

## KEMPSEY SHIRE COUNCIL

### COMPLAINTS AGAINST COUNCIL EMPLOYEES

Procedure 5.5.16

Policy No. and Title	5.5	Conditions of Employment Policy
Procedure	5.5.16	Complaints Against Council Employees
Version	1	
Date Adopted	30 November 2011	

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#### 1 INTRODUCTION

- a) Council recognises that occasions may arise where complaints are lodged against employees by members of the public or external organisations.
- b) Guidelines and procedures have been established to ensure these complaints are thoroughly investigated at an appropriate level and that employees are given the opportunity to respond to complaints made against them.
- c) Only signed written complaints will be investigated except where Council's legal duty of care may be questioned or where there has been alleged corrupt or fraudulent activity.
- d) Details of verbal or anonymous complaints shall be conveyed to the employee(s) involved but will not be investigated nor be acted upon in any other way.
- e) Where investigations reveal a complaint is justified and that an employee has acted in a manner contrary to accepted Council standards and Code of Conduct, the normal disciplinary process shall be initiated.
- f) This Procedure only refers to complaints made against employees by persons external to Council or by Councillors/Council employees when the complaint does not relate to corrupt conduct, maladministration or serious and substantial waste. The Public Interest Disclosures Act 1994 (the PID Act), (refer to Procedure 5.5.15) applies where a Councillor or employee makes a disclosure relating to corrupt conduct, maladministration or serious and substantial waste in respect of another Councillor or employee.
- g) This Procedure should be read in conjunction with Clauses 32 and 34 of the Local Government (State) Award.

#### 2 GUIDELINES

- a) Complaints must be in writing and signed by the complainant before an investigation is commenced.
- b) Complaints are to be registered in the Records Section as CONFIDENTIAL and referred to the General Manager and the relevant Director. If the complaint is in relation to maladministration, criminal action or corruption then the matter is referred only to the General Manager as CONFIDENTIAL. The General Manager will determine the manner in which each such complaint is investigated whether by referral to the Public Officer or an external investigator or referred directly to the ICAC. Any further referral for preliminary investigation will be with the name and any identifying comments of the complainant removed.

- c) Complaints addressed to the Mayor or Councillors shall be referred to the General Manager and registered CONFIDENTIAL. If the complaint is in relation to maladministration, criminal action or corruption then the matter is referred only to the General Manager as CONFIDENTIAL. The General Manager will determine the manner in which each such complaint is investigated whether by referral to the Public Officer or an external investigator or referred directly to the ICAC. Any further referral for preliminary investigation will be with the name and any identifying comments of the complainant removed.
- d) The General Manager or Director or Public Officer will acknowledge receipt of the complaint, either in writing or by telephone, and advise the complainant an investigation shall be undertaken immediately.
- e) The General Manager or Director or Public Officer shall initiate an investigation by discussing the complaint with the employee(s) involved, any other persons that may have witnessed the alleged incident and the complainant.
- f) In matters alleging maladministration or corrupt or criminal conduct the General Manager will determine the manner in which each such complaint is investigated whether by referral to the Public Officer or an external investigator or referred directly to the ICAC and the name and any identifying comments of the complainant will be removed.
- g) The Public Officer or Director shall prepare a report to the General Manager which outlines the findings of the investigation and recommendations for any resultant action considered appropriate.
- h) The complainant is to be informed in writing when the investigation has been completed and shall be advised, in broad terms, of the outcome.

## **VARIATION**

Council reserves the right to renew, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.