



ACT
Government

Complaints Handling Policy and Procedures

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Introduction

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) is committed to providing high quality, professional services, and policy advice to the ACT Government, and through it, to the people of Canberra.

CMTEDD considers compliments or complaints as a way of both assessing and improving our performance. We will respond to requests for advice, and prepare responses to all correspondence, in a courteous and timely manner.

1.1 Purpose

The Complaints Handling Policy and Procedure document (this document) reflects CMTEDD's commitment to providing an accessible and transparent complaint and feedback process. This document is designed to provide assurance for people who are interacting with CMTEDD that they will be treated fairly, and that all complaints and feedback will be managed in accordance with the workflow at **Attachment A**.

1.2 Scope

This document applies to all complaints and positive or negative feedback from the public made to CMTEDD about our services or staff except for matters related to Access Canberra or ACT Revenue Office.

Out of scope

While all complaints and feedback will receive an acknowledgement of receipt, the following situations may require application of other processes particularly when:

- CMTEDD is not responsible for the subject of the complaint (e.g., another Directorate is responsible).
- The complaint is more appropriately investigated by another body (e.g., such as ACT Policing).
- The complaint relates to legislation that establishes a different mechanism for the resolution (e.g., employment related matters and *Public Interest Disclosures*).

Access Canberra matters

For feedback and complaints process and policy for Access Canberra, please visit

<https://www.accesscanberra.act.gov.au/s/feedback-and-complaints>.

ACT Revenue Office matters

For feedback or complaints process and policy related to ACT Revenue Office, please visit

<https://www.revenue.act.gov.au/contact-us>.

CMTEDD employment-related matters

Allegations of staff misconduct or wrongdoing and other employment related matters should be sent to CMTEDDPeopleandCapability@act.gov.au and will be handled according to the relevant Enterprise Agreement and Public Sector Management Act and Standards and ACT Public Service Misconduct Guidelines and any relevant administrative policy.

Public Interest Disclosures

Some complaints should be considered a Public Interest Disclosure and immediately forwarded to a CMTEDD Disclosure Officer for consideration in accordance with CMTEDD's Public Interest Disclosure Procedures.

Types of activity by an ACT Public Sector employee or entity that may be considered for Public Interest disclosure include:

- illegal activities,
- misuse or waste of public money or resources,
- misconduct,
- maladministration,
- a danger to the health or safety of the public, or
- a substantial and specific danger to the environment.

Refer [Public Interest Disclosure \(Integrity Commission – Managing Disclosures and Conducting Investigations\) Guidelines 2021](#) and [CMTEDD Public Interest Disclosure Factsheet – January 2022](#) for more information on Public Interest Disclosures.

Complaint Management Procedures

2.1 Making a Complaint, or Raising a Concern

Where to make a complaint

Complaints can be made via email, mail, or in person. It is recommended that members of the public send their complaints and feedback about CMTEDD to the [CMTEDD Complaints inbox](#). Alternatively, complaints, allegations or concerns can be mailed to CMTEDD's postal address below or may be made by any member of the public one to any employee of CMTEDD. Any CMTEDD employee who receives notice of a complaint and should pass that complaint to the CMTEDD Complaints Manager.

Contact options

Email (preferred): CMTEDDComplaints@act.gov.au. This inbox is monitored daily by the CMTEDD Complaints Manager, and all correspondence will be acknowledged within two working days of receipt.

Post:

The CMTEDD Complaints Manager
CMTEDD Corporate
220 London Circuit
GPO Box 158
ACT 2601

To an individual employee: refer to the ACT Government Directory (www.directory.act.gov.au)

Content of complaint

There is no set format that people must use when making a complaint. However, the more details provided the easier it is for CMTEDD to assess and respond to the complaint. Key details may include:

- ✓ Clear overview of the issue
- ✓ Time, date and place of the issue
- ✓ Contact details (where applicable, unless submitted anonymously)
- ✓ Outcome desired (eg an apology, different decision, review of a process)

2.2. Triage of Complaint

The CMTEDD Complaints Manager's role is to triage complaints received in the CMTEDD Complaints inbox. They will acknowledge the complaint, register it and refer the complaint onto the relevant Business Unit within CMTEDD for assessment and response.

