

Complaints Handling - Complaint About Alleged Breach

[In Progress] v0.31



Summary

Objective

To receive, acknowledge and process a complaint about an alleged breach of division 3 of the Code of Conduct for Council Members, Committee Members and Candidates. This includes investigation and preparation of a report to the Council.

Background

The Local Government Act 1995 section 5.103 requires that regulations may prescribe a model code of conduct for council members, committee members and candidates. Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 clause 11 -15 makes provision for complaints about alleged breaches.


Owner Brodie Pearce

Expert Margot Adam

Procedure

1.0 Accept Complaint Form in Person

Customer Experience Officer

- a** If person complainant requests to lodge with the CEO advise that the Customer Experience will accept the form on the CEO's behalf, or alternatively the form may be emailed attention of the CEO
- b** Review the form, to ensure that the correct form has been used - Annexure A Council Policy 4.30 Complaints Handling. Check that all the sections of the form are completed. If sections are blank ask the person lodging the form to complete the blank sections of the form.
- c** Provide the person lodging the form with a copy of the Council Policy 4.30 Complaints Handling
 Council Policy 4.30 Complaints Handling D-21-018310
- d** Place the form into an internal mail envelope and address to the Information Management Supervisor - mark confidential. Place in the Pink Internal Mail tray in Customer Service area for sending to Information Management.

1.1 Accept Complaint Form via Mail

Information Management Supervisor

- a** Record complaint form as incoming mail to TRIM folder relevant to the complaint of alleged breach and title with - Alleged Breach - and the name of the person about whom the allegation is made
- b** Create an action in TRIM and assign to the CEO within one working day

2.0 Acknowledge Complaint Form

Chief Executive Officer

- a** Create an acknowledgement letter to the complainant within five working days of receipt of the complaint form. Inform the complainant of the timeframe for the complaint to be dealt with - within 60 days and advise them of the process that will be followed and the possible outcomes. Include a copy of the Complaints Handling Policy and provide contact details for enquiries.
- b** Add information to Complaint of Minor Breach Index

2.1 Advise Person About Whom Complaint is Made

Chief Executive Officer

- a** Prepare and send out a letter to the person about whom the complaint has been made, within ten working days of receipt of the complaint form .
- b** In the letter inform the person of the alleged breach and advise them of the timeframe for the complaint to be dealt with (within 60 days) and of the process that will be followed and the possible outcomes.
- c** Advise the person that they will be given a reasonable opportunity to be heard and that they may respond to the allegations in writing or in person. Request a response within ten working days.
- d** Include a copy of the Complaints Handling Policy and provide contact details for enquiries.

3.0 Advise Councillors

Chief Executive Officer, Director Corporate and Commercial Services

- a** Provide Councillors with a confidential briefing note advising that a complaint has been received and a report will be prepared in due course , for their consideration.

NOTE Is Mediation an option ?

The option of mediation between the complainant and the person about who the complaint is made may be offered by the local government for resolution of specific issues, prior to a finding being made. Refer to the Complaint Handling Procedure for Council.

4.0 Accept Withdrawal of Complaint

Chief Executive Officer

- a** If a Withdrawal of Complaint is lodged in writing in accordance with the Complaints Handling Policy clause 10 accept the withdrawal
- b** Acknowledge the withdrawal within five working days in writing and record the correspondence in the relevant TRIM folder
- c** Advise the person about whom the complaint was made , in writing, of the withdrawal of the complaint

4.1 Investigate Complaint

Chief Executive Officer, Director Corporate and Commercial Services

- a** Investigate the complaint - the exact steps required will vary for each complaint. Refer to the WA Ombudsman guidelines for investigating complaints.
- b** Determine what action is required , which may include options other than a formal investigation. Investigators must be impartial.
- c** Decide whether complaint will be referred to an independent external investigator due to the complexity of the alleged breach
- d** Select the appropriate investigative approach, determine whether the investigation is either evidence based or outcomes based (refer to WA Ombudsmans Complaints guidelines

- e Plan the investigation, determine what questions need to be answered , what information is required to answer those questions and the best way to obtain that information
- f Carry out the investigation by gathering sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters. Ensure that the person who the complaint is about has the opportunity to be heard and respond to the allegations in accordance with the Complaints Handling policy and the WA Ombudsmans guidelines - Procedural fairness
- g Prepare a report to the Council setting out the complaint , how the investigation was conducted , relevant facts, conclusions

 Effective Handling of Complaints

5.0 Report to The Council

Chief Executive Officer

- a Prepare a report to the Council setting out the complaint , how the investigation was conducted , relevant facts, conclusions , draft findings and recommendations. If the complaint was withdrawn this is included in the report
- b List the report on the next Council Meeting Agenda . The report will be prepared on the basis that the part of the meeting that deals with the complaint will be held behind closed doors in accordance with s.5.23(2) of the Act., include supporting documentation as confidential attachments

Triggers & Inputs

TRIGGERS

Starts	Frequency	Volume
A person makes a complaint of an alleged breach by a Council Member, Committee Member or Candidate	Ad Hoc	2 per year

INPUTS

Input	From Process	How Used
Receipt by the City of a completed complaint of Alleged Breach Form	N/A	To make a complaint of a minor breach

Outputs & Targets

OUTPUTS

Output	To Process	How Used
Report from the CEO to the Local Government	N/a	Local Government uses the report to make a finding on the alleged breach

PERFORMANCE TARGETS

None Noted

Process Dependencies

PROCESS LINKS FROM THIS PROCESS

None Noted

PROCESS LINKS TO THIS PROCESS

None Noted

RACI

RESPONSIBLE

Roles that perform process activities

Chief Executive Officer, Customer Experience Officer, Director Corporate and Commercial Services, Information Management Supervisor

Systems that perform process activities

None Noted

ACCOUNTABLE

For ensuring that process is effective and improving

Process Owner	Brodie Pearce
Process Expert	Margot Adam
Approvers	Margot Adam
Publishers	Brodie Pearce, Brodie Pearce, Dennis Duff

CONSULTED

Those whose opinions are sought

STAKEHOLDERS

None Noted

STAKEHOLDERS FROM LINKED PROCESSES

None Noted

INFORMED

Those notified of changes

All of the above. These parties are informed via dashboard notifications.

Systems

TRIM

Lean

None Noted