



ACT Leave Complaints Management Policy

Policy group ACT Leave

Policy reference number AL01

SECTION 1 - PURPOSE

1. This Complaints Management Policy and Procedure reflects ACT Leave's commitment to providing an accessible and transparent complaints process. This document provides the framework to assure people who interact with ACT Leave that they will be treated fairly, and that all complaints will be managed appropriately, and in accordance with an established process.
2. This Policy and Procedure also acknowledges the role feedback, both positive and negative, can have in informing good administrative practices and where practicable, information on feedback will be collated and analysed to inform future practice.

Scope

3. This Policy and Procedure applies to all complaints from existing and prospective external ACT Leave stakeholders or members of the public made to ACT Leave, or through another mechanism, about our services or staff.

Out of scope

4. While all complaints made directly to ACT Leave will receive an acknowledgement of receipt, the following situations may require application of other processes particularly when:
 - a. ACT Leave is not responsible for the subject of the complaint (e.g. another Jurisdiction or another Directorate is responsible).
 - b. The complaint is more appropriately investigated by another body (e.g. ACT policing).
 - c. The complaint relates to legislation that establishes a different mechanism for resolution (e.g. *The Long Service Leave Act 1976*).
 - d. The complaint is provided to ACT Leave for a response or background, such as through a Ministerial process, and other arrangements or rules related to the response apply.
5. Some complaints should be considered a **Public Interest Disclosure**, and these are immediately forwarded to an ACT Leave Disclosure Officer for consideration in accordance with ACT Leave's Public Interest Disclosure Procedures.

ACT Leave's designated Disclosure Officers are:

Cassandra Webeck

Acting Chief Executive Officer and Registrar

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Anne Miller
Acting Deputy Registrar
Phone: 02 6247 3900
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Elena Agrizko
Chief Finance Officer
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Types of activity by an ACT Public Sector employee or entity that may be considered for Public Interest Disclosure include:

- corruption, e.g. accepting money or other benefits in exchange for helping someone to avoid prosecution, win a contract or gain government approval.
- fraud or theft, e.g. falsifying documents or information, or stealing an employer's property or funds.
- official misconduct or maladministration, e.g. gaining personal benefit by not revealing a conflict of interest; or
- practices endangering the health or safety of staff, the community or the environment.

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

ACT Leave adopted the ACT Government's Public Interest Disclosure Guidelines in 2019, refer to the [Public Interest Disclosure Guidelines 2019](#) for more information.

Complaint management principles

6. **What is a complaint?** – An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.
7. **What is feedback?** – A compliment, criticism, comment, or suggestion where a response is not sought, or not reasonable to expect.

The key difference between a complaint and feedback is the reasonable expectation of a response. It is important to ensure that feedback can be analysed to identify opportunities for improvement.

8. **What is not a complaint?**
 - a. **An initial request for a service or action**, although subsequent requests may be an implicit complaint about service, inaction, or delay.
 - b. **Statements expressing an overall opinion** are generally not complaints unless a response or resolution is expected or should reasonably be provided.
 - c. **Requests for information or explanations**, although repeated requests for explanations may be an implied complaint about the quality of services, decisions or reasons previously provided.
 - d. **Requests for updates are not generally complaints**, however some requests for updates may be implied complaints about delay or inaction.

