

1. POLICY CERTIFICATION

Policy title:	Complaints Policy
Policy number:	ADM003
Category:	Policy
Classification:	Administration
Status:	Approved

2. PURPOSE

The purpose of this policy is to ensure fairness and impartiality in dealing with complaints, to improve service delivery at the organisational level, to improve customer service at the individual level, to provide a framework to support the resolution of complaints, to reduce the need for complainants to approach external bodies to achieve satisfaction and to record and report on complaints so that the organisation can learn from them.

3. ORGANISATIONAL SCOPE

This Council Policy provides guidance for submitting, receiving, handling, investigating, resolving and recording complaints. It covers internal and external complaints against staff, Elected Members, Local Authority Members or the organisation generally. It is directly applicable to all Roper Gulf Regional Council (RGRC) Elected Members, Local Authority Members, employees and Roper Gulf Region residents. Disciplinary proceedings for staff or elected members are not covered in this policy.

This policy does not cover reports of faults, damage or hazards, requests for service, requests for information or explanations of policy, procedures or decisions, reports about neighbours or other community members, or appeals against Council policy, procedures or decisions.

4. POLICY STATEMENT

Complaints received by Roper Gulf Regional Council will be dealt with fairly and promptly and the lessons learnt from complaints shall be used constructively to improve the quality of services provided by the organisation to the people of the Region.

5. DEFINITIONS

Complaint	Any dissatisfaction expressed by an interested party about Council decisions, staff conduct, procedures, charges, contractors or quality of service.
Informal complaint	A complaint that can readily be resolved by the Customer Service Officer or local Manager through informal processes and one that the complainant does not wish to be taken further if it is resolved quickly. Complaints about breaches of the Code of Conduct, improper or corrupt behaviour or criminal behaviour must never be treated as informal complaints.
Formal complaint	A complaint that: <ul style="list-style-type: none"> cannot readily be resolved through informal processes, and/or is received at HQ or an SDC and is in writing is made at or about a Service Delivery Centre by a complainant who wishes the complaint to be dealt with at HQ rather than by the SDC staff. A formal complaint must be in writing.

Natural justice	The person who is the subject of a complaint is entitled to know the allegations made against them, and be given the opportunity to respond to those allegations. The person who is subject of a complaint is further entitled to have a decision made about the allegations raised in the complaint, by an unbiased or disinterested decision maker, and to have that decision made on logically probative evidence. Denial of natural justice is a ground for review of an administrative decision where that decision might affect a person's rights, interests, or legitimate expectations.
Protected disclosure	Part 2 of the <i>Public Interest Disclosure Act</i> (PIDA) makes provisions for 'whistleblowers' to make protected disclosures about improper conduct of NT public bodies (s6(1)(b)) such as Roper Gulf Regional Council (including improper conduct by either staff, Elected Members or Local Authority Members (s7(1)(b))). This act gives responsibilities to the CEO to process disclosures, ensure confidentiality of disclosures and protect the whistleblower. A person can disclose improper conduct under PIDA outside the 'normal' complaints process and even if the same complaint is already being dealt with through the 'normal' complaints process. A staff member can legally disclose improper conduct under PIDA without going through the usual chain of command and can breach organisational confidentiality obligations to do so.
RGRC	Roper Gulf Regional Council
The region	The region of Roper Gulf
Council	Roper Gulf Regional Council
Staff	Any person, whether in a paid and voluntary capacity, engaged by RGRC to provide a service or carry out a task.
SDC	Service Delivery Centre
PIDA	<i>Public Interest Disclosure Act</i>
EA to CEO	Executive Assistant to the CEO
CEO	Chief Executive Officer
CSM	Council Service Manager
DLGR	Department of Local Government and Regions
Shall	Will
Complainant	The person making the complaint
G&CP	Governance, Corporate Planning and Compliance Business Unit
HR	Human resources

6. PRINCIPLES

6.1 During all complaint handing, **Roper Gulf Regional Council shall ensure:**

6.1.1 Compliance: The handling of complaints must comply with all relevant legislation including, but not limited to *Local Government Act*, *Public Interest Disclosure Act*, *Ombudsman Act*, and *Information Act* as well as the Roper Gulf Regional 'Council Code of Conduct' and relevant policies and procedures including but not limited to 'Complaints policy', 'Disciplinary Procedures', and 'Council Disciplinary Policy'

6.1.2 Impartiality: Complaints will be dealt with on their merit regardless of the person making the complaint or the person against whom the complaint is made. An impartial person, who is not

connected to, and disinterested in the issues raised in the allegation(s), will be assigned to investigate each formal complaint.

