

City of Greater Geraldton

4.30 COMPLAINTS HANDLING

Division Three – Code of Conduct for Council Members, Committee Members and Candidates

SUSTAINABILITY THEME

Leadership

OBJECTIVES

This policy documents the position of the City of Greater Geraldton in relation to handling complaints of an alleged breach of Division 3 of the City of Greater Geraldton Code of Conduct for Council Members, Committee Members and Candidates. Complaints will be dealt with in a fair, unbiased, timely and confidential manner with an emphasis on education and development.

POLICY STATEMENT

The policy applies to the CEO, employees, council members, committee members and candidates, and any other person who submits a complaint in accordance with this policy.

POLICY DETAILS

1. Principles

The City will provide an effective complaint handling system through a demonstrated commitment to the following principles:

1.1. Customer Focus

The City is committed to effective complaints handling and values feedback through complaints.

1.2. Visibility

Information about how and where to complain is well publicised.

1.3. Accessibility

The process of making a complaint and investigating it is easy for complainants to access and understand.

1.4. Responsiveness

Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency with the complainant kept informed throughout the process.

1.5. Objectivity and fairness

Complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable.

- complaints will be dealt with on their merit, applying the principles of natural justice;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias;
- conflicts of interest must be declared;

- the person who is the subject of the complaint is to be given sufficient opportunity to present their position, to comment on adverse findings and is provided with the reason for a decision on the outcome of the complaint;
- any findings made will be based on proper and genuine consideration of the evidence.

1.6. Confidentiality

Personal information collected in relation to a complaint is confidential and only used for the purposes of addressing the complaint and any follow up actions.

The City will take all reasonable steps to maintain confidentiality when dealing with the complaint, in order to protect the complainant and the respondent. Council members, City employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised that breaches of confidentiality on their part may prejudice the progress of their complaint.

1.7. Remedy

If a complaint is upheld the local government will provide a remedy in accordance with clause 12 of the Code of Conduct.

1.8. Accountability

Accountabilities for complaint handling are clearly established and complaints and responses to them are monitored and reported to the local government.

2. Making a Complaint

A complaint may be made by any member of the local community to raise concerns about the conduct of council members, committee members or candidates.

- 2.1. A complaint about an alleged breach of Division 3 of the Code of Conduct must be made in writing on the approved form (Annexure A) and must be made to the authorised complaints officer within one month after the occurrence of the alleged breach.
- 2.2. The Chief Executive Officer (CEO) is the person authorised to receive complaints and withdrawal of complaints on behalf of the local government.

3. Responding to Complaints

3.1. Notice to Complainant

The complaint will be acknowledged within five working days and the complainant will be provided with an outline of the process that will be followed and possible outcomes, the expected timeframe for the matter to be finalised, and a copy of this policy.

3.2. Notice to Respondent

Within ten working days the person to whom the complaint relates will be advised that a complaint has been made in accordance with the Code of Conduct and this policy, and provided with a copy of the complaint and a copy of this policy. The person will be advised of the process that will be followed, the opportunities that will be afforded to the respondent to be heard, and the possible outcomes.

4. Dealing with a complaint

- 4.1. All complaints will be dealt with promptly, courteously and in accordance with their priority, as determined at the discretion of the CEO by either:
 - their seriousness;
 - the impact of the allegation; or
 - the order in which the complaints are received.
- 4.2. Complaints will be resolved and the response forwarded to the complainant no later than 60 days from the receipt of the complaint.
- 4.3. The investigation and resolution of the complaint will be undertaken in accordance with the provisions of the *Local Government (Model Code of Conduct) Regulations 2021*, and the *Ombudsman Western Australia Guidelines - Effective handling of complaints made to your organisation* and *Guidelines - Procedural fairness*, and the City's Code of Conduct.
- 4.4. The person to whom the complaint relates will be allowed an opportunity to respond to the allegations in writing.
- 4.5. The CEO is the person delegated by the local government to prepare a report for the local government to consider and make a finding as to whether the alleged breach, the subject of the complaint, has occurred. The report will:
 - outline the process followed including how the respondent was provided with an opportunity to be heard;
 - include the complaint documents, the response documents and any relevant local government records and attachments; and
 - Include recommendations and reasons for each recommendation in accordance with clause 12 of the Code of Conduct.

5. Mediation

The local government may offer the option of mediation between the complainant and the respondent, for resolution of specific issues, prior to a finding being made. Mediation may lead to the complaint being withdrawn in accordance with the provisions of clause 14 of Council Policy 4.2 Code of Conduct.

6. Decision on Complaint of Alleged Breach

The CEO will prepare a council report into the complaint for Council consideration at an Ordinary Meeting of Council. Additional information may also be provided at the Ordinary Meeting of the Council, in accordance with the provisions of the Code of Conduct. 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. Council may also consider the adoption and implementation of an action plan, at the meeting, or at a later Ordinary Meeting of the Council.

The Complainant and the respondent will be advised of the Council decision.

KEY TERM DEFINITION

The **Act** means the *Local Government Act 1995*.

The **City** means the City of Greater Geraldton.

Chief Executive Officer (CEO) means the CEO of the City of Greater Geraldton.

Candidate means a candidate for election as a council member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a council member who has nominated for re-election. A person is a candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Code of Conduct means the City of Greater Geraldton Code of Conduct for Council Members, Committee Members and Candidates, Council Policy 4.2.

Committee Member means a council member, employee of the City of Greater Geraldton or other person who has been appointed by the Council to be a member of a committee in accordance with s.510(1) of the Act. A person is a committee member from the date on which they are appointed, until their appointment expires or is terminated by council resolution.

Complaint means a complaint made under clause 11(1) of the City of Greater Geraldton Code of Conduct for Council Members, Committee Members and Candidates.

Complainant means a person who has submitted complaint in accordance with this policy.

Local Government means the Council of the City of Greater Geraldton.

Publish includes to publish on a social media platform.

Respondent means the person about whom the complaint has been made.

ROLES AND RESPONSIBILITIES

The CEO is responsible for the implementation of this policy.

WORKPLACE INFORMATION

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

Ombudsman Western Australia – Investigation of Complaints

Ombudsman Western Australia – Guidelines - Effective handling of complaints made to your organisation – An Overview

Ombudsman Western Australia – Procedural fairness (natural justice)

POLICY ADMINISTRATION

Directorate		Officer	Review Cycle	Next Due
Corporate and Commercial Services		Manager Corporate Compliance and Safety	Biennial	2023
Version	Decision Reference	Synopsis		
1.	CCS595 25/05/2021	New Policy		