

COMPLAINT HANDLING

POLICY AND PROCEDURES

MAY 2021

If you wish to make a complaint or provide feedback to the Audit Office please contact the **Complaints Officer (Executive Officer, Professional Services)** by:

Phoning - (02) 620 74280

Emailing - actauditorgeneral@act.gov.au

Writing - PO Box 275, Civic Square, ACT 2608


Complaints (or feedback) are valued by the Audit Office as they help us to improve our functions.

Complaints are treated as 'sensitive information' and there will be no adverse repercussions for a complainant.

There is no financial charge.

If you are having difficulty in making a complaint, assistance can be provided. Please advise the Complaints Officer or have someone assist you in letting the Complaints Officer know.

Approved

	23 June 2021
Mr Michael Harris, Auditor-General	Date

Document History

Action	Date
Policy approved and released	November 2009
Policy reviewed and revised	March 2013
Policy reviewed and revised	July 2015
Policy reviewed and revised	December 2017
Policy reviewed and revised	May 2021
Next review due	May 2024

Document Controller

Officer	Role
Ms Taylah Commisso	Complaints Officer (Executive Officer, Professional Services)

CONTENTS

1	INTRODUCTION	1
2	POLICY AND RESPONSIBILITIES	1
	Value of complaints (or compliments or feedback)	1
	Responsibilities	2
3	PRINCIPLES	4
	Fairness	4
	Accessibility	6
	Responsiveness	7
	Efficiency	8
	Integration	8
4	PROCESS	8
	Acknowledgement	8
	Assessment and assigning priority	9
	Planning	10
	Investigation	10
	Response	12
	Follow-up	12
	Systemic issues	13
5	ANALYSIS	13

1 INTRODUCTION

- 1.1 This policy and procedures document is an internal document that guides how the ACT Audit Office (the Audit Office) manages complaints (or compliments or feedback) about its functions and its staff.
- 1.2 The policy and procedures are published on the Audit Office's website, and may be provided to external stakeholders, so that those who wish to make a complaint understand how the Audit Office manages a complaint.
- 1.3 This policy does not cover:
 - representations and complaints made to the Audit Office about other ACT Government Agencies. These disclosures are investigated using other procedures, including the Office's *Public Interest Disclosure (PID) Procedure*; or
 - complaints from staff, which should be covered under staff grievance procedures as outlined in the *ACT Public Service Enterprise Agreement 2018-21*.
- 1.4 The procedures in this policy should be used, as appropriate, to address any instances of compliments or comments received by the Audit Office.
- 1.5 This document is primarily based on the Commonwealth Ombudsman's [Better Practice Guide to Complaint Handling \(February 2021\)](#).

2 POLICY AND RESPONSIBILITIES

- 2.1 The intent of this policy is to guide the Office in effectively and efficiently managing complaints about its activities, including the actions of its staff.

VALUE OF COMPLAINTS (OR COMPLIMENTS OR FEEDBACK)

- 2.2 Complaints (or compliments and feedback) are welcomed as they can provide information on ways in which the Audit Office can improve its functions. With respect to complaints, the Office is committed to:
 - providing a suitable remedy for dealing fully with substantiated complaints;
 - maintaining productive relations with the complainant, affected staff and other stakeholders (including ACT Government agencies and the community);

- demonstrating that the Office is responsive, particularly to complaints and feedback; and
- evaluating complaints received to identify opportunities to improve how we operate.

2.3 Learning lessons from analysing complaints (or compliments and feedback) are part of the Audit Office’s process of continuous improvement.

RESPONSIBILITIES

2.4 The Audit Office, as a small agency that receives few complaints, has appropriately tailored its procedures for managing complaints. Responsibilities are outlined accordingly in the table below.

Person	Responsibility	Actions
Auditor-General	Give appropriate priority to managing complaints.	<p>Require that complaint handling information is on the Office’s website.</p> <p>Allocate responsibilities to report publicly on complaint handling in annual reports.</p> <p>Use complaints information to improve how the Office functions.</p> <p>Approve finalisation of responses to complainants.</p>
Complaints Officer (Executive Officer, Professional Services)	Manage the complaint handling system.	<p>Set up a system for storing and managing complaints.</p> <p>Record complaints received and present complaints to the Auditor-General.</p> <p>Allocate responsibilities for responding to complaints in accordance with the direction of the Auditor-General.</p> <p>Monitor action taken and report as required to the Auditor-General.</p> <p>Provide reports on the status of complaints to the Auditor-General.</p>
Action Officer	Investigate complaints.	Person assigned responsibilities to investigate complaints.