- 6.1.3 Natural Justice:** The right to be given a fair hearing and the opportunity to present one's case. The right to have a decision made by an unbiased or disinterested decision maker, and the right to have that decision based on logically probative evidence.
- 6.1.4 Accountability:** The actions taken to investigate and resolve formal complaints must be recorded and be available for scrutiny should the complaint escalate to the Ombudsman, the Commissioner for Public Interest Disclosures or an external mediator.
- 6.1.5 Transparency:** A summary of complaints by type, number and outcome will be published in the RGRC Annual Report
- 6.1.6 Responsiveness:** Complaints will be dealt with at the lowest level in the organisation compatible with a satisfactory outcome to those involved. Complaints will be dealt with promptly, however if the timelines set in this policy can not be met, an explanation will be provided to the person making the complaint and, if relevant, to the person against whom the complaint was made.
- 6.1.7 Accessibility:** RGRC will strive to make the complaints process accessible to all residents and staff, regardless of location, language and/or education.
- 6.1.8 Confidentiality:** RGRC will aim for a level of confidentiality consistent with maintaining the privacy and dignity of both complainant, and the person to which the complaint pertains, whilst still allowing any necessary investigations to take place. That is, details of the people involved, the complaint and the investigation will be revealed on a 'need to know' basis only, unless the people involved consent to wider distribution. The principle of confidentiality will be more strictly applied in relations to protected disclosures made under Part 2 of the *Public Interest Disclosures Act*. In such cases, only staff from the Commissioner of Public Interest Disclosures' office can legally authorise the release of any information about the complainant (whistleblower) or the complaint (protected disclosure).
- 6.1.9 Third Party Complaints:** A complainant may lodge a complaint on behalf of another person or party who may be affected by an issue, but may be unable, or unwilling to lodge a complaint themselves. Third party complaints shall be handled as other complaints and may be classified as formal or informal. The same complaint handling processes shall apply when investigating and handling third party complaints.

6.2 All formal complaint handling in RGRC shall follow the following process:

6.2.1 *Prior to lodging a complaint:*

RGRC expects RGRC staff will attempt to resolve issues with other RGRC staff between themselves and their supervisor/s prior to lodging a formal complaint if the circumstances are possible and suitable to do so.

6.2.2 *Lodging/receiving the complaint:*

Roper Gulf Regional Council will accept formal complaints made in any form including in person, by telephone, fax, letter, email, video or text message.

Formal complaints must be lodged in writing or transcribed on behalf of the complainant. Use of complaint forms is the recommended to lodge a complaint however this is not compulsory.

A complainant making a formal complaint is encouraged, at the minimum, to address the questions included on the complaint forms if they do not wish to use the form.

If a person wishes to make a formal complaint but is unable to, for whatever reason, lodge it in writing themselves, an RGRC staff member shall assist by completing a Complaint Form on the complainant's behalf. Once the form has been completed, the RGRC staff member shall read the complaint back to the complainant and make alterations, if any, as requested. The complainant shall sign or mark the form and their signature shall be witnessed.

If a person wishes to lodge a complaint out of concern for another party who itself is unwilling to lodge a complaint, they may do so in writing as per the normal processes. When lodging a complaint on behalf of an affected third party, the complainant is to indicate whether or not the third party is willing or unwilling to lodge to have a complaint lodged on its behalf. Should the third party be unwilling to lodge a complaint, the complainant is to be encouraged to provide reasons as to why they feel it necessary to lodge a complaint on behalf of another party who does not wish, for whatever reason, to pursue the matter. The complainant is required to indicate whether or not the party on behalf of whom they are lodging the complaint, is aware of, and/or consents to the complaint is being lodged.

