

COMPLAINTS MANAGEMENT POLICY

JUSTICE AND COMMUNITY SAFETY DIRECTORATE

DOCUMENT INFORMATION

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DEFINITIONS

Term	Definition
Allegation	A statement of claimed fact(s) or assertion, contained in a complaint that 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 JACS staff member, including the failure by an agency to comply with the Service Charter.
Complaint handling system	The way individual complaints are dealt with by the organisation, including the policy, procedures, practices and technology.
Complaint coordinator	The person or unit responsible for coordinating complaints on behalf of the directorate.
Impartiality	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.
Integrity	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.
Misconduct	Disgraceful or improper conduct in an official capacity; or disgraceful or improper conduct in a private capacity that reflect seriously and adversely on JACS and the public sector as a whole. Includes official misconduct.
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 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.
Sensitivity	Ensuring each matter is considered on its merits, paying due care to individual differences and needs.

1. ABOUT THE DIRECTORATE

- 1.1 The Justice and Community Safety (JACS) Directorate operates in an environment that is both challenging and rewarding. 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.
- 1.2 Our vision is to maintain a safe, just and resilient community.
- 1.3 We work with the Government and community to:
 - Strengthen community safety.
 - Protect people's rights and interests.
 - Care for and support vulnerable people.
 - Enhance access to justice.
 - Build community resilience to emergency.
- 1.4 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 community 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

- 2.1 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. These include:

2.1.1 RESPECT

- We value our differences and relate to each other and the community in a fair, decent, caring and professional manner.

2.1.2 INTEGRITY

- We are ethical, accountable, responsible and transparent.

2.1.3 COLLABORATION

- We work openly with others and actively seek out other views when solving problems.

2.1.4 INNOVATION

- We continually look for ways to improve our services and skills.

3. OUR CLIENTS AND STAKEHOLDERS

- 3.1 The directorate has many clients and stakeholders. Our commitment is that if you deal with us in any way, you deserve our respect and to be treated positively.
- 3.2 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

- 4.1 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 legislation, our Charter or vision, you are encouraged to raise that with us.

5. PURPOSE OF THIS POLICY

- 5.1 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 our business processes, and that time spent handling complaints is an investment in better service to the public.
- 5.2 The directorate ensures that wherever possible, all complaints are responded to in line with the complaints process flow at **Attachment A**.

6. OUT OF SCOPE

- 6.1 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, Statutory Office Holders and Independent Offices that have adopted their own complaint management policies. If your complaint relates to one of the following business areas, please refer to their specific complaint policy for further guidance:
 - [ACT Courts and Tribunal](#)
 - [ACT Corrective Services \(Detainee Requests and Complaints\)](#)
 - [ACT Ambulance Service](#)
 - [Human Rights Commission](#)
 - [Public Trustee and Guardian](#)
 - [Director of Public Prosecutions](#)
 - [ACT Policing](#)
 - [Legal Aid ACT](#)

A full breakdown of the JACS Complaint Management Framework, incorporating business area policies that take precedence to this one, is included at **Attachment B**.

- 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.
 - Staff complaints including employment related disputes/grievances, such as those relating to the conditions of employment and work health and safety. 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 ACT Ombudsman's review process under the *Freedom of Information Act 2016*.
- 6.2 The directorate is also unable to investigate complaints in some circumstances, including where:
- There is insufficient information to investigate 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.
- 6.3 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.

7. MAKING A COMPLAINT OR RAISING A CONCERN

- 7.1 You can make a complaint via email, post, in person or by phone. Feedback and complaints can be directed to:
- JACSComplaints@act.gov.au
- Executive Branch Manager, Governance and Business Improvement
Feedback and Complaints
Justice and Community Safety Directorate
PO Box 158
Canberra CITY ACT 2601
- Ph: (02) 6207 4813
- 7.2 Alternatively, feedback and complaints can be provided through the following link using the [ACT Government Access Canberra site](#).
- 7.3 The JACS structure at **Attachment B** will assist you in determining which area of the directorate is responsible for dealing with your complaint. More information on each of the directorate's business units can also be found on the JACS website.
- 7.4 The Complaint or Concern Form at **Attachment C** can assist you in approaching the directorate.

8. WHAT OUTCOME ARE YOU SEEKING?

- 8.1 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.

9. RIGHT TO ANONYMITY

- 9.1 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.

