

Complaint Handling Policy

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1. Introduction

1.1. Purpose

Shoalhaven City Council is committed to delivering quality customer service and communicating effectively with our customers and the local community. Council values customer feedback as it helps with the continuous evaluation and improvement of our services.

We realise that sometimes, despite our best efforts, people may not be happy with the way we have performed or not performed a service.

Shoalhaven City Council's organisational values support our customer service commitments and complaint handling processes.

Our values are:

- Integrity
- Respect
- Collaboration
- Adaptability

We are committed to developing a culture of customer commitment in support of our values, where every employee instinctively acts with the understanding of the impact that their daily work and actions have on their immediate customers.

Our complaint management system is intended to:

- handle complaints fairly, efficiently and effectively
- enable us to respond to issues raised by people making a complaint in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements to our services, practices, products, procedures, staff, and complaint handling,
- outline the relevant external agencies for referral of serious breaches/complaints, and
- outline the Council's Management of unreasonable complainant conduct.

This policy provides guidance on the key principles and concepts of our complaint management system for Council customers.

1.2. Scope

This policy applies to all staff receiving or managing complaints from the public which are made to or about Council, in relation to our services, practices, products, procedures, staff and complaint handling.

Staff grievances, formal complaints alleging that an elected representative has breached the council's adopted code of conduct (code of conduct complaints) and public interest disclosures are dealt with under separate mechanisms.

1.3. Organisational commitment

Council's commitment to complaint management is outlined as follows:

WHO	COMMITMENT	HOW
Chief Executive Officer	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> • Provide adequate support and direction to key staff responsible for handling complaints • Regularly review reports about complaint trends and issues arising from complaints • Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly • Encourage staff to make recommendations for system improvements • Recognise and reward good complaint handling by staff • Support recommendations for product service, staff and complaint handling improvements arising from the analysis of complaint data
Director City Performance	Foster an effective Complaint Management System	<ul style="list-style-type: none"> • Contribute to the development of an efficient, fair consistent and transparent complaints handling framework • Educate and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures • Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly • Recognise and commend good complaint handling by staff
Public Officer / Manager Business Assurance & Risk – supported by Complaints Officer	Establish and Manage Council's Complaint Management System	<ul style="list-style-type: none"> • Provide regular reports to the Chief Executive Officer on issues arising from complaint handling work • Ensure recommendations arising out of complaint data analysis are canvassed with the Chief Executive Officer and relevant director and implemented where appropriate • Train and empower staff to resolve complaints promptly and in accordance with Council's complaints framework • Ensure all staff are aware of Council's complaint handling framework

		<ul style="list-style-type: none"> • Encourage staff managing complaints to provide suggestions on ways to improve Council's complaint management system
All staff	Understand and comply with Council's complaint handling practices	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints • Assist people to make a complaint, if needed • Comply with this policy and its associated procedures • Implement Council's complaint management system as relevant to role and responsibilities • Provide feedback to management on issues arising from complaints • Provide suggestions on ways to improve the organisation's complaints management system • Implement changes arising from individual complaints and from the analysis of complaint data as directed by management • Keep all appropriate records in relation to a complaint as required by this policy, but not limited to correspondence with complainant, interview notes, the evidence relied upon in an investigation, investigation/complaint findings and reasons for decisions

2. Terms and Definitions

Complaint

A complaint is an expression of dissatisfaction with the level or quality of the service provided by Shoalhaven City Council. This includes:

- Policies and Procedures - Complaints with respect to the implementation of, or failure to implement, policies or procedures. These complaints are usually related to dissatisfaction with service charges, policy decisions or a practice covered by a policy or procedure
- Employees– Complaints about employees are generally about dissatisfaction with the behaviour or conduct of a Council employee
- Contractors – Complaints about the behavior or conduct of contractors engaged by Council to undertake works or provide services
- Quality of Service – Complaints about quality of service are generally related to the quality of the finished job (e.g., not up to an expected standard, poor workmanship) or the length of time taken to complete the job/provide the service (e.g., outside of service standards)

Corruption

Corrupt conduct, as defined in the *Independent Commission Against Corruption Act 1988* ("the ICAC Act"), is deliberate or intentional wrongdoing, not negligence or a mistake. It must involve or affect an NSW public official or public sector organisation.