Third party complaints may be formal, or informal, and shall be handled as any other complaint received by RGRC.

Anonymity is discouraged for all complaints as it makes the investigation process far more difficult to the point where the investigating officer might not be able to ascertain the veracity of the complaint, and whether the complaint is made vexatiously or in good faith.

Anonymous formal complaints shall be investigated if the issues raised in the complaint are of a serious nature and sufficient information is provided in the allegation to carry out an investigation.. Complaints may be lodged at any Roper Gulf Regional Council Service Delivery Centre or at Roper Gulf Regional Council Katherine Headquarters.

6.2.3 *Determining if a complaint will be investigated:*

RGRC holds the ability to determine that a complaint will not be investigated. The reasons a complaint shall not be investigated may include but are not limited to:

- The subject matter of the complaint does not relate to the conduct of a staff member, Elected Member or Local Authority Member while they were working or representing RGRC.
- The complaint does not allege misconduct, or offences, or involvement by RGRC staff or members.
- The allegations raised in the complaint are not the responsibility of RGRC.
- The complaint is trivial, frivolous, vexatious or otherwise not made in good faith.
- The time elapsed since the alleged incident and the lodging of the complaint.
- The complaint has been referred on for investigation by another body, such as the Ombudsman, the NT Police or the Commissioner for Public Interest Disclosures.

6.2.4 *Formal Complaint delegations:*

Complaints received by RGRC shall be forwarded to the Governance, Corporate Planning and Compliance Unit for assessment. The Manager, Corporate Governance, reviews the

complaint and assigns it to the relevant director. The relevant director reviews the complaint and delegates the matter to a manager and/or investigating officer for investigation.

The Director, Corporate Governance handles all complaints pertaining to staff members. All other complaints are assigned to the relevant director based on the directorate to which the complaint pertains.

The investigating officer has ten (10) days to investigate the matter, and a further three (3) days to provide a response to the relevant director. The investigation of the matter may require more time to complete. This is to be reviewed on an individual case by case basis at the discretion of the relevant director. Should the matter require more time to investigate, the director, or delegates thereof, shall inform the complainant, and the accused, of the status of the investigation, the estimated time required for the completion of the investigation, and the reasons for the delay.

6.2.5 *Formal complaint investigation and assessment process for non-staff member complaints:*

The complaint will be investigated and assessed by interviewing the complainant, witnesses and other relevant stakeholders.

Throughout the investigation and assessment process, relevant procedures shall be observed and facts discovered shall be summarised into findings. The findings of the process form the base for which recommendations are made. This written report must be submitted to the relevant departmental manager (if the departmental manager is not personally carrying-out the investigation) and the relevant director within ten (10) working days of the lodgement of the complaint, then the departmental manager or director have a further three (3) working days to respond to the complainant regarding the outcome of their complaint. Should the investigation require more time than the aforementioned 13 working days, the departmental manager or director, or delegates thereof, shall inform the complainant, and the accused, of the status of the investigation, the estimated time required for the completion of the investigation, and the reasons for the delay. The accuracy, integrity, and fairness of the investigation must not be compromised by an administrative deadline.

6.2.6 *Formal complaint investigation and assessment process for staff complaints:*

The investigating officer shall carry out their investigation by gathering logically probative evidence from the complainant, witnesses, relevant stakeholders, records, and any other evidence which is pertinent to the allegation.

The investigating officer shall be required to consider the veracity of the available evidence, before determining how much weight it carries.

The investigating officer shall keep a formal *Record of Investigation* (ROI) which shall record the investigation's process from start to finish.

During the investigation process, procedural fairness will be ensured by all RGRC members of staff involved in, or otherwise connected with the investigation. Procedural fairness will ensure:

- The investigation will be carried out in a manner consistent with the principle of Natural Justice.
- The investigation will be carried out with the *presumption of innocence* in favour of the accused.