2.2.1 Acknowledging receipt of a complaint

The CMTEDD Complaints Manager will acknowledge complainants within two days of receiving a complaint. This acknowledgment of receipt is to inform the complainant that their complaint has been received and is to be actioned. The following text will be used when acknowledging receipt:

I refer to your notice of complaint received by the Chief Minister, Treasury and Economic Development Directorate on [insert date received].

The Chief Minister, Treasury and Economic Development Directorate is processing your query.

If the complainant is anonymous, an acknowledgement is not required unless an email or other contact option is included.

2.2.2 Registering a complaint

The CMTEDD Complaints Manager will use the information provided to record the complaint in a central register. The following information will be recorded:

- ✓ name of complainant (if known)
- ✓ details of complaint
- ✓ date received
- ✓ business unit / staff member looking into the matter

2.2.3 Referral of complaint

The CMTEDD Complaints Manager will refer the complaint to the relevant business unit. This includes referral to another ACT Public Service Directorate if CMTEDD is not the correct Directorate. Complainants will be advised if the matter has been referred or if they need to refer the matter to an external third party (e.g. ACT Policing).

2.3 Complaint Handling – Assessment and Response

Assessing and responding to complaints is the responsibility of the business unit who will determine how to best assess and respond to the complaint.

2.3.1 General handling

Right to be kept informed

Business units are responsible for contacting the complainant within five days of receiving the complaint to inform them of the steps being taken to assess and respond and to keep them informed on progress of their complaint if the matter will take some time to respond to.

If the complainant is anonymous, an acknowledgement is not required unless an email or other contact option is included.

Right to Privacy

CMTEDD is committed to ensuring the correct handling of a complainant's personal information in accordance with the *Information Privacy Act 2014* as per the [CMTEDD Privacy Policy](#).

Right to Anonymity

Complaints and feedback can be submitted to CMTEDD anonymously. These will be handled in accordance with this document, however, CMTEDD may be unable to provide the outcome of a complaint without contact details, such as an email address.

Right to Confidentiality

All parties involved in a complaint have the right to have their complaint handled in a confidential manner. There are times when it is necessary for the complainant to be identified, for example, to provide procedural fairness. CMTEDD will consult the applicant before proceeding with a complaint investigation where confidentiality is a barrier.

It is important that issues surrounding confidentiality be discussed with the complainant at the outset and, where confidentiality is requested, the complainant should be advised of the limitations that may place on an investigation, if any.

2.3.1. Assessment of the Complaint

There are a number of options for business units to take when responding to complaints.

2.3.1.1 Complainant's preferred outcome

Where the complainant feels comfortable advising the outcome they would like (e.g., an apology, different decision, review of a process), CMTEDD will take this information into consideration when assessing the case.

2.3.1.2 Anonymous complaints

Where the complainant was anonymous a response should still be prepared and placed on the appropriate file to provide a record of the outcome of the investigation.

2.3.1.1 Complaint Not Progressed – No further action

Some complaints cannot be progressed, for example, due to the lack of details and the inability to obtain further information; an alternative process outside of this policy should be used; or the complaint may not relate to the Directorate; or there is no way to resolve the complaint. If the complaint does not concern CMTEDD, complainants will be directed to the correct agency, where possible.

The decision not to progress a complaint must be supported by a clear statement of reasons why an investigation is not warranted. This statement of reasons must be supplied to the complainant in addition to information on alternate paths available should they seek to have the matter resolved or decision reviewed.

Where it is determined that the complaint is a Public Interest Disclosure, a separate process will be used to communicate with the complainant.

2.3.1.2 Respond without Investigation

Where possible, and the complaint is straightforward and requires little or no investigation, every effort should be made to resolve it quickly. This may take several different forms, including an apology or explanation for an error or admission.

Although complaints resolved at this point may be simpler than complaints requiring investigation, this does not mean that the problems raised are any less important. It is therefore vital that the complaint and resolution are recorded and used to identify whether there exists a systemic issue to be addressed or any other way to avoid similar problems in the future.

2.3.1.3 Investigation of Complaint

The decision to investigate should be supported by a clear statement of reasons why an investigation is warranted, including those aspects of the complaint that are in and out of scope. This information will be communicated to the complainant by the responsible business unit. The terms of reference for an investigation should include:

- ✓ who is involved?
- ✓ when did it happen?
- ✓ what happened?
- ✓ what can be done to remedy the wrong?
- ✓ what can be done to ensure it doesn't happen again?
- ✓ timeframe for the investigation

A decision will need to be made as to whether the investigation will be progressed by the business unit, or by an independent reviewer. This will be determined based on the seriousness of the complaint and who is alleged to be involved.

