

NORFOLK



ISLAND

## **The Administration of Norfolk Island**

### **Probity Complaints Procedure: Procedure for Notification and resolution of probity complaints**

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For the proper administration of services by the Administration of Norfolk Island, it is important to have in place a formal probity complaints procedure to ensure consistency, certainty and confidentiality in relation to probity complaints and/or allegations made by members of the public and employees of the Administration against Administration employees.

As far as appropriate, the probity complaints procedure will be conducted on a confidential and without prejudice basis to the complainant. However, if the matter subsequently comes before the Court, the Court may exercise its authority to request evidence, including evidence of the complainant.

In the interests of transparency, the Administration will prepare for tabling before the Assembly on at least an annual basis a report which sets out the number of probity complaints/allegations made in that calendar year together with the number of probity complaints/allegations which have been resolved and, where appropriate, the average time taken to resolve them. No other information, including personal details, shall be included in those Reports.

#### **A. Appointment**

There shall be appointed:

- A Public Officer.

#### **B. Receipt of written complaint/Reporting**

All probity complaints/allegations shall be made in writing and delivered to the Public Officer. Members of the public may refer their complaint direct to the Public Officer or to the relevant Manager or Executive Officer.

All managers must refer all written probity complaints/allegations of whatsoever nature to the Executive Director responsible, the Chief Executive Officer or the Public Officer.

The Public Officer shall:

1. maintain a register of complaints and document and record receipt of all complaints in register of complaints;
2. provide to each complainant a written acknowledgement of receipt of complaint/allegation, including details of reporting and investigation procedures;
3. notify Executive Officer of receipt of complaint and refer complaint to relevant Executive Officer.

**C. Complaints review**

The initial review and assessment is the first stage of review. At this stage the primary question is whether the complaint should be examined in further detail or dismissed. The Executive Director/Chief Executive Officer (the “Executive Officer”) shall assess the allegation. This may include an informal meeting with the Administration employee and a review of all substantiating detail provided with the complaint. Where the complainant is known, the complainant may also be contacted for further detail.

Following preliminary assessment, the Executive Officer shall, in his or her discretion, make one of the following recommendations:

- I. the complaint is without merit and should be dismissed;
- II. the complaint has some merit and should be further investigated;
- III. the complaint is proved and, in accordance with the Human Resources Policies and Procedures certain remedial steps/disciplinary action are warranted.

The Executive Officer shall notify the Public Officer of his or her recommendation. The Public Officer will record the recommendation in the Register of Complaints.

1. Where the complaint is dismissed:
  - the Executive Officer will inform the employee in writing;
  - the Public Officer will inform the complainant in writing (where the complainant is known).

The matter may be reopened if further information becomes available.

2. Where the complaint is found to have some merit:
  - a. The Executive Officer shall take further steps, including:
    - Asking the Administration employee to set out in writing his/her response to the allegation;
    - Seeking additional information from either the complainant or the relevant Administration Department.
  - b. Following receipt of additional information, the Executive Officer shall make a recommendation that:
    - the complaint be dismissed;
    - the employee seek formal approval to engage in secondary employment and/or undertake private paid business in accordance with section 5.4 of the Human Resources Policies and Procedures Manual;
    - disciplinary action is warranted in accordance with the Human Resources Policies and Procedures Manual;
    - the complaint be referred to the Public Officer.

- c. The Executive Officer shall notify the Public Officer of his or her recommendation. The Public Officer will record the recommendation in the Register of Complaints and will notify the Chief Executive Officer of the recommendation.

3. Where the complaint is dismissed:
  - the Executive Officer will inform the employee in writing;
  - the Public Officer will inform the complainant in writing (where the complainant is known).

The matter may be reopened if further information becomes available.

4. Where disciplinary action is warranted or where the employee is required to seek approval to engage in secondary employment and/or undertake private paid business:
  - the Public Officer shall notify the Chief Executive Officer and the Human Resources Manager;
  - the Executive Officer shall notify the employee in writing;
  - the Public Officer will inform the complainant in writing (where the complainant is known).

5. Where the complaint is referred to the Public Officer, the Public Officer will arrange an independent review by an Independent Appointee. A review by the Independent Appointee:
  - will be conducted in a manner and/or using guidelines and procedures determined by the Independent Appointee, but may include:
    - i. the provision by any party of written submissions;
    - ii. the interview of witnesses/employees by the Independent Appointee
  - will be paid for by the Administration.

6. The Independent Appointee shall make a recommendation that:
  - the complaint be dismissed;
  - the employee seek formal approval to engage in secondary employment and/or undertake private paid business in accordance with section 5.4 of the Human Resources Policies and Procedures Manual;
  - disciplinary action is warranted in accordance with the Human Resources Policies and Procedures Manual.

7. The Public Officer will record the recommendation in the Register of Complaints.

8. Where the complaint is dismissed:
  - the Executive Officer will inform the employee in writing;
  - the Public Officer will inform the complainant in writing (where the complainant is known).

The matter may be reopened if further information becomes available.

9. Where disciplinary action is warranted or where the employee is required to seek approval to engage in secondary employment and/or undertake private paid business:
- the Public Officer shall notify the Chief Executive Officer and the Human Resources Manager;
  - the Executive Officer shall notify the employee in writing;
  - the Public Officer will inform the complainant in writing (where the complainant is known).
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