10. RIGHT TO CONFIDENTIALITY

- 10.1 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. If you request that we maintain your confidentiality at all times, we will advise you of any limitations this may place on the investigation and possible outcomes.
- 10.2 The directorate is also committed to handling your personal information in accordance with the *Information Privacy Act 2014* and the [JACS Privacy Policy](#).

11. YOUR RESPONSIBILITIES

- 11.1 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 may relate to the matter.

12. COMPLAINT PROCESS

- 12.1 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.

12.2 Early Resolution – if Possible

- 12.2.1 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.
- 12.2.2 If you are not satisfied with the proposed outcome, or the complaint is sensitive or complex in nature, we may need to undertake an assessment to determine whether further investigation is required.
- 12.2.3 Although complaints resolved at the point may be simpler than complaints requiring investigation, it does not mean that the problems raised are any less important.

12.3 Deciding Not to Investigate

- 12.3.1 The business unit may be unable to investigate your complaint for a variety of reasons (see section 6.2 above).

- 12.3.2 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 options available to you to seek to have the matter resolved.

12.4 Complaint to be Investigated

- 12.4.1 If the business area decides that the complaint warrants an investigation, it may commence action itself or refer the matter to an independent reviewer.
- 12.4.2 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.
- 12.4.3 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).
- 12.4.4 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*).

12.5 Timeframes

- 12.5.1 The directorate seeks to respond to complaints in accordance with the following timeframes:

Complaint Registered: Within 2 working days

Acknowledgement: Within 5 workings days

Response: Within 21 working days

- 12.5.2 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.

13. PROMULGATING LESSONS LEARNED

13.1 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 directorate – a defect in administration that may have occurred in other cases and could occur again in the future.

13.2 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.

14. ALTERNATIVE COMPLAINT RESOLUTION METHODS

- 14.1 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](#)

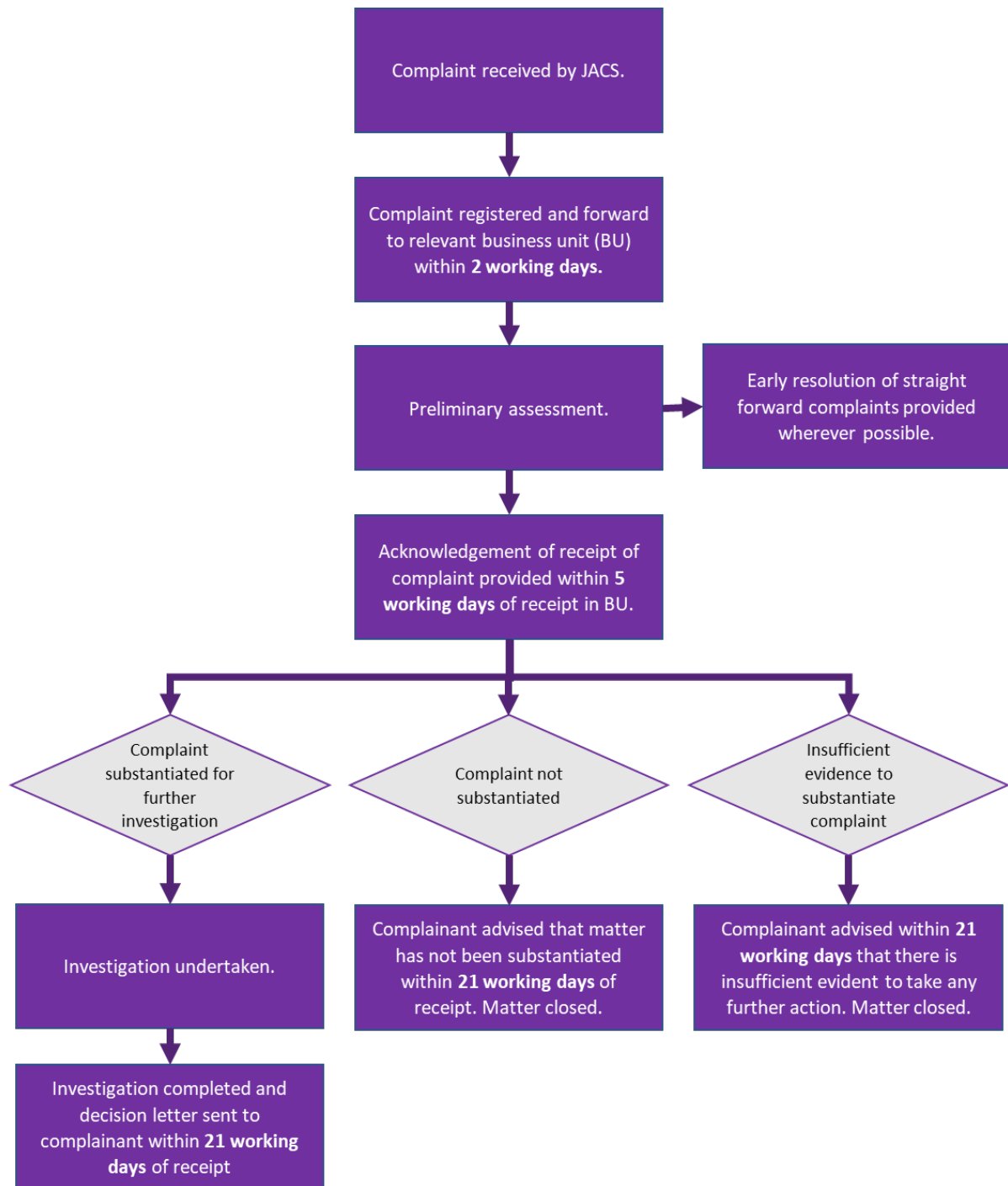
- [ACT Administrative Appeals Tribunal](#)
- [Office of the Australian Information Commissioner](#)
- [Public Interest Disclosure Officers](#)