Corrupt conduct involves:

- An NSW public official improperly using, or trying to improperly use, the knowledge, power, or resources of his or her position for personal gain or the advantage of others
- An NSW public official dishonestly exercising his or her official functions or improperly exercising his or her official functions in a partial manner, exercising his or her functions in a way that breaches public trust or misuses information, or material acquired during his or her official functions
- A member of the public influencing, or trying to influence, an NSW public official to use his or her position in a way that is dishonest or partial
- A member of the public engaging in conduct that could involve one of the matters set out in section 8(2A) of the ICAC Act where such conduct impairs, or could impair, public confidence in public administration.

More information and the legislative provisions can be found on the [Independent Commission Against Corruption \(ICAC\) website](#)

Complaint management system

All policies, procedures, practices, staff, hardware, and software used by Council in the management of complaints.

Customer request

The following are Customer requests and not complaints under this policy:

The definition of a customer request includes:

- A customer request for Council to undertake works or services or take regulatory action, such as reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of council service – unless (1) it is a second request where there has been no response to the first request or (2) in the view of the customer the response to their request was unsatisfactory
- Reports of damaged or faulty infrastructure
- Requests for approval or authority
- An objection to the Council's issue of a penalty notice or taking other regulatory action for an offence under an Act or Regulation.
- Responses to requests for feedback about the standard of our service provision [see the definition of feedback]
- Routine inquiries about the Council's business or operations
- A request for an explanation of the content of or application of policies or procedures
- Workplace grievances (see our grievance policy)
- Public interest disclosures made by our Council Officials. The Council has adopted an Internal Reporting Policy (under the Protected Disclosures Act 1994)
- Applications and requests to access council information (see our Access to Information Policy)
- Formal allegations that an elected council official or the CEO has breached the code of conduct [refer to our Code of Conduct and related Code of Conduct procedures].
- A complaint about an individual, event, service or business for which Council is not responsible
- Requests for review of determinations made by Council in relation to development applications, planning decisions, or the decision to issue a penalties or infringements

Many of the issues above are often called 'complaints' when a customer contacts Council because a customer is unhappy about the situation and wants something done. To Council, however, such matter will be considered a Customer Request. This terminology does not reduce the importance of the issue, nor remove the requirement for Council to respond. However, it does help Council differentiate between a complaint and a request so that the issue can be registered and monitored appropriately in Council's systems.

The policies listed above can be accessed on Council's website www.shoalhaven.nsw.gov.au.

Dispute

An unresolved complaint escalated either within or outside of our organisation.

Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly, or implicitly, to or about our services or complaint handling, where a response is not explicitly or implicitly expected or legally required.

This includes submissions made to public consultation processes such as:

- Submissions or objections to Development or Planning Applications
- The lodging of an appeal or objection in accordance with a standard procedure or policy, for example about an approved development or draft policy or plan.
- Submissions made via the Council's "Get Involved" Webpage or other community engagement mechanisms

Workplace Grievance

A clear, formal written statement by an individual staff member about another staff member or a work-related problem or incident involving other staff. These matters are dealt with under Council's Grievance Policy

Maladministration

Is a failure to comply with proper procedures or the law and may involve action or inaction and inefficient, bad, or improper administration. Examples would include council failing to act on reports of unauthorised work or illegal activities, failing to comply with tendering processes or misusing secrecy provisions.

Public interest disclosure

A report about wrongdoing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.