Person	Responsibility	Actions
Auditor-General	Use complaints to improve how the office functions.	Review the substance and outcomes of complaints.
Assistant Auditor-General, Performance Audits Assistant Auditor-General, Financial Audits Chief Operating Officer, Professional Services		Alert the Executive to any systemic weaknesses detected through the complaints received. In conjunction with those who manage such documents and processes, incorporate knowledge gained from complaints in appropriate procedures, practices and training.
Staff	Report known complaints.	Refer any complaints received to the Complaints Officer.

2.5 The system for recording complaints and the action taken against them should:

- be consistent with record-keeping policies and information privacy principles;
- involve simple data entry;
- provide for ease of reporting; and
- provide the ability to include data and then search across various fields, such as:
 - the complainant’s name;
 - the staff member to whom the complaint was referred for analysis;
 - the type and nature of the complaint; and
 - dates of receipt and finalisation, and hence the time taken to resolve.

3 PRINCIPLES

3.1 Five principles underpin this complaint handling policy and procedures:

- Fairness;
- Accessibility;
- Responsiveness;
- Efficiency; and
- Integration.

FAIRNESS

3.2 A complainant must be treated fairly, as must any staff member who is the subject of a complaint (respondent). Fairness rests on a complaint being managed with impartiality, confidentiality, transparency and procedural fairness.

Impartiality

3.3 The impartiality of investigations is vital to the credibility and success of a complaint handling system.

3.4 Staff handling a complaint should not be defensive about the Audit Office or its staff. A complaint should be treated on its merits, with an open mind and without prejudice arising from any previous contact with the complainant.

3.5 There should be a full and objective evaluation of the facts or evidence provided in support of a complaint.

3.6 A complaint about a staff member should be investigated by a person who is independent of the staff member and the complainant. If necessary, to achieve independence, persons managing the complaint will report directly to the Assistant Auditors-General, or someone nominated by the Auditor-General.

3.7 Potential conflicts of interest should be identified by those involved in managing complaints. This should be reported to the Complaints Officer **in writing**. This will be discussed with the Auditor-General and the staff member handling the complaint. This may involve allocating another staff member to manage the complaint.

3.8 Complainants should be assured that they will not be victimised or suffer adverse treatment because they have made a complaint.

Confidentiality

- 3.9 Complainants and respondents have a right to expect that their privacy will be respected and that the complaint will be investigated in confidence.
- 3.10 Information privacy principles in privacy legislation, such as the *Privacy Act 1988 (Cth)* should be observed when collecting, storing, using and disclosing personal information obtained in complaint handling. Access to the complaints handling system on the shared drive should be restricted. Except to the extent necessary, a complainant's identity or personal details should not be disclosed to other staff.
- 3.11 Personal details that need to be disclosed for one purpose might need protection in other situations. For example, it may be necessary to identify a complainant to a staff member whose actions have been complained about, but the same details may not need to be disclosed in a management report on complaint incidents and trends. Importantly, care should be taken to maintain confidentiality when making public information about complaints and the outcomes of investigations.
- 3.12 It is generally good practice to accept anonymous complaints, even though it can be difficult to conduct a full investigation without knowing the identity of a complainant. This should be explained to the complainant, and they should be asked how they want to be advised of the outcome of an investigation.
- 3.13 Special measures are needed to ensure that whistleblowers' complaints are received and handled in confidence. For details, refer to the Audit Office's *Public Interest Disclosure (PID) Procedures*.

Transparency

- 3.14 A complainant and respondent are entitled to know how a complaint will be handled and the outcome of the investigation.
- 3.15 The Complaints Officer should advise complainants and respondents of the steps in the complaint process and the expected timeframe for handling the complaint (**normally within 20 working days**). If this is not capable of being achieved, they should be given an estimate of the time required for resolution.
- 3.16 A contact number should be given to each complainant and respondent, preferably with the name of a contact officer (normally the Complaints Officer).
- 3.17 The contact officer should contact the complainant and respondent to update on progress if it is unlikely that a complaint is not resolved within 20 working days, with an explanation for the delay.
- 3.18 The Audit Office should explain the outcome of an investigation and provide reasons if the evidence presented by the complainant is not accepted.