- e. **Formal review requests under a legislated review scheme**, in these circumstances ACT Leave may choose to record the initial contact as a complaint before referring these complaints to formal review pathways prescribed under the legislation.
9. **Informal complaints** – ACT Leave encourages its Business Units to effectively manage all business-as-usual responsibilities, resolving problems as they emerge. Except for serious and formal complaints, the Business Units should try to resolve concerns at the point of origin before they escalate to a formal complaint from an external stakeholder. Informal complaints and issues resolved by the Business Units should be recorded as per business-as-usual practices, and do not need to be recorded on the central Complaints Register.
10. **Formal complaint** management by ACT Leave must be:
- a. **Accessible** – information about the complaint management process must be published and advice made freely available. Lodging a complaint must be simple.
 - b. **Timely** – complaints are to be managed efficiently.
 - c. **Objective** – complaints are to be considered and managed free from bias.
 - d. **Transparent** – complainants are entitled to a written statement of the outcome of their complaint, including reasons for the outcome and advice on their right to have the outcome of their complaint reviewed, including by an external handling body, where relevant or appropriate.
 - e. **Confidential** – information is kept confidential, where and as appropriate.
 - f. **Recorded** – a written record of the complaint, including a statement of the outcome and reasons for the outcome must be kept by ACT Leave.
 - g. **Informative** – the management and resolution of complaints should help inform the future conduct of ACT Leave. Recommendations arising from the complaint's resolution process are to be, where reasonable, enacted. Complaint data is to be recorded in a manner to enable analysis which can inform areas of improvement for ACT Leave.
11. **Feedback** – ACT Leave will respond to feedback, positive or negative, at the discretion of the Executive responsible for the Business Unit where the feedback was received, or where the feedback is most relevant. It is not expected that feedback, positive or negative, will be responded to formally.

Discontinuation of a complaint

12. A complaint may cease to be managed if:
- a. A legal action has been commenced or threatened to be commenced (either by the complainant or ACT Leave) in a court of before another judicial authority, or ACT Leave forms the view that legal action may be commenced by another party at a future time and in the circumstances is of the view that resolution of the matter through this Policy is not appropriate.
 - b. The subject matter of the complaint has been lodged with an external agency or ACT Leave is of the view that the subject matter of the complaint is more appropriately dealt with by an external agency.
 - c. The complainant is unwilling to participate or does not cooperate in the complaints management process.
 - d. The complainant misuses the complaints management process to threaten, harass, annoy or cause detriment to a person, or cause delay to an ACT Leave process.
 - e. After initial inquiries, ACT Leave form the opinion that the substance of the complaint cannot be investigated due to a lack of evidence or practicality.

Timeframes

13. The following timeframes will be applied in the complaint process:

Action	Timeframe	Responsible Officer
Stage 1: Receipt, acknowledgement and assessment		
- Acknowledgement of receipt of complaint in writing. - Assessment of whether the issues raised fall outside the scope of the Complaints Management Policy.	Within 2 business days from the date the complaint is received by ACT Leave, either by email, by mail, in person, by phone, or via a Business Unit. If yes - refer to the relevant Business Unit. If no - advise the complainant, in writing, within 3 business days from the initial acknowledgement of the complaint.	Chief Operations Officer / Operations Unit
Referral from the Operations Unit to the relevant Business Unit.	Immediately following the initial acknowledgement of the complaint if the complaint falls within the scope of the Complaints Management Policy.	Chief Operations Officer / Operations Unit
Contact complainant (following initial acknowledgement) to advise: - the outcome of the assessment if the complaint can be resolved swiftly without investigation or further information, or - of the steps being taken to assess and respond to the complaint. - that the complainant will be kept informed on the progress of their complaint, particularly if the matter will take some time to investigate.	Within 5 business days from issuing the acknowledgement of receipt of complaint	Executive of the relevant Business Unit
Stage 2: Determination of the outcome		
Issue notice of outcome of assessment or investigation to complainant	- General complaints within 28 days. - More complex complaints as soon as practicable.	Executive of the relevant Business Unit

Managing a complaint made through a Minister's office or a Directorate

*An assumption is made that correspondence from the Ministers office or Directorate is sent directly to the Chief Executive Officer in the first instance.

14. Complaints made directly to a Minister's office or a Directorate, and forwarded to ACT Leave for action, will be recorded in ACT Leave's central complaints register by the Chief Operations Officer.
15. The Minister's office or Directorate may request that ACT Leave provide background for the Minister or receiving officer to address the complaint or refer the complaint to ACT Leave to investigate and respond directly to the complainant.

Where ACT Leave receives a request for background information - The Chief Executive Officer will refer the complaint to the Executive of the relevant Business Unit, with the issue and response to be managed by the Business Unit. As the complaint has not been made directly to ACT Leave, an acknowledgement will not be sent to the complainant. A response is to be provided to the Minister's office or Directorate in line with the timeframe specified in the request.

