

KATHERINE TOWN COUNCIL

COMPLAINT HANDLING POLICY



TITLE: COMPLAINT HANDLING POLICY
ADOPTED BY: COUNCIL
RESPONSIBILITY: CHIEF EXECUTIVE OFFICER
NEXT REVIEW DATE: 01/03/2019

Version	Decision Number	Adoption Date	History
1		28/02/2017	
2			
3			
4			

1. COMPLAINT HANDLING POLICY

The Complaint Handling Policy (Policy) relates to Katherine Town Council (Council).

2. COMMENCEMENT OF POLICY

The Policy will commence from 01/03/2017; it replaces all other policies, if any, relating to workplace health and safety in the workplace (whether written or not).

3. SCOPE

Katherine Town Council (Council) acts in accordance with the Equal Employment Opportunity (EEO) laws and Anti-Discrimination, Bullying and Harassment, and encourages all Council workers to report any behaviour or actions which oppose the standards set by these laws or Council policy. The complaint procedures for dealing with these issues are outlined below.

4. PURPOSE

The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of Council's Human Resources.

The complaint handling procedure will be handled impartially, promptly, with discretion and observing the principles of natural justice, ensuring fairness for all concerned. .

5. COMPLAINT HANDLING PROCESS

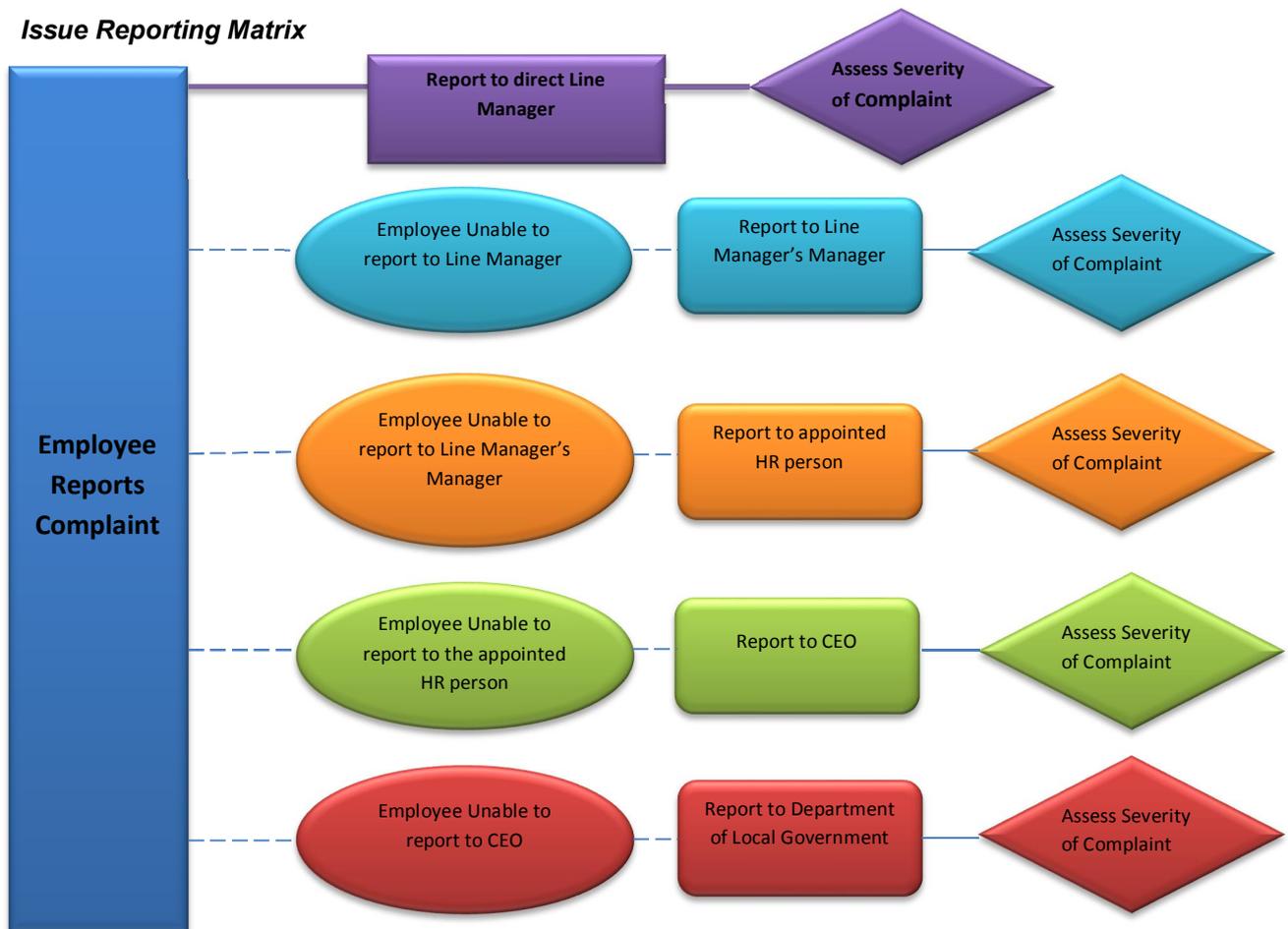


5.1 Report the Complaint

5.1.1 If an employee feels comfortable doing so, they could address the issue with the person engaging in bullying behaviour directly, being mindful of personal safety and possible reprisals, and keeping a record of the conversation. The offensive behaviour should be identified and explain that the behaviour is unwelcome and offensive and ask that the behaviour stop; it may be that the person was not aware that their behaviour was unwelcome or caused offence.