3.19 The Audit Office should give the complainant an opportunity to respond or to seek internal review if they are not satisfied with the decision made about their complaint.

Procedural Fairness

3.20 Complainants and respondents will be afforded procedural fairness throughout the complaint process. Procedural fairness involves ensuring that:

- the respondent(s) who is the subject of the complaint know all the allegations in relation to the concern and have sufficient opportunity to properly respond to the complaint;
- all relevant submissions and evidence are considered by the investigator of the complaint;
- matters which are not relevant are taken into account;
- the investigator does not have a conflict of interest in investigating a complaint; and
- the decision maker bases their decision on evidence and is fair and just.

3.21 Complainants have the right to:

- raise matters of concern;
- provide feedback on the complaint management process; and
- expect that the concerns raised will be handled in a fair, confidential and responsive manner.

ACCESSIBILITY

3.22 A complaint handling process should be accessible to the public. Accessibility rests on two features - public awareness of the system and effective access.

Awareness

3.23 Information about the complaint handling system and how to gain access to it will be accessible through the Audit Office Website. When dealing with dissatisfied clients, staff should direct them to this document.

3.24 Details of the complaint handling system are:

- how a complaint can be submitted - the Audit Office does not have a complaints form and accepts complaints by writing, e-mail, telephone and in person;

- the timeliness standards for handling complaints (20 working days);
- limitations on the complaints that can be handled - these should be about the Audit Office's operations; complaints about other agencies should be addressed to those agencies where appropriate, or can be considered by the Audit Office as representations or public interest disclosures; and
- the options available to a person if they are dissatisfied with how their complaint was handled or with the outcome - the Auditor-General will approve the resolution of the complaints.

3.25 The complainant should be advised that:

- there is no financial charge for making a complaint;
- complaints are treated as 'sensitive information', and there will be no adverse repercussions for a complainant; and
- complaints are valued by the Audit Office because they may help it improve how it functions.

Access Options

3.26 Staff of agencies and members of the public should be given a range of contact options. At a minimum, this means a telephone number, an email address and a postal address. They would normally also be offered face-to-face contact with a staff member.

3.27 Although some complaints cannot be fully investigated without being put into writing or being supported by other documents, it is important not to make this a barrier to complaining. Complainants should be encouraged to discuss or raise things orally: a complaint can often be resolved swiftly at this stage.

RESPONSIVENESS

3.28 The Audit Office will respond to complaints in a timely manner, with the aim of resolving complaints within **20 working days** from the time of lodgement.

Particular needs

3.29 The Audit Office will attempt to assist anyone who has special access needs, such as those from a non-English speaking background or with hearing or visual impairment. Also, some people have greater difficulty than others in expressing a grievance or making a complaint. However, particular expertise in dealing with those with special needs is not readily available in the Audit Office, and may need to be sought from external sources if required.

Unreasonable behaviour

- 3.30 Some complainants can be difficult to deal with. Problems can include rude or aggressive conduct, obstinacy in communicating with complaint-handling staff, exaggeration or dishonesty in explaining a complaint, unreasonable persistence with a complaint that has been investigated or closed, and demands that are unrealistic or disproportionate.
- 3.31 All staff should act professionally when dealing with any complainants. Dealing with unreasonable complainant behaviour may require extra support from the Executive (Auditor-General, Assistant Auditor-General Financial Audit, Assistant Auditor-General Performance Audit and Chief Operating Officer, Professional Services).

EFFICIENCY

- 3.32 Complaints should be handled in a way that is proportionate and appropriate to the matter being complained about.
- 3.33 The Action Officer – the person to whom investigation of the complaint has been allocated – should report on the progress in resolving the complaint to the Complaints Officer.

INTEGRATION

- 3.34 The complaint handling process is integrated with other activities.
- 3.35 Information from complaints will be used to identify opportunities for improvement. Resolution of complaints may require involvement of a range of staff. This means that relevant staff will gain an appreciation of complaints.

4 PROCESS

- 4.1 Complaint handling must ensure that complaints are dealt with efficiently and effectively.
- 4.2 Regular contact with the complainant should be maintained during the process.

