Australian Government
Department of Education

Commonwealth Teaching Scholarships

Complaints Handling Policy

1. Purpose

The Commonwealth Teaching Scholarships (CTS) Program Complaints Handling Policy (the Policy) sets out guidance about how the Department of Education (the Department) manages complaints in relation to the delivery and management of the CTS Program. It aims to ensure complaints are managed in a way that is fair, accessible, responsive, efficient and integrated with the Department's core business.

The principles in this Policy are based on those set out in the *Better Practice Complaint Handling Guide* published by the Commonwealth Ombudsman.

2. Principles

Complaints are welcomed as a legitimate form of feedback and an opportunity for improvement. In managing complaints, the Department is committed to ensuring its complaints handling is:

Fair – complaints are managed impartially, confidentially, with empathy and respect. There are no adverse consequences for making a complaint. Complaints are assessed objectively, and affected parties are treated fairly, including by being given a reasonable opportunity to respond to information or to seek an internal review of how their complaint was handled, where appropriate.

Accessible – information about how to make a complaint is easy to find and complaints can be made through multiple channels. Additional assistance is provided where appropriate to support vulnerable people or those with particular needs.

Responsive – complaints are acknowledged promptly, handled sensitively and progressed in a timely manner. Complainants are kept appropriately informed of progress and outcomes, subject to legal and privacy constraints.

Efficient – complaints are resolved or referred as early as possible and handled in a manner proportionate to their seriousness, complexity and potential impact. Where appropriate, complaints are resolved at the point of receipt.

Integrated – complaints handling is embedded in the Department's core business and decision-making processes. Complaints are a valuable source of feedback and are used to identify issues, inform risk management and support continuous improvement, including addressing systemic issues where identified.

3. Application

For the purposes of this Policy, a complaint is an expression of dissatisfaction made to the Department by a member of the public or an external stakeholder that relates to the Department's actions, management, decisions, conduct and policies in relation to the CTS Program and its delivery.

This Policy applies to complaints about the CTS Program which relate to:

- the Department's services, actions, decisions, policies or administrative practices
- the conduct or behaviour of departmental staff, contractors or service providers
- matters administered by the Department, including where the Department plays a facilitative or referral role only.

This Policy does not replace, or override complaints, review or appeal mechanisms governed by legislation or other mandatory processes, including where:

- a statutory scheme applies
- a specific complaints or review process is set out in legislation, program guidelines or another departmental policy
- the matter is required to be handled by an external body or integrity agency.

This Policy sets out best practice principles and is supplemented by a range of more specific complaint procedures for many programs in the Department (see section 7).

This Policy does not create any entitlement to review or appeal decisions by the Department regarding the CTS Program.

4. Preliminary considerations

4.1 Receiving complaints

Complaints may be received through various channels, including email, on-line forms, written correspondence, telephone, via the Department's contact centres or during face-to-face meetings.

Complaints may be made in writing or verbally. In some cases, it may be appropriate to encourage a complainant to submit a complaint in writing if there is uncertainty about the situation, or if the complaint raises complex or serious matters.

The Department adopts a "no wrong door" approach to complaints handling. All complaints will be treated as valid, regardless of where or how they are received.

4.2 Referral to police or support services

Where a complaint raises a risk of significant harm to one or more individuals or an allegation of criminal conduct, the matter will be referred to the police or other appropriate authority, having regard to privacy considerations and any confidentiality requirements.

If a complainant may be feeling distressed, it may be appropriate to advise the person of support services such as Lifeline (13 11 14) or Beyond Blue (1300 224 636).

4.3 Anonymous complaints

The Department will generally consider complaints made anonymously. However, it may not be possible for the Department to properly investigate or respond to an anonymous complaint and, where possible, the complainant will be made aware of these limitations. *See confidential complaints below*.

4.4 Confidential complaints

In situations where a complainant requests that their identity be kept confidential it may be necessary to discuss with the complainant how this could affect management of the complaint, including any investigation and resolution.

4.5 Referral of complaints to other agencies or organisations

The Department may receive complaints which another organisation is better placed to investigate. These complaints are generally not about the activities of the Department but instead relate to activities of third parties and the complaint is most appropriately directed to another organisation such as a relevant service provider, state or territory agency or regulator.

Care will be taken to ensure such a referral is appropriate. In these cases, further action may not be required after advising the complainant of the appropriate organisation to which they should direct their complaint. However, the complaint and response will be recorded in accordance with record keeping requirements and for reporting purposes.