- The investigation will be carried out to determine whether a complaint is *justified* or *not justified*.
- The *burden of proof* shall rest with the complainant and the investigating officer.
- A complaint shall be determined to be justified if proved on the *balance of probabilities*, unless it is serious in nature, in which case it will have to be proved *beyond reasonable doubt*.
- Due consideration shall be given to the nature of any evidence pertaining to the allegation(s). Third party, or hearsay evidence shall not carry any weight except for when discerning patterns of behaviour.
- All parties, including the accused, shall have a right to silence, which if exercised, must not be taken as an admission of guilt, but rather, merely as not being a source of evidence.
- The investigating officer shall inform a party of their right to silence prior to taking any evidence from them.
- The investigating officer shall ensure that any evidence given by a party is made by their own volition, and not due to any threat, inducement, or promise.
- Statements shall be adopted by both the person giving the statement, and the person taking it.
- The investigating officer shall not ask leading questions.
- When an interview is being conducted, the interviewers shall, at the conclusion of the interview, leave the interview room, and a senior officer, not connected to the investigation will give the interviewee the opportunity to raise any concerns or complaints about the manner in which the interview was conducted, and make enquiries as to whether the answers which the interviewee has given the interviewers was given of their own free will, rather than as a result of any threat, inducement, or promise.
- The interviewee is to be provided with a copy of the transcript and/or statement which they have given when interviewed as soon as practicable. This applies to all parties including the complainant, witnesses, and the accused.
- The accused shall be given the as much information as possible pertaining to the complaint in order to discuss it fully and defend themselves against the complaint if necessary. The information provided to the accused will not contain details of the complainant, or, information of a nature which would allow a reasonable person to deduce the identity of the complainant.
- The accused shall be given an opportunity to present to the investigator any evidence or information that they think relevant to the inquiry.
- Both the accused and the complainant may have a support person of their choice present when being interviewed.
- Both the accused and the complainant may have an interpreter/translator present if they wish.
- The person carrying out the investigation will listen to everyone involved in the matter and read all the interview reports or other evidence before coming to a conclusion or making recommendations.

- All investigating officers will act fairly and without prejudice or bias.
- The investigating officer will make their decision as to the veracity of the allegation(s) based on logically probative evidence.
- The investigating officer *may* take into account previous allegations if a pattern of behaviour emerges.
- The handling of the complaint will be conducted without undue delay. If a person against whom a complaint has been made, fails to come to two (2) scheduled meetings with the person carrying out the investigations, the complaint may be determined in their absence on the basis of other evidence available.

At the conclusion of the investigation, the investigating officer shall complete an investigation report which contains the allegation(s), antecedents, the investigation itself, comments, a determination of whether the allegation is *justified* or *not justified*, recommendations, and an evidential appendix.

The investigation report shall be presented to the relevant Director, who will then make the final decision as to the outcome of the complaint based on the report.

The investigating officer does not determine the outcome of the matter, but rather, gathers the evidence, or lack thereof, and presents it to the decision maker.

Recommendations are also to be discussed with the HR Manager to ensure they are in line with Disciplinary Procedures. The investigation report must be submitted to the HR Manager and the Director of Corporate Governance within ten (10) working days then the HR Manager has a further three (3) working days to respond to the complainant, the staff member involved, the staff member's supervisor and to gain commitment to begin the implementation of the recommendations. Should there be any delay in the investigative process, the complainant and the accused shall be informed. The accuracy, integrity, and fairness of the investigation must not be compromised by an administrative deadline.

HR department shall complete any further correspondence including but not limited to letters of apology to the complainant.

Should a RGRC staff member be subject to a serious allegation pertaining to a criminal or serious WHS offence, or serious misconduct matter, they *may* be stood down with or without pay for the duration of the investigation, depending on the circumstances of the matter. This is to be determined by the HR Manager, and the relevant director.

6.2.7 Expectation of RGRC staff members involved in the formal complaint process:

Complainants, whether RGRG staff members or members of the public, are encouraged to discuss grievances with the person with whom they feel aggrieved. If the complainant feels that they are unable to resolve their issue directly, or, does not feel comfortable approaching the person which has caused them the grievance, then they ought to lodge the complaint formally.