ACKNOWLEDGEMENT

- 4.3 A complaint must be acknowledged promptly, generally within four working days of being received, to reassure the complainant that their complaint is receiving attention.

- 4.4 The acknowledgement should outline the complaint handling process and provide contact details including the name of a contact person. Where possible, the complainant should be given an indication of how long it may take to resolve the complaint and when the complainant will next be contacted. The time to resolve a complaint should normally be no more than 20 working days.
- 4.5 Written acknowledgement can be beneficial but is not always necessary. If the complaint is made by telephone and cannot be resolved straight away, it could be more efficient to explain orally how the complaint will be handled and when the complainant will next be contacted. However, maintaining appropriate records remains important notwithstanding the acknowledgement approach adopted. Similarly, a complaint that is made in writing and that can be resolved quickly can sometimes be acknowledged at the same time as advice on the outcome is provided.

ASSESSMENT AND ASSIGNING PRIORITY

- 4.6 The nature of complaints can differ widely and each complaint will be handled on its merits.
- 4.7 Allegations of conduct that could be corrupt or criminal should be raised directly with the Auditor-General, who will then, in consultation with the Senior Executive Responsible for Business Integrity and Risk (SERBIR) (i.e. the Assistant Auditor-General, Performance Audits) decide whether or not to refer the matter to the Police.
- 4.8 One element of effective assessment is deciding whether priority should be given to dealing with one or more aspects of a complaint. For example, there might be a dispute with a complainant that, if not dealt with promptly, will become worse. There could be a time limit that governs whether a practical outcome can be secured for a complainant if their complaint is upheld. A sensitive matter such as one raised by a member of parliament, a whistleblower, or something that could attract media attention should be handled by a member of the Executive.
- 4.9 It might be necessary to transfer the complaint to another agency or organisation. The complaint should be promptly assessed so that this step creates no significant delay.
- 4.10 The complainant should be asked what outcome they are seeking. Sometimes the Audit Office can meet their expectations and sometimes not, but it is important to take account of those expectations. Often what the complainant is seeking will be straightforward, for example, an explanation of actions taken. In other cases, the complainant may simply wish to raise awareness of a problem or to ensure that other people will not find themselves in a similar situation.

4.11 Some complaints might not be easy to resolve. In these instances, it is important the complainant is made aware that their concern is being taken seriously and they are advised of the estimated timeframe for a response.

PLANNING

4.12 Complaints that are straightforward can often be resolved on first or second contact. If this is not the case and the complaint requires investigation, the Action Officer should prepare a short written plan. The plan should:

- define what is to be investigated;
- list the steps involved in investigating the complaint and state whether further information is required, either from the complainant or from another person or organisation;
- provide an estimate of the time it will take to resolve the complaint;
- identify the remedy the complainant is seeking, whether the complainant's expectations are realistic or need to be managed, and other possible remedies;
- note any special considerations that apply to the complaint—for example, if the complainant has asked for their identity to be withheld from others or if there is sensitive or confidential information that needs to be safeguarded; and
- be approved by the Auditor-General.

4.13 A written plan will focus attention on what is to be investigated.

4.14 In planning and conducting an investigation it is not always possible to know at the outset how an investigation will develop, and more complex investigations can take a long time. It is important to revisit the investigation plan regularly and make adjustments as circumstances change or when new information becomes available.

INVESTIGATION

4.15 The purpose of an investigation is twofold; to resolve the complaint by reaching a fair and independent view on the issues raised by a complainant; and to provide an appropriate remedy.

4.16 The Action Officer shall have full and free access to all documents and staff as required to investigate the complaint. The Action Officer is to make an initial determination including answers to the following questions:

- Is the complaint about an action of the Audit Office?
- Should the complainant be referred to another agency?
- If so, how is this referral going to occur?
- Are the concerns clearly outlined in the complaint?
- What process or policy is the complaint about?
- Is the redress required by the complainant clear?
- Will it be possible to fully explore the circumstances of the complaint?
- If the complaint is upheld, can the redress requested by the complainant be offered without further reference to the complainant?

4.17 If all these conditions are met, then the Action Officer may proceed to investigate and recommend a response by the Auditor-General to the complainant. In these circumstances, there is an expectation that the matter will be completed within the four-week timeframe.

