

Objective

The purpose of this policy and procedure is to outline how a complainant aggrieved by a decision made by a Crime and Corruption Commission (CCC) officer about their concerns may request that the decision be reviewed, and the process for that review.

Application

This policy and procedure applies to officers of Integrity Services and all other CCC officers with the authority to make a decision about a complaint.

Relevant legislation

[Crime and Corruption Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Service Act 2008](#)

Definitions

<i>COMPASS</i>	the CCC's complaints database
<i>complainant</i>	<p>a person or organisation (not a UPA) that provides the CCC with a complaint involving suspected corruption. A complainant is personally aggrieved by the conduct and expects:</p> <ul style="list-style-type: none">• an outcome which addresses their concerns• advice of the assessment of the complaint and/or action taken to ultimately deal with the complaint. <p>[A complainant who is also a holder of an appointment in a UPA, but is not a public official notifying the CCC, may be defined as a discloser or discloser/victim.]</p>
<i>complaint (s. 36)</i>	<p>a communication received by the CCC concerning suspected corruption which.</p> <p>Section 36 complaints can be made or referred by:</p> <ul style="list-style-type: none">• a public interest discloser under the Public Interest Disclosure Act 2010• members of the public• a person complaining on behalf of an individual, organisation or group of people• prisoners and detainees• a legal representative acting on behalf of a person or organisation• an elected official on behalf of a constituent.

<i>corrupt conduct</i>	has the meaning conferred by section 15 of the Crime and Corruption Act 2001 .
<i>corruption</i>	means corrupt conduct or police misconduct
<i>customer complaint</i>	has the meaning conferred by section 219A of the Public Service Act 2008 .
<i>decision about a complaint</i>	for the purposes of this policy and procedure means a decision about the way a complainant's complaint was assessed.
<i>information</i>	<p>a communication received by the CCC concerning suspected corruption that is not a complaint, notification or matter</p> <p>OR</p> <p>information from other sources (see examples below). Examples of information may include, but are not limited to:</p> <ul style="list-style-type: none"> • information given to the CCC through a CCC activity, including for example <ul style="list-style-type: none"> ○ evidence given by a witness at a CCC hearing ○ information obtained through telephone interception or a covert operation ○ evidence gathered through a corruption investigation • an intelligence report from a law enforcement agency • a media report • indirect sources of information about suspected corruption.
<i>police misconduct</i>	has the meaning conferred by Schedule 2 of the Crime and Corruption Act 2001 .
<i>UPA</i>	means unit of public administration.

Policy statement

Under section 33 of the [Crime and Corruption Act 2001](#), one of the CCC's functions is to ensure that complaints about corruption are dealt with in an appropriate way. As part of this corruption function, the CCC will respond in a timely manner to a complainant about the action taken to deal with their complaint, and manage complainants aggrieved by the CCC's decisions.

The CCC's Charter of Service

The CCC's [Charter of Service](#) (the Charter) sets out the standards the CCC strives to meet when dealing with complaints about corruption in the public sector. It explains the service complainants can expect from the CCC, and what recourse they have if they do not receive this service. The Charter also advises complainants that they have the option to take a grievance to the Parliamentary Crime and Corruption Committee.

This policy and procedure relates specifically to the commitment made in the Charter to have decisions reviewed where they relate to:

- the way the CCC assessed their concerns, based on the material that was available at the time of the original assessment, and any additional information the complainant may provide.
- the timeliness with which a complaint was assessed.

Any decision may only be reviewed once, and it will be reviewed by a CCC officer with the appropriate delegation who is senior to the officer who made the original decision.

A review will not be considered where:

- the concerned person provides further information in relation to the concerns, but has not expressed any dissatisfaction with the way the CCC originally assessed their allegations – this is dealt with as a reassessment
- the complainant is aggrieved with **the way** in which their concerns were dealt with, rather than **the assessment decision** – this will be dealt with as a monitoring activity. The monitoring may result in a review of the way the agency dealt with the matter, or the establishment of a new complaint.

Information about the entitlement of a complainant to have a decision reviewed shall be readily accessible.

Complaint service reviews are customer complaints for the purposes of reporting under the *Complaints management policy and procedure*.