4.6 Unreasonable complainant conduct

Unreasonable complainant conduct will be managed professionally and in accordance with the Commonwealth Ombudsman factsheet about *Unreasonable Complainant Conduct*. As noted in this guidance, depending on the circumstances unreasonable complainant conduct can include:

- persistently asking for remedies which are unreasonable, disproportionate or not possible
- insisting on speaking to the head of the Department
- seeking to direct the Department how to handle a complaint
- aggressive or unreasonable language or behaviour.

5. Steps for responding to a complaint

5.1 Resolving complaints at the point of complaint

Complaints vary widely in their nature and content, and not all steps in the process outlined below will be necessary or appropriate for every complaint. Where possible and appropriate, a complaint will be dealt with quickly and informally. If the matter cannot be resolved, some of the following steps may be appropriate.

5.1.1 Acknowledge

The Department will acknowledge the complaint within 5 business days. If possible, an acknowledgment will provide an appropriate timeframe for a response and a contact for queries regarding the complaint.

The *Better Practice Complaint Handling Guide* notes that written acknowledgement can be beneficial but is not always necessary. If a complaint is made by phone and cannot be resolved straight away, it could be more efficient to explain during the call how the complaint will be handled and when the complainant will next be contacted.

Similarly, a complaint that is made by letter and can be resolved quickly may sometimes be acknowledged at the same time as advice on the outcome is provided. In other cases, an automatic email acknowledgement may be suitable which provides a contact. The acknowledgement can be an important tool to manage the complainant's expectations.

5.1.2 Assess

The complaint will be assessed and assigned priority. Having regard to the nature of the complaint, the relevant complaint handler, in consultation with their manager will determine the appropriate personnel responsible for management of the complaint (including gathering information to establish the facts of a situation).

It may also be necessary at this stage to identify whether a complaint requires referral to another agency for input, for example, if the complaint relates to a jointly administered program.

Certain complaints may need to be referred to a specialist team for advice or assistance (such as the Privacy, Fraud, Legal or People teams). Briefing or escalation will be appropriate where the complaint raises serious or significant matters (for example, if it potentially relates to systemic issues, has a high impact on individuals or concerns matters which might reasonably be expected to receive parliamentary or media scrutiny).

Where it is assessed that a complaint involves suspected fraud, corruption or other criminal activity, it must be reported to the Fraud Team for a fraud and corruption assessment.

5.1.3 Conflict of interest

If a real or apparent conflict of interest arises from a particular staff member or line area's involvement with the complaint handling, it will be referred to another staff member for management, (generally at the same level or higher and possibly in another line area if required).

A conflict of interest is a circumstance that places an employee in a position where their personal interests in the subject matter or outcome of the complaint could compromise their independence. Apparent or potential conflicts of interest may be as important as real conflicts.

5.1.4 Plan and investigate

The purpose of an investigation is to resolve the complaint by reaching a fair and independent view on the issues raised by a complainant. The investigation should resolve factual issues and consider options for complaint resolution.

If the complaint is not straightforward and requires detailed consideration and investigation, it may be appropriate to prepare a short plan which documents:

- what needs to be investigated
- the steps in the investigation
- what information or evidence will be required and how it may be obtained
- an estimate of the time to resolve the complaint
- the remedy sought by the complainant, if this expectation is realistic or needs to be managed and other possible remedies
- any special considerations that apply to the complaint.

The *Better Practice Complaint Handling Guide* sets out the key principles of a fair investigation:

Impartiality – approaching the complaint with an open mind and weighing evidence objectively.

Confidentiality – managing information in accordance with privacy requirements and on a need to know basis.

Transparency – keeping complainants appropriately informed of the complaint handling process, progress and outcomes, subject to legal, privacy and confidentiality constraints.

Procedural fairness – providing parties an opportunity to respond to adverse information or findings where appropriate.

In conducting investigations, staff will have regard to relevant advice in the *Better Practice Complaint Handling Guide*.

5.1.5 Respond

Responses to complaints will be clear and informative. A response will include, if appropriate, the particulars of any investigations, any findings or decisions reached and any outcomes, remedies or actions proposed. The Department's Legal Team may also be utilised to provide comment on the response prior to it being sent to the complainant. This is relevant for both externally received complaints to the Department and those made within the Department by employees.

If the Department does not accept a claim made by a complainant, the complainant will be provided with the opportunity to comment on the proposed adverse finding before it is finalised. If the claim continues not to be accepted, this will be noted and explained.

It may be that there are limitations on the extent of the information that can be provided in a response, for example, to protect personal privacy.

If the Department finds that a complaint has merit and the complainant has been inconvenienced or disadvantaged through their interaction with the Department, it may be appropriate to make an apology or provide some other form of suitable remedy such as providing additional information.

An apology will be sincere and specific. Further guidance on providing an effective apology is available in the Commonwealth Ombudsman's factsheet on *Providing Remedies*. If assistance is required with suitable wording for an apology (or there may be some legal risk involved in making an apology), the Department's Legal Team will be consulted.