4.18 The following are relevant to complaint investigation:

- A finding on a disputed factual matter must be based on evidence that is relevant and logically capable of supporting the finding - not on guesswork, preconceptions, suspicion or questionable assumptions.
- A written record should be kept of evidence that is provided orally.
- A complainant is not obliged to substantiate each fact or element in their complaint, although it is reasonable for the investigator to ask them to assist the investigation by providing documents they have or explaining things they know.
- The rules of evidence that apply in court proceedings do not apply to administrative investigation, and an investigator can use reliable information obtained from any source.
- To accord procedural fairness, a complainant should be given an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint.

4.19 It is not always possible to resolve a disputed matter. The evidence available to the Action Officer might be scant, inconclusive or evenly balanced, and this should be explained to the complainant. Thought should also be given to resolving the complaint differently, by exploring the options for reaching a settlement or understanding between the complainant and those being complained about.

RESPONSE

- 4.20 When the investigation of a complaint is completed the complainant and respondent should be told the particulars of the investigation, including any findings or decision reached.
- 4.21 Whether the explanation should be given orally or in writing, or both, will depend on the circumstances. An oral explanation will usually be more efficient and will be expected if that is the method of communication preferred by the complainant or adopted in earlier dealings. On the other hand, a written explanation is often more suitable if the complaint deals with a serious, complex or disputed matter. It might be appropriate to telephone the complainant to let them know that a more detailed written explanation will be forwarded to them.
- 4.22 The explanation should be presented in a style the complainant and respondent can understand and should deal with each concern or grievance raised in the complaint. Many complainants mistakenly believe that all aspects of their complaint were not fully examined or finally dealt with. One reason for this misunderstanding is that for privacy reasons agencies can be reticent about disclosing how a complaint against an agency staff member was dealt with. This is an important consideration, but it should not be a barrier to transparency and accountability.
- 4.23 The Action Officer should consider whether to recommend providing a remedy to the complainant. Among the potential remedies are a better or fuller explanation, an apology, changing or reconsidering a decision, undertaking to improve policies and training and expediting action. If some action is proposed to redress a fault or a wrong suffered by the complainant, this should be described.
- 4.24 On the other hand, if a claim made by the complainant has not been accepted by the Action Officer, this should be noted and explained in writing. An explanation should similarly be given if it has been decided not to investigate or to cease investigation of an issue raised by the complainant. The options available to the complainant, to seek internal review of any adverse finding or to pursue the complaint in another place, should be outlined. If appropriate, the complainant can also be invited to contact the Action Officer to speak about the complaint and the investigation.

FOLLOW-UP

- 4.25 A complainant should be offered the opportunity to seek review of how their complaint was handled and resolved.
- 4.26 If the complainant would like the complaint actions or findings to be better explained, the Action Officer can usually do this. Contact details and an invitation to follow up can usually be provided when the complainant is notified of the outcome of the investigation.

- 4.27 If a complaint concerns the attitude or behaviour of the Action Officer, then the Auditor-General should be consulted to seek advice on how best to handle the matter.
- 4.28 If a complainant is dissatisfied with an Action Officer's findings or decision, a review should be carried out by an officer who has not been involved in the matter. Usually this will be a more senior officer. The procedure for seeking internal review of this kind should be explained in the letter of notification to the complainant. In order to bring finality to the investigation, it is common to set a limit on the period in which the complainant must seek internal review and to require that the review be sought in writing. The complainant should also be asked to specify what exactly they would like reviewed and why they disagree with the Action Officer's view.
- 4.29 An external review option may also be available to a complainant. The option of complaining to the ACT Ombudsman or seeking tribunal review of a decision should be mentioned in any letter of notification from the Office. It is not necessary to list other external review options, such as judicial review. A sound internal review process will reduce the likelihood of complaint to an external body and will assist any review that body carries out.
- 4.30 Mediation may also be considered. A mediator can help clarify matters, provide an impartial perspective, and propose solutions with which both parties can agree.

SYSTEMIC ISSUES

- 4.31 Resolving a person's grievance is not the last step in effective complaint handling. The person's complaint might point to a systemic administrative problem. The nature of the complaint may lead to improved procedures and policies.
- 4.32 Responsibility for seeing that such improvements are made lies with the Executive.

5 ANALYSIS

- 5.1 Complaints can provide information on areas for potential improvements. Accordingly, complaints data should be used to identify potential improvement opportunities.