An investigation plan will be prepared, that will outline the issue, methods to be used, resources required and timing. Once the investigation is complete the relevant Executive will consider the outcome and whether further action is required.

2.3.2 Advising the outcome and rights for review

There are a number of aspects for business units to consider when finalising the response.

Right to be informed

Once an investigation is complete the complainant must be informed of the decision, the reasons for this decision and their rights for review.

A complainant is entitled to know how a complaint was handled and the outcome of any review or investigation. While complainants are entitled to know the outcome of their complaint, there are instances where full disclosure will interfere with relevant legislation (i.e., the *Information Privacy Act 2014*). This means complainants may not receive all information pertaining to their issue.

Right to access alternative complaint resolution methods

If a complainant is unsatisfied with the resolution of their complaint under this policy, they may be able to refer the matter to one of the following bodies where appropriate and must be informed of these options:

Area	Further information is available from:
ACT Civil and Administrative Appeals Tribunal For reviews of reviewable decisions made under certain legislation	Ph: (02) 6207 1740 ACT Civil and Administrative Appeals Tribunal
ACT Human Rights Commission For complaints relating to children and young people, disability and community services, health services and human rights and discrimination	Ph: (02) 6205 2222 ACT Human Rights Commission
ACT Ombudsman For complaints about the Directorate's administrative actions and decisions	Ph: 1300 362 072 ACT Ombudsman
Fair Work Commission In respect of dispute resolution of provisions in the Enterprise Agreement and Unfair Dismissal	Ph: 1300 799 675 Fair Work Commission
Fair Work Ombudsman For complaints about contraventions of workplace laws, including enterprise agreements	Ph: 13 13 94 Fair Work Ombudsman
Human Rights and Equal Opportunity Commission For complaints of discrimination and breaches of human rights	Ph: 1300 656 419 Human Rights and Equal Opportunity Commission
Office of the Australian Information Commissioner For complaints about breaches of privacy	Ph: 1300 363 992 Office of the Australian Information Commissioner
ACT Integrity Commission For corruption, maladministration, or conduct that poses a substantial and specific danger to public health or safety, or the environment.	Ph: (02) 6205 9899 ACT Integrity Commissioner Complaints ACT Integrity Commissioner Enquires

2.4 Closing the Complaint

Once the complainant has been notified of the outcome, business units are responsible for notifying the CMTEDD Complaints Manager of the findings of any investigation into the complaint (where appropriate), the decision made in relation to the complaint, and the date the complainant was notified of the outcome, or if it was an anonymous complaint, the date the matter finalised.

The Complaints Manager will update the register accordingly and close the case.

2.5 Reporting and analysis of lessons learned

A complaint may point to a systemic administrative problem in the Directorate – a defect in administration that may have occurred in other cases and could occur in future. Business units are responsible for monitoring complaint issues and trends and undertaking internal reporting and analysis to discover trending issues, or areas of good performance or areas for improvement.

Information contained within the complaints register managed by the CMTEDD Complaints Manager will be used by CMTEDD to identify any systemic issues and provided in a report format to senior executives.

Definitions/Glossary

Term	Definition
Allegation	A statement of claimed fact/s or assertion/contained in a complaint which needs to be proven or disproven.
Complainant	Person or entity affected by the actions or inaction of the organisation, who makes a complaint to the organisation.
Complaint	An expression of dissatisfaction however made about the conduct, actions or lack of action by a CMTEDD staff.
Directorate	Chief Minister, Treasury and Economic Development Directorate (CMTEDD)
Maladministration	An action about a matter of administration that was contrary to the law in force in the ACT, or unreasonable, unjust, oppressive or improperly discriminatory, if negligent, or based wholly or partly on improper motives.
Misconduct	Disgraceful or improper conduct in an official capacity; or disgraceful or improper conduct in a private capacity that reflect seriously and adversely on CMTEDD and the public sector as a whole. Includes conduct that could, if proven, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person's employment.
Procedural fairness	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 complaint/allegations made against them, or of decisions which are averse 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.

Attachment A – Complaints Handling Workflow

