

POLICY NO:	22/76
POLICY TITLE:	COMPLAINTS AGAINST STAFF POLICY
SECTION RESPONSIBLE:	CORPORATE AND COMMUNITY SERVICES (HUMAN RESOURCES)
MINUTE NO:	460/1535
REVIEW DATE:	30TH JUNE, 2010

POLICY

This policy relates to complaints against staff. Council is committed to dealing with such complaints in a consistent and equitable manner which meets the requirements of the Local Government Act and also recognises the job responsibilities of staff.

Council recognises that occasions may arise when a member of the community or a client of Council may be dissatisfied with the performance or behaviour of a particular Council employee and wish to register a complaint.

An employee who is subject to a complaint investigation may be supported, including being accompanied by a union representative, throughout the process.

OBJECTIVE

To establish clear and equitable procedures for the handling of complaints against staff.

SCOPE OF POLICY

This policy applies to all Greater Hume Shire Council employees.

DEFINITIONS

- Complaint - any objection received or recorded by Council in writing.
- Staff Member - any employee of Council (permanent, temporary or casual).

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ASSESSMENT OF COMPLAINT

The General Manager or relevant Director should assess any complaint made against a staff member to determine the validity of the complaint. Where the allegations made in the complaint have been found to be false, vexatious or misconceived, the Director or General Manager may dismiss the complaint without further investigation. Where the Director or General Manager has determined that further investigation is required, such investigation must be undertaken in line with the following Principles and Responsibilities.

PRINCIPLES

The General Manager, Directors and Human Resources are authorised to carry out investigations into complaints against Council staff members. Complaints should be treated by those receiving them as confidential documents and passed to the appropriate Director or Human Resources immediately on receipt.

Verbal or telephone complaints should be reduced to writing by the recipient. These written notes should be dealt with immediately by the Division Director.

Every effort should be pursued to have the complainant prepare and sign the complaint.

RESPONSIBILITIES

1. Employee:
 - take notes on any complaint received verbally or by telephone;
 - report matter to Director or Human Resources immediately; and
 - deliver any written complaint to Director or Human Resources immediately.
2. Director/Human Resources:
 - acknowledge receipt of complaint to complainant;
 - determine the terms of reference of any investigation
 - investigate complaint;
 - advise complainant of outcome; and
 - take action against employee if deemed necessary.
3. Responsibilities of Investigating Officers

It is the responsibility of the Investigating Officers to:

- a. Properly conduct and speedily conclude the investigation within the scope of the terms of reference;
- b. Advise the General Manager or Director of any limitations imposed by the terms of reference if such limitations are identified in the course of the investigation;
- c. Maintain thorough records, including statements of evidence, in support of the investigation process, investigation report and subsequent recommendations;

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- d. Records must be kept indefinitely and stored in a secure location. The Records Officer will arrange for storage and access;
- e. Apply the principles of natural justice and procedural fairness to all parties involved at all stages of the investigation process;
- f. Provide the details of the allegation to the employee once the relevant evidence has been gathered;
- g. Advise the Director or General Manager immediately if the investigation process indicates that the matter should be referred to an external agency, for example the NSW Police Service, NSW Ombudsman etc; and
- h. Stress to all parties involved in the investigation process the need to maintain confidentiality;

4 Principles of Procedural Fairness

At all times throughout an investigation process, Council will:

- a. Inform the person who is the subject of an allegation the substance of the allegation made against them and provide them with a reasonable opportunity to put forward their opinion or version of events;
- b. Provide the person who is the subject of a complaint the opportunity to make submissions (regarding the allegations and proposed adverse findings), inform them of any appeal or review mechanisms, e.g. through industrial relations process, or to the Ombudsman where the employee has a complaint about the way the agency has handled the investigation into the allegation;
- c. Take necessary steps to protect the person who made the complaint from harassment, persecution, or vilification;
- d. Make reasonable enquiries or investigations before making a decision;
- e. Ensure that no person decides a case in relation to which they have a conflict of interest;
- f. Act fairly and without actual or perceived bias; and
- g. Conduct the investigation without undue delay.

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CONFIDENTIALITY

All documents associated with Complaints against staff will be marked and treated as 'Confidential' at all times.

POLICY DOCUMENT CONTROL

GHS Complaints Against Staff Policy	First adopted	21 Dec 2005 Min 460
GHS Complaints Against Staff Policy	Readopted NO alterations	25 June 2008 Min 1535