Procedure

Complainant grievances

If, during the course of a telephone conversation or a face-to-face interview, a complainant expresses any grievance to an appropriate CCC officer about a decision made about their concerns, the CCC officer will, at that time, advise the complainant of the entitlement to have the decision reviewed, and of the process for making a request to review.

If the CCC receives a written communication in which a complainant raises a grievance about a decision made about their concerns, the complainant will be sent a copy of the *Charter of Service* (if it has not been previously provided). In some circumstances, the written communication may be sufficient to commence a review of the decision the complainant is aggrieved by.

Review

Review officer

When a request by a complainant for the review of a decision about their concerns is accepted, the review is to be carried out by the following CCC officers, based on the impact assessment of the original concerns under the *Complaint categorisation and prioritisation model*:

- low impact will be reviewed by either the Manager, Assessment Unit or a senior complaints officer
- medium and high impact will be reviewed by the Chairperson, Executive Director (Corruption) or Director, Integrity Services as required. However, these cases should be in the first instance be referred to the appropriate assistance director to be assigned to an officer for preparation of briefing material.

Form of requests

A request to review a decision about a complainant's concerns should be made in writing to the Director, Integrity Services within 14 days of the date on which the complainant received notification of the CCC's decision.

If a complainant makes a formal verbal request for review to an appropriate CCC officer, and, after being informed of the process, indicates that they are unwilling to make the request in writing, the CCC officer shall make a written record of the request (in the form of an entry in the activity register/running sheet in COMPASS or a note to file for the relevant matter), and forward that request to the relevant reviewing officer.

On receipt of request

On identification of a request to review a decision about a complainant's concerns, the intake officer or case officer will:

- confirm with the relevant assistant director that the request for a review has been accepted
- record the request for a complaint service review in COMPASS
- identify the officer who made the decision
- allocate the review to a senior CCC officer to review the decision (see 'Review officer' above)
- refer the request and the relevant file to that review officer for attention
- follow up the referral to ensure that the review is conducted in a timely manner.

The Director, Integrity Services may decide to carry out the review having regard to the complainant, or the nature or complexity of the concerns.

If the Director, Integrity Services (or the Director, Corruption Operations) made the decision, the request for review must be referred to the Executive Director (Corruption). If the decision was made by the Executive Director (Corruption), the matter must be referred to the Chairperson.

Review officer action

The review officer must:

- have the appropriate delegation to consider the review
- be senior to the officer who made the original decision
- not have been directly involved in the original decision-making process.

The review officer must ensure an acknowledgement letter is forwarded to the complainant within 14 days of receipt of the review request.

Basis of review

The review officer must consider the complaint and all relevant material in relation to the complaint afresh.

Information

To assist the review, the review officer may seek information and advice from:

- the complainant or any other stakeholder
- the officer who made the decision and any other office with relevant knowledge or expertise
- any other internal or external source.

Timely

The review officer must conduct the review in a timely manner, and where a delay in completing the review is expected, the complainant should be advised.

Record of review

The review officer must record the outcome of the review and the reasons for the review decision in COMPASS and place a printed copy on the file.

If the review decision amounts to a reassessment of the action to be taken to deal with a complaint, it must be endorsed in the fields in the Allegation tab.

Advice to complainant

The review officer must communicate the outcome of the review in writing to:

- the complainant, including an explanation of the reasons for the outcome of the review

- any other relevant party affected by the outcome (e.g. if the original decision was to take no action in relation to a complaint and the review results in a decision to refer the complaint to a unit of public administration to deal with).

Internal review

The Director, Integrity Services will:

- consider the review findings with a view to determining whether:
 - any policy, procedure or process requires review to ensure the effective handling of complaints
 - any managerial action (such as training or guidance) is required in relation to the officer who made the original decision about the complaint
- implement any necessary action.

Record of complaint service reviews

A record of complaint service reviews requested will be available via COMPASS and will contain:

- all requests for review
- the outcome of those reviews
- any policy, procedure or process changes made, or managerial action taken, as a result of a review
- any other information considered relevant.

By 31 July each year, the Director, Integrity Services must report on all complaint service reviews received by Integrity Services during the previous financial year to the Executive Director, Strategic and Corporate Services.

Related documents

Australian Standard AS/NZS 10002:2014: Guidelines for complaint management in organisations

[Charter of Service](#)

[Complaints management policy and procedure](#)