A RGRC staff member with an active complaint against them is expected to continue to deliver quality service and to work in a professional manner with all Roper Gulf Region residents and all RGRC staff members. Should this not be achievable, the HR Manager shall be contacted.

6.2.8 Making reparation; acknowledging that RGRC's service was not to standard and RGRC's regret.

Making reparation shall occur should the findings of the complaint investigation declare the complaint to be true.

Reparation can be made by, but not limited to, apologising verbally or in writing by the staff member complained about, a senior staff member or Elected Member on behalf of RGRC. The apology correspondence shall include information on RGRC's intent to ensure a similar situation does not occur again. In rare cases, the CEO can determine to have the apology published.

RGRC may make an offer to 'make good' any damage that RGRC has caused or pay money to a complainant for pain, suffering and/pr loss of income caused by negligence from an RGRC staff member.

6.2.9 Complaint record management and quality improvement:

In the first instance of a complaint being submitted to RGRC, the complaint shall be sent to the Governance, Corporate Planning and Compliance Business Unit (G&CP) to be recorded. G&CP will forward the complaint to the relevant manager and director with a complaint reference number. G&CP shall create a file in InfoXpert for each individual complaint where any relevant correspondence can be saved.

Managers and directors shall inform G&CP once the complaint has been resolved and will forward through any relevant correspondence to be added to the complaint's file. At this time the complaint will be marked as 'closed'.

Should the complaint be against a staff member, the complaint will be recorded in the HR personnel files.

G&CP shall analyse statistics and report to Local Authority Meetings and Managers meetings with trends and spikes in data to ensure continuous quality improvement is occurring. Furthermore, complaint data shall be published in the Annual Report.

6.3 All informal complaint handling shall follow the following process:

6.3.1 Prior to lodging a complaint:

RGRC expects RGRC staff will attempt to resolve issues with other RGRC staff between themselves and their supervisor/s prior to lodging a complaint if the circumstances are possible to do so.

6.3.2 Lodging/receiving the complaint:

Roper Gulf Regional Council will accept informal complaints made in any form including in person, via telephone, fax, letter, email, video or text message.

Informal complaints may be lodged verbally or in writing. An authorised member of RGRC staff does not need to receive the complaint in writing before they are able to respond to the complainant.

Anonymous informal complaints shall be investigated if the issues raised in the complaint are of a serious nature and there is sufficient information provided in order to carry out an

investigation. Anonymous complaints should however be discouraged as it affects the ability of the investigating officer to ascertain the veracity of the complaint, and whether it is made in good faith, or is vexatious in nature..

Complaints may be lodged at any Roper Gulf Regional Council Service Delivery Centre or at Roper Gulf Regional Council Katherine Headquarters.

6.3.3 Handling the complaint:

A complaint may be dealt with by the RGRC staff member who receives it, depending on its nature. If the complaint pertains to a staff member, is serious in nature, or involves an issue which the receiving officer has an interest in, or is connected to, the officer shall raise the complaint with their manager or director, who shall assign a disinterested investigating officer who is not connected to the issues raised in the complaint.

Complaint handling shall be responsive and as quick and efficient as possible.

Should a resolution be agreed to and the complainant is satisfied, the informal complaint does not need to be reported to the HR manager.

Should a resolution not be agreed to and the complainant is dissatisfied with the result, the complainant should be encouraged to lodge a formal complaint.

Should a Director, Manager or Supervisor notice there have been a number of informal complaints made against the same staff member, HR should be advised however no staff member shall be disciplined on the basis of an informal complaint.

6.4 All protected disclosures under *Public Interest Disclosures Act* (also known as “Whistleblowers Legislation”) shall follow the following process:

6.4.1 Determining whether the complaint is a protected disclosure:

The complainant shall contact the Commissioner of Public Interest Disclosure on 1800 250 918 for free advice and assistance with determining whether their complaint is a protected disclosure. Information on the rights and responsibilities of staff and the investigation processes can also be found at www.blowthewhistle.nt.gov.au .

