



EXTERNAL COMPLAINTS POLICY

Type:	Corporate Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Manager Governance and Risk		
Approval Date:	14/08/2024	Next Review:	14/08/2025
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Legislation Reference:	Nil		

1 PURPOSE

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies. We are committed to:

- Enabling members of the public to make complaints about the Council.
- Responding to complaints by taking action to resolve complaints as quickly as possible.
- Learning from complaints how to improve our services.

We will treat every complaint we receive on its individual merits, through clear and consistent processes.

2 SCOPE

This policy applies to all complaints from members of the public about Council staff, contractors engaged by Council and decisions made at Council meetings. It does not apply to complaints about individual Councillors which are managed through the Councillor Code of Conduct Policy and Breach of Code of Conduct Policy.

3 DEFINITIONS

Customer – A person who directly accesses, or is directly affected by Katherine Town Council goods, services, or advice.

Council staff – Any person employed by Council to conduct the functions of the Council, and the Council's CEO.

Council contractor – Is any third party engaged by Council to carry our function or service on Council's behalf.

The Council – Is the body of elected Councillors.

Complainant – A person making a complaint.

Senior Council Officer – A staff member at a managerial level, reporting directly to the Chief Executive Officer.

4 DETAILS

WHAT IS A COMPLAINT?

A complaint includes a communication (verbal or written; assistance may be provided) to the Council which expresses dissatisfaction about:

- The quality of action, decision or service provided by Council staff or a Council contractor.
- A delay by Council staff or a contractor engaged by Council in taking an action, making a decision or delivering a service.
- A policy or decision made by the Council, Council staff or a Council contractor.

A complaint is not:

- A service request – Snap Send Solve Call.
- An insurance claim.
- A By-Laws dispute.
- A dispute about a decision to impose special rates or charges, or the validity of an election.
- Relating to matters over which Council has no authority or is not empowered to resolve.

However, a complaint can be submitted about how Council has managed any of the above matters, apart from where Council has no jurisdiction.

HOW TO MAKE A COMPLAINT

Any member of the public can make a complaint. Complaints can be made by:

Email: records@ktc.nt.gov.au

In person: at Council's Civic Centre, 24 Stuart Highway, Katherine.

Post: PO Box 1071, Katherine, NT 0851.

Online Form (KTC Website).

When you make a complaint please try to include:

- Your name and how to contact you. You can complain anonymously but this will limit how Council can respond to you and likely our ability to resolve the complaint.
- The action, decision, service, or policy you are complaining about, including why you are dissatisfied.
- Any relevant details such as dates, times, locations or reference numbers, any documents that support your complaint.
- The outcome you are seeking from your complaint.
- Whether you have any communication needs or a preferred way for Council to respond to you.

VALIDITY OF COMPLAINTS

Council will determine the validity of complaints. This decision will be made by the CEO, except where the complaint is regarding the CEO where the decision will be made by the Mayor. Complaints deemed invalid will not be investigated. A member of the public can appeal the determination that the complaint was invalid.

Complaints may be deemed invalid complaints if it does not contain evidence. Evidence includes such things as:

- **Written Statements:** Detailed accounts of the incidents, including dates, times, locations, and descriptions of what occurred.
- **Emails and Correspondence:** Any relevant emails, letters, or other forms of communication that support your complaint.
- **Witness Statements:** Statements from other individuals who witnessed the incidents or have relevant information.
- **Documents and Records:** Any official documents, reports, or records that are pertinent to the complaint.
- **Photographs or Videos:** Visual evidence that can corroborate your claims.
- **Meeting Minutes:** Records of council meetings where the issues were discussed or decisions were made.

A complaint may also be determined to be invalid where:

- It is considered frivolous, vexatious, or not made in good faith or it concerns a trivial matter.
- It involves a matter where an adequate remedy or right of appeal already exists, whether the complainant uses the remedy or right to appeal or not.
- Where the matter is subject to an existing mediation process.
- Where the matter relates to matters already under investigation by NT ICAC, Ombudsman, State or Federal Department or the NT Police.
- Where the matter relates to the appointment or dismissal of any employee or an industrial or disciplinary issue.
- Where the matter relates to a decision, recommendation, act, or omission that is more than one year old.
- Where the matter concerns a decision awaiting determination by Council.
- Where the matter relates to the actions or conduct of private individuals.

ACKNOWLEDGEMENT

Council will acknowledge receipt of any complaint within five working days of receipt, and where possible include an explanation as to the decision regarding the validity of the complaint and inform you of other options.

Where possible we will try to resolve the complaint the first time you contact us, however if your complaint requires deeper investigation, or investigation by a particular team or officer it may take longer. If we cannot resolve your complaint quickly, we will assign you a senior Council officer who will advise you of the progress of your complaint.

APPEALING A DECISION

If you are dissatisfied with our decision or how we responded to your complaint, you can request an internal review. All complaints may be appealed once without being determined to be unreasonable or vexatious.