Where a complaint is referred to ACT Leave to investigate and provide a response directly to the complainant – The Chief Executive Officer will refer the complaint to the Chief Operations Officer / Operations Unit to either commence investigating the complaint or send to the Executive of the relevant business unit. An acknowledgement should be sent to the Complainant if the Directorate has not already informed them that the matter has been referred to ACT Leave, otherwise no acknowledgement is required. The acknowledgement sent to the complainant will confirm the issue has been referred to ACT Leave and will be investigated in line with the ACT Leave Complaints Policy and Procedure.

Where ACT Leave is asked to provide background or investigate and respond to a complaint that falls outside the scope of this policy – If ACT Leave is asked to provide input or manage a response, the Chief Operations Officer/Operations Unit will undertake a review of the complaint to determine if it falls outside the scope of this policy. If required, the complaint will be returned to the Minister's Office or Directorate with an explanation as to why it cannot be investigated and/or resolved by ACT Leave.

The Complaints Management Workflow – Receipt of a Complaint through a Minister's Office or a Directorate is at Attachment B of the Complaints Management Procedure.

Confidentiality

16. The privacy and confidentiality of parties will be respected to the extent practicable and appropriate, with acknowledgement that disclosure may be required by law or ACT Leave Policy.

Responsibilities

17. The Chief Executive Officer is responsible for:
 - a. Exercising their decision-making authority in accordance with the *Long Service Leave (Portable Schemes) Act 2009*, the *Public Sector Management Act 1994*, and the *Public Sector Management Standards 2016*.
 - b. Providing leadership in demonstrating a commitment to the resolution of complaints made to ACT Leave.
 - c. Ensuring there is an effective, timely, impartial, and just system for managing complaints.
18. The **Chief Operations Officer / Operations Unit** is responsible for:
 - a. Establishing an accessible process for making a complaint.
 - b. Maintaining the governance structure and review process for this policy.

- c. Receiving and acknowledging formal complaints (email, post, phone, in person, or through a Business Unit).
- d. Determining whether the issues raised in the complaint fall within the scope of this Policy.
- e. Referring the formal complaint to a Business Unit, represented by the relevant Executive, should the matter fall outside the Operations Unit.
- f. Referring the formal complaint to another Directorate or entity if required.
- g. Maintaining a register of complaints.
- h. Conducting periodic reviews with the Business Units to identify opportunities for improvement based on the complaints and feedback received.

19. The **Executive Team** is responsible for:

- a. Providing leadership in demonstrating a commitment to the resolution of complaints made to ACT Leave.
- b. Managing complaints, on behalf of their Business Unit, in accordance with the Complaints Management Policy and the Complaints Management Procedures.

20. The **Business Units** are responsible for:

- a. Liaising with complainants in a timely manner, and in accordance with the timeframes specified in this Policy.
- b. Determining whether complaints can be resolved without investigation.
- c. Assessing whether complaints can be assessed or investigated internally or require external investigation.
- d. Providing impartial information to complainants and those complained against about the procedure for managing complaints
- e. Managing assessment and investigation processes.
- f. Where required, engaging external investigators to conduct independent investigations.
- g. Advising Complainants of the outcome of assessments or investigations, and their right to further review.
- h. Keeping a record of the complaint, including the statement of outcome and reasons for the outcome.
- i. Notifying the Complainant of the outcome of the assessment or investigation.
- j. Notifying the Chief Operations Officer of the outcome of the assessment or investigation.
- k. Participating in periodic reviews with the Chief Operations Officer to identify opportunities for improvement based on the complaints and feedback received.

21. Where appropriate, **all staff** are responsible for:

- a. Receiving and referring complaints to the Chief Operations Officer.
- b. Identifying informal complaints and referring to a Team Manager or the relevant Executive Team Member who may be better positioned to address the concerns.
- c. Documenting each complaint to the point that it has been referred to a Team Manager, the relevant Executive Team Member, or Chief Operations Officer.