3. Guiding Principles for Handling Complaints



3.1. Facilitate Complaints

<p>1. <i>People Focus</i></p>	<ul style="list-style-type: none"> • Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products, and complaint handling • Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame • People making complaints will be: <ul style="list-style-type: none"> ○ provided with information about our complaint handling process ○ provided with multiple and accessible ways to make complaints ○ listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and ○ provided with reasons for our decision/s and any options for redress or review • A complaint may be lodged in the following ways: <ol style="list-style-type: none"> 1. Online at: Council’s website by following the link on the Homepage https://www.shoalhaven.nsw.gov.au 2. By telephone on 1300 293 111 3. Email to: council@shoalhaven.nsw.gov.au 4. By post to: The Chief Executive Officer Shoalhaven City Council PO Box 42 NOWRA NSW 2541 5. In person at one of the following locations between 9am and 5pm, Monday to Friday: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">NOWRA</td> <td style="width: 50%;">ULLADULLA</td> </tr> <tr> <td>City Administrative Centre</td> <td>Southern District Office</td> </tr> <tr> <td>Bridge Road, Nowra</td> <td>Deering Street, Ulladulla</td> </tr> </table> • Where a customer outlines a complaint via Council’s Official Facebook, Twitter and other Social Media Accounts, Council will not respond via social media. Only in cases where the complaint includes an email or postal address will a written response be provided. 	NOWRA	ULLADULLA	City Administrative Centre	Southern District Office	Bridge Road, Nowra	Deering Street, Ulladulla
NOWRA	ULLADULLA						
City Administrative Centre	Southern District Office						
Bridge Road, Nowra	Deering Street, Ulladulla						
<p>2. <i>No Detriment to people making complaints</i></p>	<ul style="list-style-type: none"> • Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf. 						

3. <i>Anonymous Complaints</i>	<ul style="list-style-type: none"> • We accept anonymous complaints and will carry out an investigation of the issues raised where there is sufficient information provided to allow us to do so. • Where a complaint is lodged via telephone and anonymity is requested the complainant will be advised that Council will be unable to contact the complainant further if additional information is needed and they will not be advised of the outcome of the complaint.
4. <i>Accessibility</i>	<ul style="list-style-type: none"> • We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance. • If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish and we have been advised of this wish by the complainant.
5. <i>No charge</i>	Complaining to us is free.

3.2. Respond to Complaints

1. <i>Early Resolution</i>	<ul style="list-style-type: none"> • Where possible, complaints will be resolved at first contact with Council.
2. <i>Responsiveness</i>	<ul style="list-style-type: none"> • Where complaints cannot be resolved at initial interaction with the Complainant, we will promptly acknowledge receipt of a complaint within 7 business days. • Council will aim to resolve complaints in the following timeframes: <ul style="list-style-type: none"> ○ <u>For urgent matters</u> –within 24 hours. These matters would include a complaint about a safety issue that has been reported previously but has not been responded to within the service stand. ○ <u>For simple matters</u> – within ten working days of receipt. These matters would include requests for readily available information such as returning calls providing requested information and responding to correspondence where Council has not met the relevant service standard. ○ <u>Complex matters</u> will require longer periods of time to investigate and address, however they should be resolved within 28 days from receipt. • Where timeframes cannot be met, the complainant will be advised before the time limit expires and given the reasons for the delay and a revised timeframe for resolution of the complaint/completion of the investigation. • We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately. • We are committed to managing people’s expectations, and will inform them as soon as possible, of the following:

	<ul style="list-style-type: none"> ○ the complaints process ○ the expected time frames for our actions ○ their likely involvement in the process, and ○ where known, any limitation to the outcome they have requested <ul style="list-style-type: none"> ● We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate). ● We will also advise people as soon as possible if we are unable to meet our time frames for responding to their complaint and the reason for our delay.
3. <i>Objectivity & Fairness</i>	<ul style="list-style-type: none"> ● We will address each complaint with integrity and in an equitable, objective, and unbiased manner. ● We will ensure that the person handling a complaint is not the staff member whose conduct is being complained about and does not have a conflict of interest. ● Internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.
4. <i>Responding Flexibly</i>	<ul style="list-style-type: none"> ● Our staff are empowered to resolve complaints promptly. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives. ● We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.
5. <i>Confidentiality</i>	<ul style="list-style-type: none"> ● We will protect the identity of people making complaints where this is practical and appropriate. ● Personal information that identifies individuals will only be disclosed or used by the Council as permitted under the relevant privacy laws and our confidentiality obligations.