To appeal a decision, you can contact us by:

Email: records@ktc.nt.gov.au

In person: at Council's Civic Centre, 24 Stuart Highway, Katherine.

Post: PO Box 1071, Katherine, NT 0851.

Online Form (KTC Website).

We will inform you of the outcome of the appeal within 30 calendar days.

PRIVACY AND INFORMATION COLLECTION

The identity of complainants will be made only to those who need to know in the process of investigating and resolving the complaint. The complaint, including complainant details, will not be revealed, or made public by the Council, except when required by law.

UNREASONABLE OR VEXATIOUS COMPLAINTS

Council aims to ensure that Council resources are applied fairly and that the health and safety of Council staff is a primary focus.

Council will deem a complaint unreasonable or vexatious where:

- The complainant cannot let go and are unreasonably persistent including those who:
 - Make excessive phone calls.
 - Seek to exercise excessive personal contact.
 - Engage in excessively lengthy correspondence.
- The complainant cannot be satisfied and who demonstrate an unreasonable lack of cooperation including those who:
 - Cannot or will not accept that Council is unable to assist them.
 - Cannot or will not accept that Council is unable to provide any further level of service other than that provided already.
 - Disagree with the action that Council has taken in relation to that complaint and the appeal.
- The complainant makes unreasonable demands of Council whether by:
 - The excessive amount of information they seek.
 - The excessive value and scale of services they seek.
 - The excessive number of approaches they make.
- The complainant who is rude and abusive including people who:
 - Engage in personal abuse, including making adverse personal reflections on individuals.
 - Make inflammatory statements or comments.
 - Make statement or comments clearly intended to intimidate.

AGGRESSIVE BEHAVIOUR

Council has a zero tolerance regarding violence and aggressive behaviour toward staff, contractors, and Councillors. Council has a duty to ensure that as far as practically possible, it reduces the risk of violence, or threatening behaviour towards their employees during the course of their work.

Council staff will immediately terminate any interaction where they experience any violence or aggressive behaviour and will report any behaviour, including threats of violence or aggressive behaviour to Police as a matter of course.

LIMITING ACCESS

Council may limit the nature and scope of access to Council services as a result of unreasonable and vexatious complaints or aggressive behaviour where:

- Full access would likely compromise Council's obligations as an employer.
- Full access would likely compromise any statutory obligations to which Council is subject.

- Full access would likely to be wasteful of Council’s resources, whether through excessive contact or use of services.
- Full access would likely encourage or allow rude and abusive behaviour.

Council may limit access in the following ways:

- Written complaints.
 - Council staff will not reply to written complaints that contain substantial and clearly inappropriate content such as threatening language or adverse personal reflections on individuals. A written notification will be sent to the complainant requesting them to reframe their complaint so that any inappropriate content is removed. Council will not give a substantive reply other than to the extent that such complaint provides evidence of or alerts Councils a matter of public safety, criminal act, or failure to comply with a legal duty.
- Phone calls.
 - Where a complainant uses inappropriate language such as abusive or threatening language or causing adverse personal reflections on the staff member or other staff members. The complainant shall receive one warning that unless they are prepared to speak in an appropriate way the call will be terminated. If the language persists, Council staff will terminate the call.
 - In the event of persistent complainants using inappropriate language, written correspondence will be sent to the complainant advising that any further phone calls using inappropriate language will be terminated and also that for a specific period, all future business may only be transacted in writing through a nominated intermediary.
- Face to Face
 - Where a complainant uses inappropriate language or behaves inappropriately the complainant will be warned that unless they are prepared to speak or behave in an appropriate way they will be asked to leave. If the behaviour continues, they will be asked to leave, failure to leave will result in police being called. The complainant will receive written correspondence that any future attendance to Council be by appointment only for a specified period of time with a nominated intermediary.
- Excessive access
 - Where a complainant makes excessive phone calls, excessive face to face visits or excessive written communication, or where a complainant raises the same issues with multiple staff members. The complainant will be notified by written correspondence that for a specified period of time any contact to Council will be made through a nominated intermediary.

Council may also limit access where a complainant is unwilling to accept that the matter is not within the remit of Council or where they display unreasonable demands or expectations that fails to realise these are unreasonable such as insisting on responses to be made more urgently than can be reasonably expected taking into account Council’s response times, resources and other priorities.

5 ASSOCIATED POLICIES/DOCUMENTS

Councillor Code of Conduct

Councillor Breach of Code of Conduct Policy

Code of Conduct for CEO Policy

Code of Conduct for Employees Policy

Customer Service Charter

Privacy Policy

Administrative Review Committee

6 REFERENCES AND RELATED LEGISLATION

WHS legislation

Revision History

Version	Approval date	Details of change	Responsible officer
1	14/08/2024	Created	Manager People and Culture