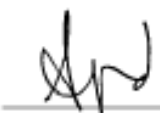




**ACT**  
Government

JUSTICE AND COMMUNITY SAFETY  
**POLICY**

# COMPLAINTS MANAGEMENT POLICY

<b>DOCUMENT ID</b> JACS POL 04	<b>TITLE</b> Complaints Management Policy	
<b>REVISION</b> .06	<b>PREPARED BY</b> JACS Governance	<b>DATE PREPARED</b> 25 October 2017
<b>TYPE</b> Policy	<b>APPROVED BY</b> Director-General	<b>DATE APPROVED</b> 21 <del>October</del> November 2017
<b>REVIEW DATE</b> <del>October</del> November 2019	 Allison Playford	

**CONTENT**

- DEFINITIONS..... 3**
- 1. ABOUT THE DIRECTORATE..... 5**
- 2. OUR VALUES AND BEHAVIOURS..... 5**
  - 2.1 RESPECT ..... 5
  - 2.2 INTEGRITY ..... 5
  - 2.3 COLLABORATION ..... 5
  - 2.4 INNOVATION..... 5
- 3. OUR CLIENTS AND STAKEHOLDERS ..... 6**
- 4. OUR SERVICE STANDARDS..... 6**
- 5. POLICY PURPOSE..... 6**
  - 5.1 OUT OF SCOPE ..... 6
- 6. OUR COMMITMENT TO EFFECTIVE COMPLAINT MANAGEMENT ..... 7**
- 7. MAKING A COMPLAINT OR RAISING A CONCERN..... 7**
  - 7.1 WHAT OUTCOME ARE YOU SEEKING?..... 7
  - 7.2 RIGHT TO ANONYMITY ..... 8
  - 7.3 RIGHT TO CONFIDENTIALITY..... 8
  - 7.4 YOUR RESPONSIBILITIES ..... 8
- 8. COMPLAINT PROCESS ..... 8**
  - 8.1 EARLY RESOLUTION – IF POSSIBLE ..... 8
  - 8.2 DECIDING NOT TO INVESTIGATE ..... 8
  - 8.3 COMPLAINT TO BE INVESTIGATED ..... 8
  - 8.4 TIMEFRAMES ..... 9
- 9. PROMULGATING LESSONS LEARNED ..... 9**
- 10. ALTERNATIVE COMPLAINT RESOLUTION METHODS..... 9**
- ATTACHMENT A – COMPLAINTS PROCESS FLOW ..... 10**
- ATTACHMENT B - JACS COMPLAINTS MANAGEMENT FRAMEWORK ..... 11**
- ATTACHMENT C – COMPLAINT OR CONCERN FORM..... 12**

## DEFINITIONS

Term	Definition
<b>Allegation</b>	A statement of claimed fact(s) or assertion, contained in a complaint that needs to be proven or disproven.
<b>Complainant</b>	Person or entity affected by the actions or inaction of the organisation, who makes a complaint to the organisation.
<b>Complaint</b>	An expression of dissatisfaction however made about the conduct, actions or lack of action by a JACS staff member, including the failure by an agency to comply with the Service Charter.
<b>Complaint handling system</b>	The way individual complaints are dealt with by the organisation, including the policy, procedures, practices and technology.
<b>Complaint coordinator</b>	The person or unit responsible for coordinating complaints on behalf of the directorate.
<b>Directorate</b>	Justice and Community Safety Directorate
<b>Impartiality</b>	Making decisions and providing advice on merit and without bias, favouritism or self-interest, acting fairly by objectively considering all relevant facts and fair criteria and implementing Government policies and programs equitably. Includes implementing the law and government policies and serving the community without bias or favour. Ensuring a balanced consideration of all information/evidence is undertaken before a complaint or allegation can be resolved.
<b>Integrity</b>	Demonstrating integrity by being honest; open and transparent in the daily dealings of the organisation, using power responsibly, avoiding any real or apparent conflict of interest and striving to earn and sustain public trust of a high level.
<b>Misconduct</b>	Includes (but is not limited to) failing to meet the obligations set out in Section 9 of the Public Sector Management Act 1994, engaging in conduct that has brought or is likely to bring the Directorate or ACT Public Service into disrepute or making a vexatious or knowingly false allegation against another employee.
<b>Procedural fairness</b>	Also known as natural justice. A process that ensures that a fair decision is reached by an objective decision maker. Decisions affecting the rights of individuals reached only after the individuals have been made aware of the

Term	Definition
	complaint/allegations made against them, or of decisions which are adverse to their interest and they have had an opportunity to present their claims in relation to the complaint/allegation and the decisions proposed to be taken affecting them.
<b>Sensitivity</b>	Ensuring each matter is considered on its merits, paying due care to individual differences and needs.