6.4.2 Lodging/receiving the protected disclosure:

Protected disclosures do not have to be submitted in writing.

Protected disclosures may be made anonymously.

Complainants wishing to make a protected disclosure can call the Commissioner of Public Interest Disclosures directly on 1800 250 918 or contact the CEO of Roper Gulf Regional Council on 0427 799 621

In the event the complainant has chosen to lodge the protected disclosure in person with the CEO, the CEO must be informed immediately that there is a person who must see them regarding an urgent and confidential matter. Should there be any delay in meeting with the CEO, the complainant shall be taken to wait outside of the public office area and given option of phoning the Commissioner of Public Interest Disclosures in a private area.

In the event the complainant has chosen to lodge the protected disclosure with the CEO in writing, it should be mailed to the CEO marker ‘Urgent and Confidential’. It should not be scanned into InfoXpert nor should it be photocopied.

Any member of RGRC staff involved in the process of delivering the protected disclosure directly to the CEO must not discuss the matter with any staff member including their manager or director other than the CEO nor shall they reveal the identity of the of the complainant.

6.4.3 Handling the disclosure of interest:

Protected disclosures shall not go through any Manager or Director.

The CEO shall not delegate the processing or investigating of a protected interest to anyone else.

6.5 Complaints received by Elected Members or Local Authority Members shall follow the following process:

6.5.1 Handling the complaint:

Whether the complaint is formal, informal, written or verbal, Elected Members and Local Authority Members are encouraged to pass the complaint onto the relevant CSM (if informal), the HR Manager or the CEO (if formal) to avoid the delay of waiting until the next meeting of Council for action.

Elected Members and Local Authority Members are asked to encourage the complainant to fill in Complaint Form themselves or to go to an SDC or HQ to complete such form. If neither of these options are appropriate, the Elected Member or Local Authority Member is encouraged to use the Complaint Form as reference in order to gather sufficient information for an investigation and to provide feedback to the complainant.

6.6 Complaints against Elected Members or Local Authority Members shall follow the following process:

6.6.1 Lodging/receiving the complaint:

A complaint against an Elected Member or Local Authority Member must be lodged within six (6) months of the alleged misconduct unless exceptional circumstances exist.

Staff members of RGRC wishing to make a complaint against the Mayor, Deputy Mayor, a Councillor and/or Local Authority Members shall do so through the CEO.

General public wishing to make a complaint against the Mayor, Deputy Mayor, a Councillor or Local Authority Member may do so through the Mayor, Deputy Mayor or the CEO. LGANT and/or DLGR may be contacted by the Mayor, Deputy Mayor or CEO for assistance and/or assistance. Alternatively, should the member of the public have a complaint about a serious breach of the 'Code of Conduct' they may choose to take the complaint directly to DLGR instead of to the CEO.

6.7 Complaints against the CEO shall follow the following process:

6.7.1 Lodging/receiving the complaint:

Any complaint made against the CEO will be coordinated by the Mayor or Deputy Mayor who can request advice or assistance from LGANT.

6.8 Complaints against the **HR Manager** shall follow the following process:

6.8.1 *Lodging/receiving the complaint*

Any complaint made against the HR Manager will be coordinated by the Director of Corporate Governance.

7. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	Council Code of Conduct Disciplinary Procedures Council Disciplinary Policy
Related Publications	<i>Local Government Act</i> <i>Public Interest Disclosure Act</i> <i>Public Interest Disclosure Regulations</i> <i>Ombudsman Act</i> <i>Information Act</i>
Relevant Forms	381-001 Animal Complaint Form 103-008 Complaint Form

8. DOCUMENT CONTROL

Policy number	ADM003
Policy Owner	Governance
Endorsed by	OCM
Date approved	January 2008
Revisions	January 2008 February 2010 September 2010 February 2014 February 2017
Amendments	Replaces Complaints Policy prior to 26 March 2014. February 2017
Next revision due	February 2020

9. CONTACT PERSON

Contact person	Manager Governance & Corporate Planning & Compliance
Contact number	08 8972 9000

'How to make a complaint ' Flow Chart