5.1.2 If an employee does not feel comfortable confronting the person, or confronts the person and the behaviour continues, the behaviour should be reported to their Line Manager. Should an employee be unable to report to their Line Manager, please reference the Issue Reporting Matrix for the appropriate chain of command regarding reporting to a responsible person. For the purposes of this procedure the complaint handling process will reference the responsible person as the person handling the complaint.

Issue Reporting Matrix



5.2 Acknowledge the Complaint

As the responsible person handling the complaint, you have the responsibility to appropriately acknowledge the complaint of the employee without bias, prior-judgement, discrimination or prejudice. The responsible person must provide written acknowledgement of the complaint to the employee to inform them of the appropriate steps and how they will be actioned.

5.3 Assess the Complaint

Assess the complaint and determine the gravity and/or implied consequences of the complaint to assist in determining if the complaint procedure should be handled formally or

informally (outlined below). Ensure the employee is given a realistic timeline for when they can expect a response in regards to their complaint. While assessing the complaint, the responsible person may need to consult with the appointed Human Resources person in order to determine the appropriate steps.

5.4 Plan the Investigation

Once the procedure required has been determined, the responsible person must plan the investigation. This involves coordinating resources as per the informal/formal procedure requirements. The responsible person must also update the employee as to the status of their complaint.

6. INVESTIGATION

6.1 Informal Complaint Procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- The responsible person discussing the issue with the person against whom the complaint is made; and/or
- The responsible person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations, through this process the parties can agree on a mutual resolution that would not warrant disciplinary action being taken.

6.2 Formal Complaint Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by Human Resources or an independent third party investigator. In the case of appointing an investigator both the parties should be notified about the involvement of the investigator. The investigator will notify both parties of the timeline and plan for the investigation.

An investigation involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, Human Resources or the independent investigator will make recommendations about resolving the complaint. If Council considers it appropriate for the safe and efficient conduct of an investigation, employees may be required not to report for work during the period of an investigation. Council may also provide alternative

duties or work during the investigation period. Employees will be paid their normal pay during any such period.

6.3 Responsibilities of the Person Handling the Complaint

The responsible person has certain responsibilities that must be maintained throughout the complaint handling process;

1. Maintaining confidentiality.
2. Keep the employee updated on the status and timeliness of the process.
3. If required update their Line Manager on the process, depending on severity.
4. If gross misconduct or summary dismissal is probable as a result of the complaint, ensure you notify Human Resources as soon as the complaint is raised.

6.4 Human Resources Responsibilities

Human Resources have certain responsibilities that must be maintained throughout the complaint handling process;

1. Maintaining confidentiality.
2. Keep the respective parties updated on the status and timeliness of the process.
3. If required update the CEO on the process depending on severity.
4. Ensure compliance with the *Fair Work Act 2009*, *Local Government Act* and *Council Enterprise Agreement* and other relevant acts and regulations.

7. CONFIDENTIALITY

Human Resources will endeavour to maintain confidentiality as far as reasonably practicable. However, it may be necessary to speak with other employees in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint.

All employees involved in the complaint must also maintain confidentiality, including the employee who lodges the complaint. Spreading rumours or gossip may expose employees to a defamation claim. Employees may discuss the complaint with a designated support person or representative (does not have to be employed or engaged by Council). However, the support person or representative must also maintain confidentiality.

8. OUTCOME

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person

has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in summary dismissal. Any disciplinary action is a confidential matter between the affected employee and Council.

Council may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the complaint;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or,
- changing work arrangements.

The responsible person will notify the employee of the outcome of the complaint handling process.

9. ESCALATION

If by any means the employee reports a complaint to a Line Manager and the Line Manager fails to action the complaint handling process in a reasonable and timely manner, the employee will be entitled to raise the issue with the Line Manager's Manager. If the escalating of the complaint does not result in the pursuing of the complaint handling procedure in a reasonable and timely manner, the employee will report the complaint to appointed Human Resources person.

10. REVIEW

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process they can contact the appointed Human Resources person. The complaint handling process and/or the outcome may then be reviewed by the appointed Human Resources person. If a review is undertaken, the decision in relation to the review will be final.

Council's goal is to resolve issues in-house wherever possible. Employees can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.

11. POLICY EVALUATION & REVIEW

Council will review this policy every two (2) years, unless legislative changes trigger earlier review, in consultation with workers:

- to assess the effectiveness of the policy;
- by reviewing our overall health and safety performance; and,
- by monitoring the effectiveness of policies and procedures.

12. COMMUNICATING THIS POLICY

This policy (and related procedures) shall be displayed in our workplace/s.

All workers, contractors and others affected by our business or undertakings will be provided with a copy through their manager/supervisor.

New workers will be provided with a copy as part of their induction.

13. ACKNOWLEDGEMENT

I acknowledge:

- *receiving the Policy,*
- *that I will comply with the Policy, and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Name: _____

Signed: _____

Date: _____