## 1. ABOUT THE DIRECTORATE

The Justice and Community Safety (JACS) Directorate operates in an environment that is both exciting and challenging. As a directorate, together with our associated statutory office holders, we assist Government to set and implement priorities using the ACT Public Service values as our guide.

Our vision is to maintain a fair, safe and just community for all, where people's rights and interests are respected and protected.

We contribute to Government priorities through our strategic objectives to:

- Provide an accessible justice system.
- Promote and protect rights and interests.
- Provide a safe and resilient community.
- Provide sustainable emergency services.

In fulfilling our functions, JACS aims to meet and exceed the expectations of our clients and stakeholders. In keeping with the [JACS Service Charter](#), we are committed to operating in an open and accountable manner with a strong client focused culture. We acknowledge that an effective complaint management framework supports this accountability and is an important source of information to help us improve our service delivery.

## 2. OUR VALUES AND BEHAVIOURS

As a directorate within the ACT Government, we operate in accordance with the *Public Sector Management Act 1994* and the values and behaviours you expect of us and that we expect of each other as public servants.

### 2.1 RESPECT

- We take pride in our work.
- We value the contribution of others.
- We relate to colleagues and clients in a fair, decent and professional manner.

### 2.2 INTEGRITY

- We do what we say we will do and respond appropriately when the unexpected occurs.
- We take responsibility and are accountable for our decisions and actions.
- We engage genuinely with the community, managing resources entrusted to us honestly and responsibly.

### 2.3 COLLABORATION

- We work openly and share information to reach common goals.
- We consider other views when solving problems and welcome feedback on how we can do things better.

### 2.4 INNOVATION

- We look for ways to continuously improve our services and skills.
- We are open to change and new ideas from all sources.

### 3. OUR CLIENTS AND STAKEHOLDERS

The directorate has many clients and stakeholders. Our commitment is that if you deal with us in any way, you are our client or stakeholder and you deserve our respect and positive engaging behaviours.

The directorate's clients and stakeholders are diverse and typically represent a full cross-section of the ACT community. Through this policy, we aim to provide an accessible, fair and transparent service to all clients and stakeholders, regardless of individual circumstances.

### 4. OUR SERVICE STANDARDS

Our Service Charter outlines what you can expect from the directorate. If you are not satisfied with our conduct, actions or you believe we have failed to comply with ACT Government legislation, our Charter or vision, you are free to raise that as a complaint, an allegation or a concern.

### 5. POLICY PURPOSE

This Complaints Management Policy is the directorate's public commitment to providing an accessible, fair and transparent complaint process for all our client and stakeholders. The directorate recognises that properly handled and analysed complaints help it to improve its business processes, and that time spent handling complaints is an investment in better service to the public.

The directorate ensures that wherever possible, all complaints are responded to in line with the complaints process flow at **Attachment A**.

#### 5.1 OUT OF SCOPE

This policy applies to all complaints and/or concerns received from the public, except where other legislative or policy mechanisms apply. This includes:

- Business areas and functions that have adopted their own complaint management policies. A breakdown of the JACS Complaint Management Framework, incorporating business area policies that take precedence to this one, is included at **Attachment B**.
- This policy does not apply to Statutory Office Holders and Independent Offices. **Attachment B** provides links to individual complaints management policies for these Offices.
- Allegations of staff misconduct or wrongdoing, including Public Interest Disclosures (PID) made under the *Public Interest Disclosure Act 2012*. Such allegations will be investigated in accordance with the relevant administrative policy, including the PID Guidelines. Refer to the [JACS website](#) for more information on the PID Guidelines.
- Employment related disputes/grievances, including all complaints relating to the conditions of employment. Employment related complaints will be handled in accordance with the relevant administrative policy (i.e. the enterprise agreement).
- Complaints subject to separate legislative or policy review processes, for example, the internal review mechanism under the *Freedom of Information Act 1989*.

The directorate is also unable to investigate complaints in some circumstances, including where:

- There is insufficient information to investigate the complaint.
- The complaint relates to the contact of the legislation governing the complaint.
- The complaint is more appropriately investigated by another body such as ACT Policing or the Chief Minister, Treasury and Economic Development Directorate.

- Following a preliminary investigation, there is no way of resolving the complaint.

If we are unable to investigate your complaint, we will provide you with a written explanation of the grounds for not proceeding and outline any other options that may be available to you.