3.3. Manage Parties to a Complaint

1. <i>Complaint involving multiple organisations or parts of Council</i>	<ul style="list-style-type: none"> ● Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated. ● Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint. ● Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated. ● Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of our service providers.
2. <i>Complaints involving multiple or related parties</i>	<ul style="list-style-type: none"> ● When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.
3. <i>Empowerment of staff</i>	<ul style="list-style-type: none"> ● All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. ● Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system

<p>4. <i>Managing unreasonable conduct by people making complaints</i></p>	<ul style="list-style-type: none"> • We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on: <ul style="list-style-type: none"> ○ our ability to do our work and perform our functions in the most effective and efficient way possible ○ the health, safety, and security of our staff, and ○ our ability to allocate our resources fairly across all the complaints we receive. • Our expectations of complainant conduct are reflected in our '<i>Individual Rights and Responsibilities of the Parties to a Complaint</i>' document attached to this Policy. • When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with our complaints handling framework • We will manage unreasonable conduct by people making complaints in line with the NSW Ombudsman's Guidelines on managing unreasonable complainant conduct.
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4. Our Complaint Management System

When responding to complaints, staff will act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff will also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The six key stages in our complaint management system are set out below.



<p>1. <i>Receive Complaint</i></p>	<ul style="list-style-type: none"> • Unless the complaint has been resolved at an initial interaction with the customer, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint which will be provided to the customer. • The record of the complaint will document: <ul style="list-style-type: none"> ○ date of receipt ○ the contact information of the person making a complaint ○ issues raised by the person making a complaint and the outcome/s they seek ○ any other relevant information or supporting documents that have been provided ○ any additional support the person making a complaint requires
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<p>2. <i>Acknowledge Complaint</i></p>	<ul style="list-style-type: none"> • We will acknowledge receipt of each complaint immediately on receipt and provide detailed acknowledgement within ten (10) business days of receipt at which time the customer will be advised of the Officer who will be dealing with their complaint and details of this Complaints Handling Policy • Consideration will be given to the most appropriate medium (e.g., email, telephone, letter) for communicating with the person making a complaint.
<p>3. <i>Assess & Address Complaint</i></p>	<p><u>Complaint Assessment</u></p> <ul style="list-style-type: none"> • After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control and if an alternate process applies to the matter. • We will consider the outcome/s sought by the person making a complaint • Where there is more than one issue raised, we will determine whether each issue needs to be separately addressed. • If any aspect of the complaint is unclear, we will seek clarification from the complainant. • When determining how a complaint will be managed, we will consider: <ul style="list-style-type: none"> ○ How serious, complicated, or urgent the complaint is ○ Whether the complaint raises concerns about health and safety ○ How the person making the complaint is being affected ○ The risks involved if resolution of the complaint is delayed, and ○ Whether a resolution requires the involvement of other organisations ○ If the complaint is required to be notified or referred to other authorities. <p><u>Addressing complaints</u></p> <ul style="list-style-type: none"> • After assessing the complaint, we will consider how to manage it. • To manage a complaint, we may: <ul style="list-style-type: none"> ○ give the person making a complaint information or an explanation ○ undertake research about the service, person or area that the complaint is about, and/or ○ investigate the claims made in the complaint. • We will keep the complainant up to date on our progress, particularly if there are any delays.
<p>4. <i>Providing reasons for decisions</i></p>	<ul style="list-style-type: none"> • Following consideration of the complaint and any investigation into the issues raised, the responsible officer will contact the person making the complaint and advise them: <ul style="list-style-type: none"> ○ the outcome of the complaint and any action we have taken in response ○ the reason/s for our decision/s ○ the remedy or resolution/s that we have proposed or put in place. • If an investigation makes any adverse findings about an individual, we will consider any applicable privacy obligations under the Privacy and Personal Information Protection Act 1998 and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.
<p>5. <i>Providing complainant with review options and alternative avenues for resolution</i></p>	<ul style="list-style-type: none"> • We will inform people who make complaints to or about us about any internal or external review options available to them (including any relevant Ombudsman or oversight bodies that may deal with the complaint). <p><u>Referral to the Community Justice Centre</u></p> <p>Council will promote and encourage the use of the free and confidential Community Justice Centre (CJC) services to assist community members and groups to seek mediated solutions for disputes between parties which cannot be resolved by the Council.</p>

