



Name	GOV15 Complaints Handling
Policy Type	Council
Responsible Officer	Governance and Risk Advisor
Approval Date	16/09/2020
Review Date	16/09/2024

## 1. Purpose

This policy defines the means by which Council will handle complaints in a responsive and constructive manner, using the defined complaint mechanism as an opportunity to improve organisational processes and decision making resulting in improved administrative practices and enhanced customer satisfaction.

This policy does not detract from a complainant's entitlement to lodge a complaint under public interest disclosure legislation to The Ombudsman NT, the Northern Territory Government's Department of Local Government, Housing and Community Development and /or the Office of the Independent Commissioner Against Corruption (ICAC).

## 2. Scope

This policy establishes the framework for handling complaints received about the conduct of individuals. A complaint may relate to a Council employee, volunteer worker or Council contractor. A complaint can also relate to a Council decision or service delivery.

The following are not considered as complaints:

- a request for service;
- request for information or explanation requests;
- reports of hazards;
- reports of damaged or faulty infrastructure;
- disputes concerning neighbours; and
- freedom of information requests or reviews.

**3. Definitions**

For the purposes of this Policy, the following definitions apply:

Act (the)	the <i>Local Government Act</i> .
Code of Conduct	Litchfield Council codes of conduct as they apply to staff.
Complaint	feedback received in person, by telephone, in writing, by facsimile transmission, or by email relating to a Council employee, volunteer worker, Council contractor, a Council decision or Council service delivery.
Council	Litchfield Council.
Reviewable Decision	A decision or order made by Council or an Officer of Council that is designated as reviewable by the Act (or a By-law under the Act) or by resolution of Council.
Unreasonable Complainant	A person who displays unreasonable conduct.
Unreasonable conduct	Any behaviour by a current or former complainant which, because of its nature or frequency, raises health, safety, resource or equity issues for Council and includes: <ul style="list-style-type: none"> <li>• unreasonable persistence with the complaint;</li> <li>• making unreasonable demands;</li> <li>• failing to provide reasonable cooperation;</li> <li>• presenting unreasonable arguments; and/or</li> <li>• displaying unreasonable behaviours.</li> </ul>
Unreasonable persistence	An unwillingness or inability to accept reasonable and logical explanations; pursuing and exhausting all available review options when not warranted; demanding a review simply because it is available.
Unreasonable demands	Insisting on outcomes that are not possible or appropriate in the circumstances; issuing instructions and making unreasonable demands about how their complaint should have been handled.

Unreasonable lack of cooperation	providing little or no detail to support a complaint; withholding information or presenting information in an ad hoc manner; acting dishonestly, and/or misquoting others.
Unreasonable arguments	Arguments that are false, inflammatory or defamatory; fail to follow a logical sequence; not supported by evidence or based on theories.
Unreasonable behaviours	Undertaking harassment, acts of aggression, verbal abuse, derogatory, racist or defamatory remarks, rude, confronting and threatening correspondence or behaviour.

#### 4. Policy Statement

From time to time Litchfield Council will receive complaints regarding the behaviour of individuals which, due to their nature, are not seen as "Customer Requests" (which relate more specifically to service requests or works issues).

Complaints may come from members of the public, Elected Members or external agencies such as the Ombudsman. They may relate to a range of issues, from minor matters to serious allegations of misconduct.

##### 4.1. Complaints Overview

Any person may lodge a complaint. Complaints can be lodged in person, by telephone, in writing, by facsimile transmission, or by email. Complaints may be lodged directly to Council and complainants may choose to remain anonymous.

Complainants have a right to make a complaint and expect that they will be afforded a fair and impartial assessment of their complaint.

Council will ensure that it:

- applies the principles of natural justice and procedural fairness;
- deals with complaints impartially;
- handles complaints confidentially;
- is open about the process;
- keeps complainants advised of progress; and
- gives complainants the opportunity to respond and to seek internal review.

#### **4.2. Complaint Management Process**

Council will manage complaints under the following principles:

- record the complaint and provide a Reference to the complainant;
- acknowledge receipt of the complaint within two business days;
- review and investigate the complaint;
- the investigation will resolve factual issues and consider options for complaint resolution;
- aim to resolve complaints within ten business days, providing reasons for the outcome in a clear and informative manner. More complex complaints may take longer, and complainants will be kept informed of the progress.
- If the complainant is not satisfied with the response, an internal review of the decision will be offered and information about external review options provided.

#### **4.3. Cooperation with External Investigators**

All staff will provide the fullest co-operation to all authorised external investigators during the conduct of investigation into complaints against Council.

#### **4.4. Unreasonable Complainant Conduct**

Unreasonable complaint conduct can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Should a complainant refuse to accept decisions relating to their complaints and consequently become aggressive or verbally abusive, threaten violence, make unnecessary and excessive contact, and/or excessive demands on time and Council resources, they can be defined as being an 'unreasonable complainant'.

To manage the impacts of unreasonable complaint conduct, the Chief Executive Officer, in consultation with relevant staff, can make the decision to record a complainant as an 'unreasonable complainant' and

may change or restrict their access to Council services. Should this occur, the complainant will be notified in writing of the decision.

Changing or restricting access to Council services involves limiting or adapting the ways that Council interact with and/or deliver services to complainants by restricting:

- Who they have contact with – e.g. limiting a complainant to a sole contact person/staff member in Council.
- What they can raise with Council – e.g. restricting the subject matter of communications that we will consider and respond to.
- How they can make contact – e.g. limiting or modifying the forms of contact that the complainant can have with us.

#### **4.5. Review of Complaints**

A complainant who feels dissatisfied with the handling of their complaint may seek to have the matter reviewed.

Complainants are entitled to one appeal of a decision in relation to their original complaint. The Chief Executive Officer will appoint a Council Officer/s to conduct the review. The officer/s appointed to conduct the review shall not have been involved in managing the original complaint.

At the conclusion of a review the complainant will be advised of the outcome of their appeal by letter signed by the Chief Executive Officer.

If a complainant continues to be dissatisfied after the appeal process, they may seek on their own terms, an external review from an oversight agency.

#### **4.6. External Complaint Avenues**

Other avenues exist which are available for the submission of complaints depending on the nature and severity of their complaint.

- Northern Territory Government's Department of Local Government, Housing and Community Development;
- Independent Commissioner Against Corruption (ICAC);
- The Ombudsman NT; and
- The lodging of appeals or requests to a reviewable decision as per the Local Government Act.

**5. Associated Documents**

FIN03 Procurement  
 GOV03 Privacy  
 GOV04 Whistleblowing  
 HR01 Code of Conduct for Employees  
 HR04 Bullying and Harassment  
 Litchfield Council Customer Service Charter

**6. References and Legislation**

Northern Territory Local Government Act  
 Northern Territory Independent Commissioner Against Corruption (ICAC) Act  
 Northern Territory Ombudsman Act  
[Commonwealth Ombudsman – ‘Better practice guide to complaint handling’](#) (ISBN 978 0 9805961 7 5)

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
16/09/2020	New Policy