## 6. OUR COMMITMENT TO EFFECTIVE COMPLAINT MANAGEMENT

We will:

- receive all complaints respectfully
- do our best to understand your concerns or issues
- investigate your concerns in a fair and impartial manner
- acknowledge any mistakes or errors we have made
- acknowledge and manage complaints to agreed timeframes wherever possible
- explain all decisions in plain language
- apply the principles of procedural fairness and natural justice
- attempt to resolve complaints quickly (see 8.1)
- wherever possible, acknowledge all formal complaints in writing; and
- provide a response to the complainant at the conclusion of our investigation of the complaint.

## 7. MAKING A COMPLAINT OR RAISING A CONCERN

You can make a complaint via email, post, in person or by phone. Feedback and complaints can be directed to:

[JACSComplaints@act.gov.au](mailto:JACSComplaints@act.gov.au)

Executive Director, Governance  
Feedback and Complaints  
Justice and Community Safety Directorate  
PO Box 158  
Canberra CITY ACT 2601  
Ph: (02) 6207 4813

Alternatively, feedback and complaints can be provided through the following link using the [ACT Government Access Canberra site](#).

The JACS structure at **Attachment B** will assist you in determining which area of the directorate is dealing with your complaint. More information on each of the directorate's business units can also be found on the JACS website.

The Complaint or Concern Form at **Attachment C** can assist you in approaching the directorate.

### 7.1 WHAT OUTCOME ARE YOU SEEKING?

Please advise us what outcome you are seeking in response to your complaint. This may include an apology, a different decision, or expedited action. You need to be aware however, that an expected outcome or action may not always be possible.

## 7.2 RIGHT TO ANONYMITY

Complaints can be submitted to the directorate anonymously. Anonymous complaints will be reviewed and handled in accordance with the commitments made under this policy; however, we may be unable to provide a written response to an anonymous complainant regarding the outcome of their complaint.

## 7.3 RIGHT TO CONFIDENTIALITY

All parties involved in a complaint have the right to expect appropriate confidentiality. It is possible; however, that maintaining confidentiality may compromise the effectiveness of the investigation into the complaint. This usually occurs because of the requirements of procedural fairness to the subject of the complaint. We will discuss issues surrounding confidentiality with you at the outset and, should you request that your confidentiality be preserved, you will be advised of any limitations this may place on the investigation and possible outcomes.

The directorate is also committed to handling your personal information in accordance with the *Information Privacy Act 2014* and the [JACS Privacy Policy](#).

## 7.4 YOUR RESPONSIBILITIES

Once you have made a complaint, you will need to cooperate fully during the complaint management process. This includes promptly providing any additional information that you have that may impact upon the matter.

# 8. COMPLAINT PROCESS

Once received, the complaint or concern will be assessed by the complaints coordinator to determine the most appropriate business area to investigate and/or resolve the matter. It will then be referred to that area.

## 8.1 EARLY RESOLUTION – IF POSSIBLE

Where possible, and the complaint is straightforward and requires little or no investigation, every effort will be made to resolve it quickly. This may take the form of an apology or explanation for an error or admission. Where the matter complained about is sensitive or complex or the complainant is not satisfied, further assessment will be made.

Although complaints resolved at the point may be simpler than complaints requiring investigation, it does not mean that the issues or concerns raised are any less important.

## 8.2 DECIDING NOT TO INVESTIGATE

The decision not to investigate will be supported by a clear statement of reasons why an investigation is not warranted in the circumstances. You will also be advised of any alternative paths available to you to seek to have the matter resolved.

The business unit may be unable to investigate your complaint for a variety of reasons (see section 5.1 above).

## 8.3 COMPLAINT TO BE INVESTIGATED

If the business area decides that the complaint warrants an investigation, it may commence action itself or refer the matter to an independent reviewer.

The decision to investigate will be supported by a clear statement of reasons why an investigation is warranted in the circumstances, including those aspects of the complaint that are in and out of scope.



Once an investigation is completed, you will be informed of the decision, the reasons for this decision and your rights for review. This will vary according to the type of complaint.

Note, while you are entitled to know how a complaint was handled and the outcome of any resulting review/investigation, we may be limited in the amount of information we can disclose under legislation (i.e. the *Information Privacy Act 2014*).

## 8.4 TIMEFRAMES

The directorate aims to respond to complaints in accordance with the following timeframes:

**Complaint Registered:** Within 2 working days

**Acknowledgement:** Within 5 working days of receipt in Business Unit

**Response:** Within 21 working days of receipt in Business Unit

We strive to acknowledge and resolve complaints within these timeframes; however, if the matter is complex or involves a considerable amount of information, it may take longer to respond. If the response is likely to exceed these timeframes, we will contact you with a revised expected completion date.