	<p>Council may refer parties who agree to mediation to the CJC, or they can be accessed directly by parties to the dispute. The CJC can be contacted at 1800 990 777 or www.cjc.justice.nsw.gov.au.</p>
<p>6. <i>Closing the complaint</i></p>	<ul style="list-style-type: none"> • We will keep comprehensive records about each complaint, including: <ul style="list-style-type: none"> ○ Our communication with the complainant ○ How we managed the complaint ○ The outcome/s of the complaint (including whether any aspect of it was substantiated) ○ Recommendations made to address problems identified ○ Decisions made on those recommendations, and ○ Any outstanding actions that need to be followed up. • We will ensure that outcomes are properly implemented, monitored, and reported to our Executive Management Team.

5. Our Three Tiers of Complaint Handling for Complaint Escalation

Our three-tiered approach to complaints handling aims to have complaints responded to and resolved fairly, efficiently and effectively subject to their seriousness and stage in the process.

Tier 1 – Frontline complaints handling

We aim to resolve complaints at the first interaction with the customer.

A staff member may escalate the complaint to a more senior officer for review or assessment of the complaint at any point in time. The complainant will be advised if a matter has been escalated and will be provided the details of the Officer dealing with their complaint.

Tier 2 – Internal review

Where a customer is unsatisfied with Tier 1 front line resolution and requests an Internal Review of their complaint in writing, the Public Officer, or member of the Executive Management Team (who was not the Officer determining the complaint) will be assigned the complaint for Internal Review.

Tier 3 – External review

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision (for example by the NSW Ombudsman or the Independent Commission Against Corruption (ICAC)).

6. Accountability and Learning

6.1. Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make recommended improvements to our systems, policy and procedures.

6.2. Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints, and
- Identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and other tools.

6.3. Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- Support the making and appropriate resolution of complaints
- Implement best practices in complaint handling
- Recognise and reward exemplary complaint handling by staff
- Regularly review the complaints management system and complaint data, and
- Implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

7. Implementation

This Policy relates to the following policy documents of the Council:

- Internal Reporting Policy
- Code of Conduct and Code of Conduct Procedures

Council's website will provide a clear outline of how to make a complaint and this policy.

A communication and education program will be undertaken for staff on the adoption of this policy and at regular intervals.

8. Review

This policy is subject to regular review at a maximum interval of two (2) years. Any recognised change to relevant legislation, directives or guidelines issued by agencies including the NSW Ombudsman and the Office of Local Government will instigate an immediate review of this policy to reflect any changes. Public consultation will be undertaken prior to substantive amendments being made to the policy.

9. Attachments

9.1. Attachment 1 - Individual Rights and Responsibilities of the Parties to a Complaint

For Shoalhaven City Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all the parties to the complaint process.

Complainants have the right:

- To be treated with courtesy and respect
- To make a complaint and to express their opinions in ways that are reasonable, lawful, and appropriate
- To a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality and/or privacy rights or obligations that may apply
- To a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- To a timely response
- To be informed in at least general terms about the actions taken and outcome of their complaint
- To be given reasons that explain decisions affecting them
- To be informed of their rights of review on the decision of a complaint
- To communicate valid concerns and views without fear of reprisal or other unreasonable response
- Privacy

Council Staff have the right:

- To be treated with courtesy and respect
- To expect honesty, cooperation, and reasonable assistance from complainants
- To expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- To a safe and healthy working environment
- To determine how a complaint will be dealt with under the Complaints Handling Policy
- To finalise complaints based on outcomes they consider to be satisfactory in the circumstances
- To modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant

Subjects of a complaint have the right:

- To be treated with courtesy and respect by Council staff
- To a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- To be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- To be informed about the substance of any proposed adverse comment or decision
- To be given a reasonable opportunity to put their case during any investigation and before any final decision is made

- To be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- To be protected from harassment by disgruntled complainants acting unreasonably.