



# Complaints Factsheet

## Principles

The Department of Employment and Workplace Relations (department) welcomes feedback about its operations and services and is committed to ensuring its management of complaints are:

- **Fair** – the department deals with complaints impartially, confidentially and with appropriate empathy. There are no adverse repercussions for making a complaint. The department is open about the process, advises complainants of progress, and, where appropriate, gives complainants the opportunity to respond and to seek internal review of complaint outcomes.
- **Accessible** – information about how to make a complaint is easily available and complaints can be made using a variety of channels online, verbally and in writing.
- **Responsive** – the department will assist or respond appropriately to all complainants including by extending special assistance to vulnerable people and those with particular needs as appropriate.
- **Efficient** – complaints are resolved as quickly as possible and preferably, where appropriate, at the point of complaint or promptly upon referral to a line area. Complaints are handled in a way that is proportionate and appropriate to the matter being complained about.
- **Integrated** – complaint management is integrated with the department's core business activities so that any lessons or systemic issues can be appropriately actioned.

## Making a complaint

Complaints may be made verbally or in writing. Contact details for the department are available on the [DEWR website](#).

Where a complaint has been lodged verbally and there is uncertainty about the situation, or if the complaint raises complex or serious matters, the department may encourage the complainant to submit the complaint in writing. This will assist the department to thoroughly investigate the complaint.

Where a complaint relates to a matter another organisation is better placed to investigate, the department may be able to assist a complainant to direct the complaint to a relevant organisation such as a service provider, state or territory agency or regulator.

## 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 generally be referred to the police or other appropriate authority.

## Anonymous complaints

The department will generally consider anonymous complaints; however, it may not be possible to properly investigate or respond. Where possible, the department will make complainants aware of these limitations.

## Confidential complaints

A complainant may prefer to keep their identity confidential. In such situations the department may need to discuss with the complainant how this could affect management of the complaint, including any investigation and resolution.

## Unreasonable complainant conduct

Where the department considers a complainant is engaging in unreasonable conduct the matter will be managed in accordance with the Commonwealth Ombudsman **Unreasonable Complainant Conduct** and the Practice Manual on **Managing Unreasonable Complainant Conduct** (a joint project of the Australian Parliamentary Ombudsmen).

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; or
- aggressive language or behaviour.

Visit the [Commonwealth Ombudsman Better practice guides](#) page to access these guides or for more information.

## Management of complaints

Where possible and appropriate, the department will endeavour to address complaints quickly and informally. For example, it may be possible to resolve a straightforward issue through feedback or providing information.

Where this is not possible, the process outlined below will generally be applied. However, as complaints vary widely in their nature and content, the department manages complaints on a case by case basis and not all steps in the process will be relevant for every complaint. There may also be specific procedures for complaints where a statutory scheme or program guideline applies to a complaint.

### 1. Acknowledgement

Where possible, the complaint will be acknowledged, and the complainant will be provided an appropriate timeframe for a response and a contact for queries regarding the complaint.

### 2. Assessment

The complaint will be allocated and assessed.

### 3. Investigation

Where it is not possible for the department to resolve the complaint at the initial point of contact, an investigation may be undertaken. The purpose of an investigation is to resolve a complaint by reaching a fair and independent view on the issues raised. The investigation should resolve factual issues and consider options for complaint resolution.

## **4. Response**

The department endeavours to provide clear and informative responses to complainants. The response may include the particulars of an investigation, findings or decisions reached and any outcomes, remedies or action proposed.

If, following investigation, the department does not accept a claim in a complaint, the complainant will be provided an opportunity to comment on the proposed adverse finding before it is finalised. If a claim continues not to be accepted, this should be noted and explained.

The length of time it takes for the department to investigate and respond to the complaint will depend on the nature and complexity of the issues involved. A progress update or explanation should be provided if it may take a prolonged period to consider and advise the outcome of a complaint.

## **5. 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.

In some cases, it may be appropriate for the department to offer internal review of how the complaint was handled and resolved, taking into account any additional information provided by the complainant. External review options may also be available depending upon the nature of the complaint.

The complainant has the right to pursue an independent review of the outcome by the Commonwealth Ombudsman, in which case the department will provide as much information as possible on request by the independent reviewer to assist in the outcome.

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.