## 9. PROMULGATING LESSONS LEARNED

The resolution of a complaint is not the last step in effective complaint handling. A complaint may point to a systemic administrative problem in the agency – a defect in administration that may have occurred in other cases and could occur again in the future.

As a directorate, we have committed to using complaint data and trending analysis to improve our service delivery. Lessons learned throughout the complaints process will be promulgated across the directorate to exploit business improvement opportunities.

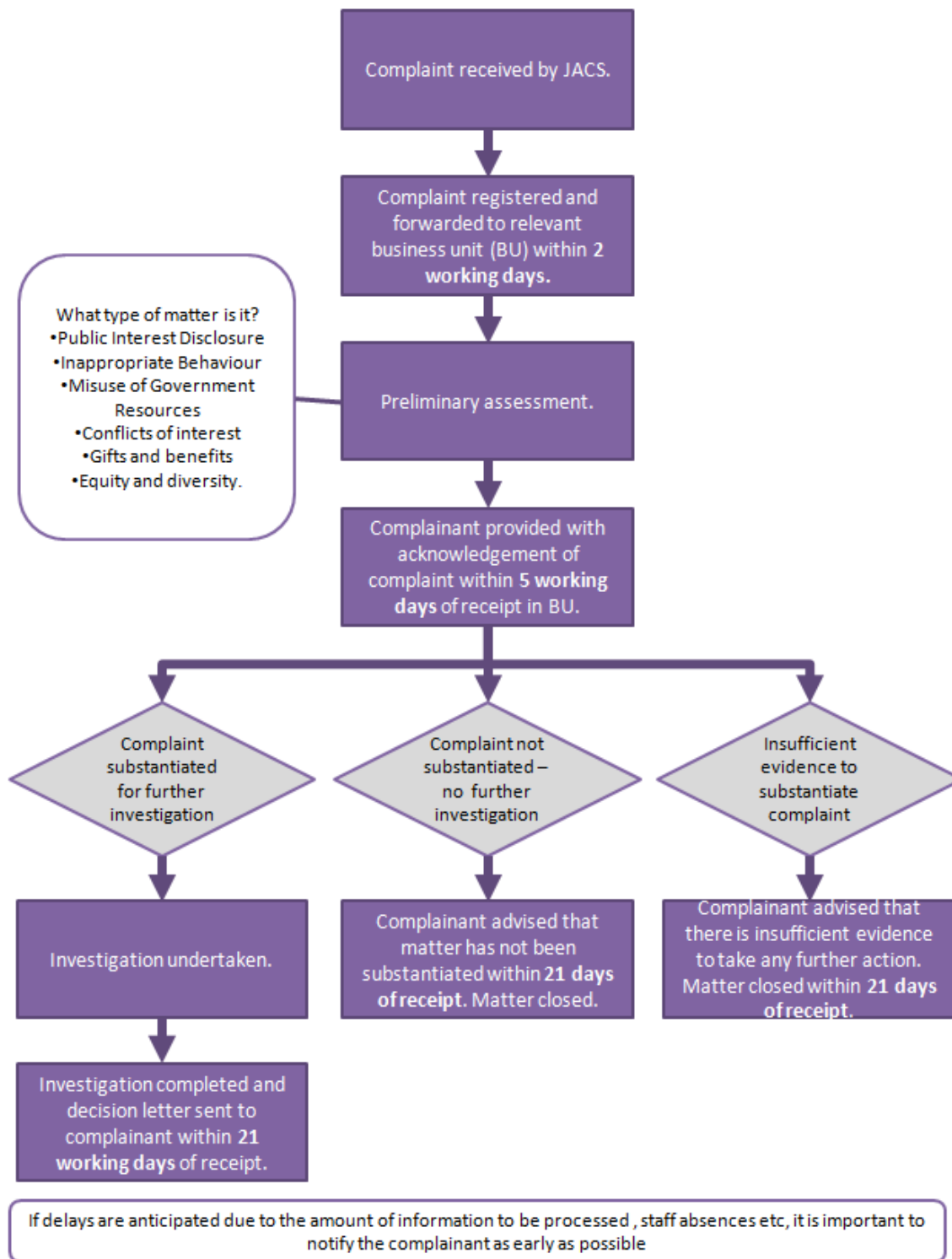
## 10. ALTERNATIVE COMPLAINT RESOLUTION METHODS

If you are unsatisfied with the resolution of your complaint under this policy, you may be able to refer the matter to one of the following bodies where appropriate:

- [ACT Ombudsman](#)
- [ACT Human Rights Commission](#)
- [ACT Administrative Appeals Tribunal](#)
- [Office of the Australian Information Commissioner](#)
- [Public Interest Disclosure Officers](#)

You will be advised of the most appropriate avenue for review at the finalisation of your complaint.

