

MURWEH SHIRE COUNCIL

95-101 Alfred Street, Charleville
A.B.N. 98 117 909 303

Strategic Review of the
Office of the Qld
Ombudsman
Submission 001

YOUR REF:

IN REPLY CONTACT:

RESPONDS TO:

OUR REF:

CDB:ju/

26 July 2012



Hub of the South West

Research Director
Legal Affairs & Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

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COMMUNICATIONS

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Dear Chairman and Committee Members

Subject: Strategic Review of the Office of the Queensland Ombudsman

Thank you for the opportunity to make this submission. I have been employed in local government for the past 28 years, including 22 years as a Shire Clerk and Chief Executive Officer.

I am concerned that in recent years there appears to be a trend of the Ombudsman's office to want to participate in the administration of local and state government policies rather than remaining independent and separate.

My point is if the ombudsman's office regulates how a local government is to set up a complaints management system and a citizen has an objection to the process under that system how can the ombudsman impartially consider the complaint?

Correspondence sent to local authorities on 18th May 2012 and 12th July 2012 outlines requirements for Councils to operate and manage their complaints management systems online on Councils websites. They have also advised that they will be conducting audits on compliance with these regulations. The Ombudsman's Office is very fortunate that they have the financial resources to not only investigate complaints from the public but to set themselves up as auditors. I doubt that any small Council would have the resources to establish a designated complaints officer within their staff but will somehow have to find resources to maintain an online website plus deal with an issue that the ombudsman has decided to champion.

If there had been any consultation with Councils prior to these regulations being introduced we could have advised that vast areas of my Shire and vast areas of Queensland do not have mobile phone coverage, do not have online internet access and in some cases do not have mains electricity. Many seniors and social welfare recipients in our towns do not have access to computers but we are expected to provide an online mechanism for those who have a complaint. This policy discriminates against the poorer members of our communities.



One of the advantages of living in a small town is if you have a complaint you can ring the Chief Executive Officer or Mayor or Councillors. Call into the office, no appointment necessary and talk to the people in charge, approach them on the street or visit their home, we'll try to fix the problem. People in small communities will be outraged if told that they should log a complaint online rather than directly approach the people who can fix the problem. The office of the ombudsman based in Brisbane has no idea or experience on how local governments in small communities work.

In another new development the ombudsman's office is to regulate that complaint statistics are to be published in annual reports. There is no accounting standard anywhere in the world where such a report would be required or appropriate in this document. If there had been any consultation on this proposed regulation I would have advised that in 28 years in local government I have only had two requests from members of the public for a copy of an annual report. In recent years when the reports have been available online I have never received any feed back or questions – not even from the media and I would imagine most Councils are the same.

I could suggest that the ombudsman take a leaf out of our book and instead of posting out their glossy reports to parliament they would save taxpayers money for postage and printing by having a copy on their website and sending out an email that the report is available for those who are interested.

Local governments are very diverse in Queensland and it usually causes problems to regulate a one size fits all policy. How Brisbane, Townsville, Charleville or Boulia deal with complaints should be a matter for each local authority to manage. I once mentioned to a member of the ombudsman's staff that we only seemed to have zero or one or two complaints referred to us each year, he replied that I didn't know the number that his office received that weren't referred back to me. Perhaps an annual report listing complaints per Council from figures received in the ombudsman's office would be of more use than Council producing an in-house report for an annual report that hardly anyone will read.

In conclusion I would state that I believe it is important that citizens who have a complaint, legitimate or not, should have a place to go where that complaint can be independently investigated and hopefully resolved. But I believe that the ombudsman's claim to be independent can be challenged if it continues to participate in the policy administration of government entities.

Thank you for the opportunity to make this submission.

Yours faithfully

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke extending to the right.

Chris Blanch
Chief Executive Officer

n.r.



18 May 2012

Mr Chris Blanch
Chief Executive Officer
Murweh Shire Council
PO Box 63
Charleville QLD 4470

RECEIVED
23 MAY 2012
BY: _____

Dear Mr Blanch

I am writing to you and other council chief executive officers about the findings of a recent review of the website visibility and accessibility of council complaints processes undertaken by my office.

The Local Government (Operations) Regulation 2010 (LGOR s119) introduced new requirements for complaints management by councils. Each council was required by 1 July 2011 to adopt and implement a complaints management process (CMP) for resolving administrative action complaints including supporting written policies and procedures.

One of the guiding principles of good complaints management is visibility and accessibility. Visibility is about making customers, the public and staff aware of an organisation's CMP including where and how to complain. Accessibility is about making it easy for people to complain and to contact complaints handling staff.

Council websites are one important channel for making council CMPs visible and accessible to local communities. This position is reflected in the LGOR which requires each council to ensure the public may access its CMP including the related policies and procedures on its website.

One of my office's functions is to assist councils to improve their administrative practices and procedures including complaints management. In line with that function, my office has prepared the following guidelines to assist councils to meet the LGOR CMP website requirements and to further improve website visibility and accessibility of their CMPs.