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

DETAILS

Document Properties	Approval Details
Document Name:	JACS Complaints Policy
Document Number	00052
Document Type:	Policy
Custodian:	Governance and Business Improvement
Advisor:	Senior Director, Governance, Coordination and Reporting
Stakeholders:	All JACS Staff
Document/Legislation References:	<i>Public Sector Management Act 1994</i> <i>Information Privacy Act 2014</i> <i>Human Rights Act 2004</i> JACS Service Charter 2020-2024 JACS Strategic Plan JACS Privacy Policy

ATTACHMENT A – COMPLAINTS FLOW CHART



We will aim to respond to all complaints according to the above timeframes, however there may be situations where this is not possible (i.e. for complex complaints). We will advise you as early as possible if we require additional time to respond.

Flowchart 1 - Complaints Process Flow 1

ATTACHMENT B - JACS COMPLAINTS MANAGEMENT FRAMEWORK

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

Refer to the [JACS Organisational Chart](#) for further information on the different business areas within the Portfolio.

Organisation Chart – Complaints Policies
<p style="text-align: center;">Director-General Deputy Director General, Community Safety Deputy Director General, Justice</p>
Business Units
<u>ACT Courts and Tribunal</u>
ACT Corrective Services <u>Detainee Requests and Complaints Policy</u>
ACT Emergency Services Agency <u>ACT Ambulance Service</u> ACT Fire and Rescue ACT Rural Fire Service ACT State Emergency Service
ACT Government Solicitor
Legislation, Policy and Programs
Parliamentary Counsel’s Office
Security and Emergency Management Branch
JACS Corporate
Statutory Office Holders & Independent Offices
<u>Human Rights Commission</u>
<u>Public Trustee and Guardian</u>
<u>Director of Public Prosecutions</u>
<u>ACT Policing</u>
<u>Legal Aid ACT</u>

Office of the Inspector of Correctional Services

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 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 impact 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 <https://justice.act.gov.au/jacs-privacy-policy>.

Customer/Client Details	
<p>Full Name</p> <p>You may remain anonymous when submitting a complaint or concern to the directorate. However, please note this may restrict the ability of the directorate to respond to and investigate the matter further.</p>	
<p>Would you like to receive a response to your concern/complaint?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please provide contact details below.</p>
<p>Email Contact</p>	
<p>Preferred Contact Number</p>	

If the complaint/concern is being submitted on behalf of another person	
Submitters Name	
Relationship to client/customer	
Has the client consented to the complaint/concern being raised?	
Which business area does your complaint/concern relate to?	
Select Business Unit	
What happened?	
What outcome are you looking for?	
Has this complaint/concern been raised previously with a relevant business area (Yes or No)?	
<i>If yes please provide details of which business area, how it was raised and their response and any action taken/agreed upon</i>	