

## RIGHTS & RESPONSIBILITIES OF THE PARTIES TO A COMPLAINT

In order for the Council to ensure that all complaints are dealt with fairly, efficiently and effectively, whilst also adhering to occupational health and safety standards and duty of care obligations, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

### RIGHTS

#### Complainants have the right to:

- make a complaint and to express their opinions in ways that are reasonable, lawful and respectful;
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case;
- to a fair hearing;
- to be informed of the actions taken and the outcome of their complaint;
- to be given reasons that explain decisions affecting them;
- to be treated with courtesy and respect;
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

#### Council staff have the right to:

- determine whether, and if so how, a complaint will be dealt with under the Council's *Complaints Handling Policy & Procedure*;
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances;
- 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 be treated with courtesy and respect;
- to a safe and healthy working environment;
- to modify or restrict access to Council services in response to unreasonable complainant conduct in accordance with the Council's *Unreasonable Complainant Conduct Policy & Procedure*.

#### Subjects of a complaint have the right to:

- a fair and impartial assessment and, where appropriate, investigation of the allegations made against them;
- to be treated with courtesy and respect by Council staff;
- to be informed (at an appropriate time) about the substance of 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 the course of 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.

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City of  
Norwood  
Payneham  
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## RESPONSIBILITIES

### Complainants are responsible for:

- clearly identifying to the best of their ability the issues of complaint, or asking for help from Council staff to assist them in doing so;
- providing the Council with all relevant information available to them at the time of making the complaint;
- being honest, cooperative and providing reasonable assistance to Council staff at all times in connection with the assessment, investigation and resolution of their complaint;
- informing the Council of any other action they have taken in relation to their complaint (e.g. with other agencies);
- treating Council staff with courtesy and respect.

The Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council staff, Volunteers, contractors or Elected Members. Any conduct of this kind will be dealt with in accordance with the Council's duty of care and occupational health and safety responsibilities, and may result in a refusal to take further action on a complaint or to have further dealings with a complainant. In certain cases, legal action may also be considered.

### Council staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process;
- dealing with all complaints, complainants and people or organisations the subject of a complaint professionally, fairly and impartially;
- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant;
- giving people or organisations the subject of a complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made;
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of allegations made against them and the substance of any proposed adverse comment or decision against them;
- keeping complainants informed of the actions taken throughout the complaint handling process and the outcome of their complaints;
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them;
- treating complainants and any person or organisation the subject of a complaint with courtesy and respect at all times;
- taking all reasonable and practicable steps to ensure that complainants are not subject to any detrimental action in reprisal for making their complaint;
- giving adequate warning of the consequences of unreasonable behaviour, in accordance with the Council's *Unreasonable Complainant Conduct Policy & Procedure*.

### Subjects of a complaint are responsible for:

- cooperating with Council staff who are assigned to handle the complaint;
- providing the Council with all relevant information available to them in relation to the complaint upon request;
- being honest, cooperative and providing reasonable assistance to Council staff at all times in connection with the investigation and resolution of the complaint;
- treating Council staff with courtesy and respect at all times;
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

For more information, please refer to the Council's *Complaints Handling Policy & Procedure*, which can be downloaded from the Council website: [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)