- An easily identifiable link to the complaints page (general complaints information for customers) should be available on the homepage through a dedicated complaints link, or the 'contact us' tab.
- The complaints page (general complaints information) and CMP policy and procedures should be easily found through using the search function on the word 'complaint/s'.
- General complaints information should be available on a dedicated complaints page.
- The complaints page should include a statement outlining council's commitment to effective complaints management.
- The complaints page should include a statement to the effect that council welcomes feedback and complaints to continually improve its processes and service delivery.
- The complaints page should outline the ways a complaint can be made (for example, telephone, public offices, email, mail, fax, online form, complaint form).
- The complaints page should outline the reasonable assistance available to make complaints including translating and interpreter services and services for people with hearing or speech impairments.

- The complaints page should include general complaints information on how complaints are managed, expected timeframes, and how customers will be informed of progress and the outcome.
- The complaints page should clearly advise that anonymous complaints are accepted and how such complaints may be made (for example, dedicated telephone number).
- The complaints page should include a reference to the handling of personal information in accordance with the *Information Privacy Act 2009* and principles with a link to council's privacy plan.
- The complaints page should provide links to an online complaint form, complaints email address or other complaints form.
- A submitted online complaint should be printable for the customer.
- A printable complaints form should be available via the complaints page.
- An online or other complaints form should provide clear guidance on the information required to assist council to manage a complaint, including complainant name and contact details, subject matter of the complaint (decision/action), relevant information (supporting the complaint), grounds of the complaint (why the action/decision is wrong), detriment suffered (how affected), and outcome/s requested (action to resolve the complaint).

My office has an ongoing program of monitoring and reviewing of council's CMPs, including website complaint visibility and accessibility. I provide these guidelines to you as a useful tool in any review or revision of council's website. If you wish to discuss this letter or the guidelines please contact the Manager, Training and Projects, Mr Paul Leo on 07 3005 7031 or pleo@ombudsman.qld.gov.au.

Yours sincerely



Phil Clarke
Queensland Ombudsman



12 July 2012

Mr Chris Blanch
Chief Executive Officer
Murweh Shire Council
PO Box 63
Charleville QLD 4470

RECEIVED
16 JUL 2012
BY:.....

Dear Mr Blanch

Re Complaints Management System

I am writing to advise you of a program of work that this office will be undertaking which focuses on council Complaint Management Systems (CMSs) and to seek relevant contact information from you in this regard.

Council CMSs are an essential part of the accountability process of government. Customers, complainants and the community need to have confidence in the reliability of CMSs to promptly, fairly and effectively respond to their complaints.

In 2010, this office reported publicly on the Ombudsman's review of councils' compliance with the general complaints process requirements of the *Local Government Act 1993* and other indicators of good complaints management practice. Overall, the review found that the general complaints process for dealing with complaints had been ineffectual. It also found limited website complaints visibility and accessibility and limited compliance with annual complaints reporting requirements.

In light of the problems identified, this office recommended to the former Department of Infrastructure and Planning that new CMS requirements be strengthened and made more flexible to ensure all complaints are dealt with under CMSs in accordance with best practice complaints management principles. This office also recommended that councils be required to report on the performance of their complaints process in their annual reports. These recommendations were incorporated into the new administrative action complaints process requirements in the *Local Government (Operations) Regulation 2010 (LGOR)* and *Local Government (Finance, Plans and Reporting) Regulation*.

The LGOR s119 required each council by 1 July 2011 to adopt and implement a CMS for resolving complaints including with written policies and procedures. As a result, councils should have reviewed and revised their CMSs policies and procedures to ensure compliance with new requirements so that complaints are managed efficiently, fairly and effectively. Reviewing CMS policies and procedures will also assist with continuous improvement.

CMS auditing program

In line with this office's statutory function to assist agencies to improve their practices, procedures and decision-making, this office has decided to implement an ongoing program of targeted compliance auditing of the operation of state departments and local councils' CMSs. The CMS audit program is not an investigation of complaints or council decisions/actions. Rather its purpose is to generally review the operation of CMSs in order to provide information and recommendations to assist agencies to further improve their complaints management and decision-making.

At this stage, I expect that the auditing program for councils will commence after July 2012. If selected for an audit, my office will notify you and your council's nominated liaison officer for the audit.

CMS direct referrals

This office receives a large proportion of complaints from people who have either not raised their complaint first with the council or have not sought an internal review of their complaint through the council's CMS. Recently this office's intake and assessment area has implemented processes that focus on directly referring such complaints through the CMS of the relevant council. If complainants remain dissatisfied after this process, they may then return to this office for further consideration of their complaint.

It is considered that the most efficient way for this office to directly refer premature complaints is through the council's complaints portal.

Requested information

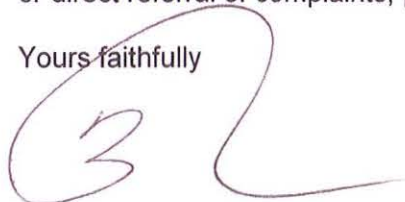
I request that you please:

- nominate your council's liaison officer for the audit program, including position and contact details; and
- provide the electronic address for the direct referral of complaints into your council's CMS,

to the Manager, Training and Audit, Mr Paul Leo at CMSAudits@ombudsman.qld.gov.au.

I appreciate your council's commitment to effective complaints management and its ongoing cooperation with this office. If you have any questions regarding the CMS auditing program or direct referral of complaints, please contact Mr Leo on telephone 3005 7031.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'AB', with a long horizontal flourish extending to the right.

Andrew Brown
Acting Queensland Ombudsman