## ATTACHMENT A – COMPLAINTS PROCESS FLOW



Flowchart 1 - Complaints Process Flow 1

## ATTACHMENT B - JACS COMPLAINTS MANAGEMENT FRAMEWORK

The below table includes all agencies sitting within the JACS Portfolio. It also provides links to agency complaint management policies where they exist to support specific functions. If no hyperlink is provided, this Policy would apply.

Organisation Chart – Complaints Policies
<b>Attorney General</b> <b>Minister for Justice, Consumer Affairs and Road safety</b> <b>Minister for Corrections</b> <b>Minister for Police and Emergency Services</b>
<b>Director-General</b> <b>Deputy Director General, Community Safety</b> <b>Deputy Director General, Justice</b>
<b>Business Units</b>
<a href="#"><u>ACT Courts and Tribunal</u></a>
<a href="#"><u>ACT Corrective Services</u></a>
<b>ACT Emergency Services Agency</b> <a href="#"><u>ACT Ambulance Service</u></a> <b>ACT Fire and Rescue</b> <b>ACT Rural Fire Service</b> <b>ACT State Emergency Service</b>
<b>Legislation, Policy and Programs</b>
<b>Security and Emergency Management Branch</b>
<b>JACS Corporate</b> Capital Works and Infrastructure Governance ICT Projects and Programs People and Workplace Strategy Strategic Finance
<b>Statutory Office Holders &amp; Independent Offices</b>
<a href="#"><u>Human Rights Commission</u></a>
<a href="#"><u>Public Trustee and Guardian</u></a>
<a href="#"><u>Director of Public Prosecutions</u></a>
<a href="#"><u>ACT Policing</u></a>
<a href="#"><u>Legal Aid ACT</u></a>

## ATTACHMENT C – COMPLAINT OR CONCERN FORM



**ACT**  
Government

Justice and Community Safety

ACT Justice and Community Safety Directorate  
**COMPLAINT OR CONCERN FORM**

This form is to be used if you have a complaint or wish to raise a concern about a benefit or service provided by the Justice and Community Safety Directorate. This is not the only way to raise a complaint or concern, however this will assist you in clearly identifying the information required for the directorate to adequately respond.

### Privacy Notice

The information collected on this form is required to assist the Justice and Community Safety (JACS) Directorate in resolving your complaint or concern. The personal information you supply on this form will only be used for the purpose of responding to your complaint or concern. If all or some of this information is not collected, JACS may not be in a position to investigate your matter. All personal information will be kept confidential as far as possible. However there may be some circumstances when your personal information may need to be provided to others as part of the process of addressing your complaint. If you have any particular concerns regarding confidentiality, please outline these on the form below. The directorate will then contact you to discuss your requirements and any implications these may have on the investigation of your complaint. The JACS Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the directorate, as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the JACS website at <http://www.justice.act.gov.au/privacy>.

### Details

<b>Tracking Number</b>		<b>Date Received by Business Unit</b>		<b>Date Received by Business Unit</b>	
------------------------	--	---------------------------------------	--	---------------------------------------	--

### Customer/Client Details

<b>Name in Full</b>		<b>Home Phone</b>	
<b>Email Contact</b>		<b>Mobile Phone</b>	

### If the complaint/concern is on behalf of another person

<b>Client's Name</b>		<b>Relationship to Client</b>	
<b>Has the client consented to the complaint/concern being raised?</b>			

### Business Unit Details

<b>Client's Name</b>		<b>Relationship to Client</b>	
<b>Has the client consented to the complaint/concern being raised?</b>			

**BUSINESS UNIT**

Select Business Unit

Please indicate the area you have been dealing with

**WHAT ACTUALLY HAPPENED?**

**WHAT OUTCOME ARE YOU LOOKING FOR?**

**WHICH GOVERNING PRINCIPLES HAVE NOT BEEN COMPLIED WITH?**

**HAS THIS COMPLAINT/CONCERN BEEN RAISED PREVIOUSLY WITH A RELEVANT AGENCY? (y/n)**  
*If yes please provide details of which agency, how it was raised and their response and any action taken/agreed upon.*