5.1.6 No further action

A complaint may be finalised as no further action (NFA), having regard to the findings of any assessment or investigation undertaken, where:

- the issue has already been adequately addressed
- no new or substantive issues are raised
- the complaint lacks sufficient substance to warrant further action
- appropriate explanation, information or referral has already been provided.

Decisions to take no further action will be documented and communicated to the complainant, where appropriate.

5.2 Timeframe for response

The length of time it takes for the Department to investigate and respond to a complaint will depend on the nature and complexity of the issues involved. The Department provides **30 calendar days** as the appropriate time in which to respond (including in a statutory context) to a complaint.

A progress update or explanation will be provided to the complainant if the Department anticipates it may take a prolonged period to consider and advise the outcome of a complaint.

5.2.1 Review

If a complainant would like further information or explanation about the complaint outcome, the staff member responsible for management of the complaint may be able to provide further explanatory material.

Given the Department receives a suite of varying complaints, this could be, for example, the details on how the complaint was managed by the Department, delegate contact details or business areas contacted to provide advice.

If the complainant is still not satisfied with the response, the complainant may have the opportunity to seek a review of how the complaint was handled and resolved. However, in some circumstances this may not be appropriate, having regard to the nature of the complaint and investigations already conducted.

In cases where it is appropriate to offer an internal review, the complainant will be advised that internal review requests should be received in writing within 30 days of the offer of internal review, unless there are extenuating circumstances.

Review of the complaint will be carried out by a member of staff who has not been involved in the matter and usually a more senior staff member than the original complaint handler. In making a

review decision, the staff member conducting the review will consider the complaint and all relevant evidence, including any additional information provided by the complainant or otherwise obtained. The outcome of the review will be communicated to the complainant along with reasons for the outcome. If the complainant is still dissatisfied, an independent review may be sought from the Ombudsman or a tribunal review. In this case, all information about the complaint and proposed resolution must be provided by the agency to the respective independent reviewer when requested.

Where the Department has followed an appropriate complaints process and further correspondence continues to be received about the matters already investigated that does not raise new issues or provide new information, it may be appropriate to advise a complainant that no further correspondence will be entered into on those matters unless new evidence or information is provided.

5.2.2 Reporting

Complaints are an important source of information about the Department's performance and can identify where improvements could be made. Complaints (even those resolved quickly) will be recorded, evaluated and reported. This is important to identify issues that may require action, to inform ongoing refinement of the Department's processes and allow for strategic oversight.

A significant complaint issue is considered to be one of a potentially serious and/or systemic nature and is for the business area to determine based on the specific circumstances and context of the complaint.

5.3 Complaints

5.3.1 Complaints recording

The Department will record and maintain complaints information for the purposes of record keeping as defined in the *Archives Act 1983*. This information will be collected in a database and contain as much information as relevant to the complaints received but as a minimum include:

1. complainant's contact name and details (where known)
2. date the complaint was received
3. subject and purpose of the complaint
4. relevant business area and respondent details
5. outcome and method of response
6. any follow-up action, including referral or review
7. relevant correspondence, including the original complaint and departmental responses.

The Department's Parliamentary, Audit and Risk Branch prepares an annual report to the Department's Executive Board, drawing on information provided by business areas.

The report provides aggregated data and analysis to:

- identify trends and themes
- highlight significant or systemic issues
- support executive oversight and risk management.

More information about Complaints Handling reporting can be found on the Department's Complaints webpage.

6. Responsibilities

The following table sets out commitments to effective complaint handling for individuals within the Department.

Who?	Responsibilities
Secretary and the Executive Board	Support a culture that values complaints and their effective resolution Receive reports about complaints and identify opportunities for improvement particularly as a result of any significant issues
Complaint Handling Managers	Maintain oversight of complaints, ensuring that management of complaints is consistent with Departmental policies (including this policy), whole of government policies and any relevant laws Manage and support complaint handling staff including ensuring staff are appropriately skilled and sufficiently resourced Provide reports on complaints as requested by the Parliamentary, Audit and Risk Team for reporting to the Executive Board
Complaint Handling Staff	Manage complaints in accordance with this policy, guidance from the Commonwealth Ombudsman, and any relevant specific procedures in order to assist complainants Have the skills and knowledge to appropriately manage complaints relevant to business area requirements, and demonstrate best practice in complaint handling Where possible and appropriate, assist to resolve complaints at the point of complaint.
Education Staff	Familiarise themselves with this policy

7. Further information

The Department has mechanisms in place for receiving feedback on programs and services.

More information about Complaints Handling, including a Complaints Factsheet, can be found on the Department's Complaints webpage.