



Policy Name: **Employee Code of Conduct – Dealing with Complaints Procedure**

1. **INTRODUCTION**

The District Council of Coober Pedy has a policy for the Code of Conduct for Employees. The Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that the Employees have agreed to demonstrate. The standards in the Code of Conduct are in addition to any statutory requirements of the *Local Government Act 1999* or any other relevant Act or Regulation applicable to Employees in the performance of their role and responsibilities.

A clear statement of the procedures to be followed should such a complaint be made enhances community confidence in the integrity and honesty of the Council and the Code itself.

2. **BREACH OF THE CODE**

An Employee has an obligation to act honestly and to report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources in accordance with this Code of Conduct.

The District Council of Coober Pedy is committed to the standards outlined in this Code of Conduct and will take appropriate action if the Code is breached. Such action may include disciplinary action (including termination of employment), laying charges and civil action.

The following procedure applies in relation to allegations that an Employee has acted in breach of the Code of Conduct

1. **Making a Complaint and Appointment of Independent Assessor**

Any complaint about an Employee must:

- be made, in writing, to the Chief Executive Officer or, where the complaint relates to the Chief Executive Officer, to the Mayor; and
- specify the provisions of the Code that are alleged to have been breached; and

- be accompanied by any evidence supporting the allegations.

2. Complaint about an Employee, other than the Chief Executive Officer

1. Upon receipt of a complaint, the Chief Executive Officer must:
 - advise the employee who is the subject of the complaint that a complaint has been received and inform the employee of the substance of the complaint; and
 - make a preliminary assessment to determine whether the complaint has substance or, is frivolous or vexatious in which case no further action will be taken in relation to the complaint.

Where the Chief Executive Officer determines a complaint has substance, the Chief Executive Officer is responsible for ensuring a formal investigation occurs. The Chief Executive Officer must appoint an independent assessor to undertake the investigation. The Chief Executive Officer may determine to appoint a member of Council staff as the independent assessor where the Chief Executive Officer considers this appropriate; otherwise, the Chief Executive Officer may appoint an external consultant as the independent assessor.

3. The complainant will be advised of the manner in which the Chief Executive Officer determines to progress the complaint.

3. Complaint about the Chief Executive Officer

1. Upon receipt of a complaint, the Mayor may determine that the complaint is frivolous or vexatious, in which case no further action will be taken in relation to it. If the Mayor considers the complaint to have substance, the Mayor must advise the Council of the complaint.
2. Within five days of having received the complaint:
 - the Council must appoint an independent assessor to investigate the complaint or authorise the Mayor to make the appointment; and

- the Mayor must advise the Chief Executive Officer that a complaint has been made against him/her and inform the Chief Executive Officer of the substance of the complaint and that an independent assessor has been appointed to undertake an investigation into it.

4. Investigation of Complaint, Report & Recommendation

1. The independent assessor will conduct the investigation in accordance with the principles of natural justice. This means that the employee who is the subject of the complaint will be provided with an opportunity to comment in relation to the allegations against him/her.
2. The investigation will be conducted in a confidential manner so far as is practicable,
3. All deliberations of the Council in relation to any complaint made about the Chief Executive Officer will be considered in confidence subject to the grounds under section 90(3) of the *Local Government Act 1999* being satisfied.

5. Report and Action Following Investigation

1. The independent assessor must provide the Chief Executive Officer (or, if the complaint is about the Chief Executive Officer, the Mayor) with a written report setting out his/her findings and, in particular, whether the complaint against the Employee is substantiated.
2. The Chief Executive Officer (or Mayor as the case may be) must write to the employee to disclose the findings arising from the investigation into the complaint and, in particular, identifying whether the complaint has been substantiated. If the complaint has been substantiated, the correspondence must also set out any disciplinary action which is proposed to be taken against the Employee.
3. The Employee must be given a reasonable opportunity to respond in writing to the Chief Executive Officer's (or Mayor's) correspondence.
4. Upon consideration of the independent assessor's report and any response provided by the employee, the Chief Executive Officer (or, if the complaint is about the Chief Executive Officer the Council) must then determine the most appropriate disciplinary action (if any).

5. In the case of a complaint against the Chief Executive Officer, if after having considered all relevant information the Council is minded to take punitive action against the Chief Executive Officer, the Chief Executive Officer must be informed of the action that the Council proposes to take and be given an opportunity to speak directly to the Council in relation to the appropriateness of the proposed course of action. The Council must take any comments made by the Chief Executive Officer into account before determining whether the proposed disciplinary action will be taken.
6. Any disciplinary action taken to address a breach of the Code will be undertaken in accordance with the provisions of the relevant and applicable Awards and State/Federal Industrial legislation.

3. **AVAILABILITY**

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website <http://www.cooberpedy.sa.gov.au>.