Councillor Executive Support and Governance Services will conduct a regular review of the effectiveness of the Complaints Management System Policy (AP185) and the underlying Administrative Action Complaints Procedure (AP186).

The review will evaluate the performance of the procedure and may consider the following aspects:

- accessibility – whether the administrative action complaints process is readily available to members of the community and is user-friendly
- trends – whether any administrative action complaint trends have been identified and if so, proposed action
- effectiveness – whether timelines for responding to administrative action complaints have been met and, if not, remedial action proposed.

The review may be undertaken by:

- consulting relevant staff and customers
- auditing finalised administrative action complaints for compliance.

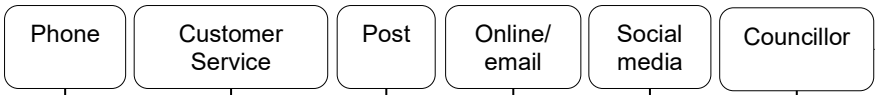
WHEN PRINTED, NOT A CONTROLLED COPY

**Attachment to AP186 Administrative Action Complaints Procedure**

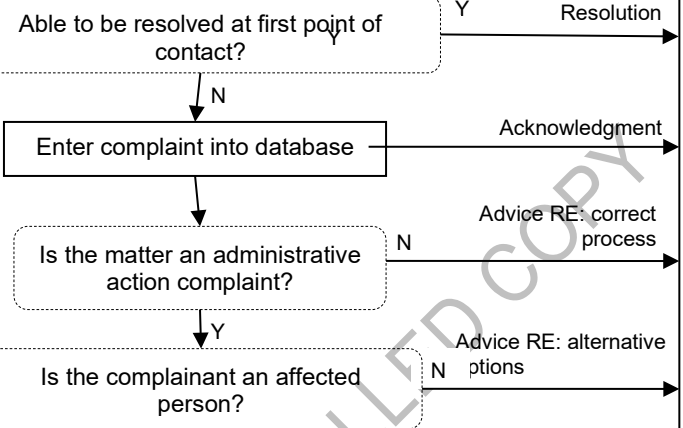
WHEN PRINTED, NOT A CONTROLLED COPY



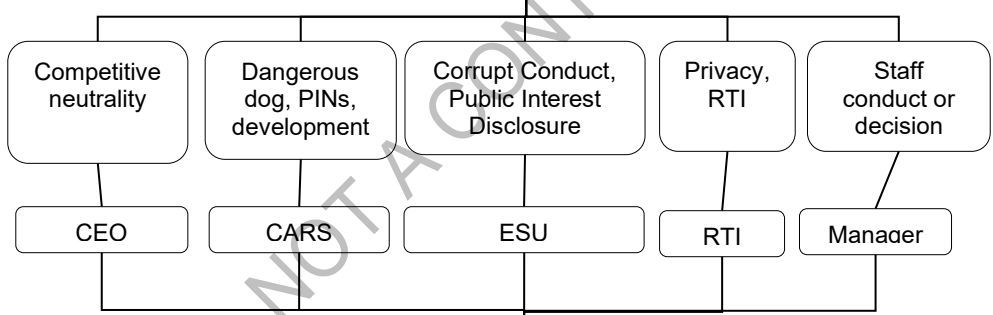
**RECEIVE**



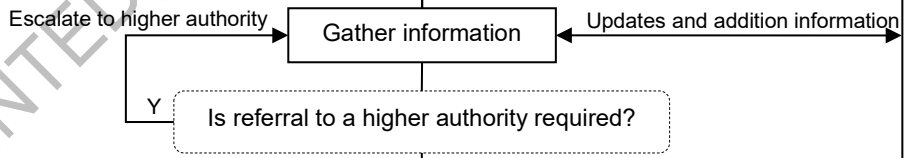
**RECORD**



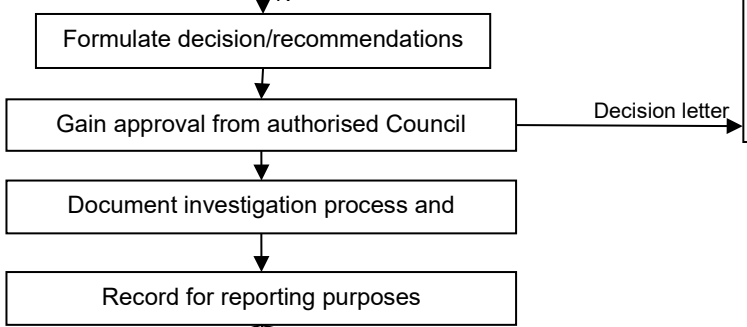
**ASSESS**



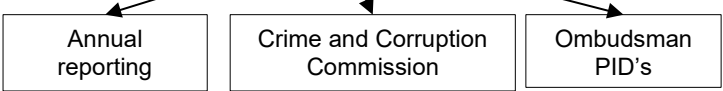
**INVESTIGATE**



**RESOLVE**



**REPORT**



COMPLAINANT

WHEN PRINTED, NOT A CONTROLLED COPY