

OVERVIEW OF COMPLAINTS PROCESS

What service standards can you expect of the ACCS?

ACCS expects its staff and contractors to adhere to both the [ACCS Code of Conduct and Protocols](#) and the [Victorian Public Sector Values](#) at all times.

Additionally, Conciliation Officers (**COs**) are subject to the requirements set out for them in the *Accident Compensation Act 1985 (Vic)* (the **AC Act**), the *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)* (the **WIRC Act**) and the [Ministerial Guidelines](#). It is also expected that all ACCS staff and contractors will handle personal information in accordance with the ACCS [Privacy Policy](#).

From time to time you may feel that the ACCS has not met your expectations. This procedure sets out what is to occur when you wish to make a complaint.

How does the ACCS resolve complaints?

The ACCS has a procedure in place to deal with complaints quickly and professionally and in accordance with the ACCS Code of Conduct, Victorian Public Sector Values and all applicable law.

Who may make complaints about the ACCS?

Any person who has contact with the ACCS may lodge a complaint about our service, processes or conduct of staff.

Complaints must be submitted in writing to the Deputy Senior Conciliation Officer (DSCO). Please ensure that you provide as much detail as you can and include your contact details. This can be done in an email to the complaints email address:

complaints@conciliation.vic.gov.au

or by mail to the DSCO:

The Deputy Senior Conciliation Officer
ACCS GPO Box 251
Melbourne 3001

The ACCS will always handle personal information included in the lodgement of a complaint in accordance with applicable Victorian privacy law. The ACCS will also treat any complaint which it receives as confidential.

ACCS will not accept anonymous complaints.

Who will deal with complaints made to the ACCS?

The DSCO has primary responsibility for receiving, investigating and responding to your complaint, although he or she may delegate this responsibility to other appropriate ACCS

staff or appoint external investigators.

The ACCS will send you a written acknowledgement of your complaint within 3 working days, either by a return email to your email address, or a return letter where your complaint was received by letter.

The ACCS intends to resolve complaints within 28 days, but complex investigations may take longer. The ACCS will endeavour to keep you informed as to the progress of your complaint.

What are the types of complaints ACCS may deal with?

Complaints may be made by any person having contact with the ACCS about:

- the actions and conduct of the ACCS, its staff and contractors working at or on behalf of the ACCS.
- the actions and conduct of COs in some circumstances.
- the collection, holding, use or disclosure of personal information under the *Information Privacy Act 2000* (Vic) and *Health Services Act 2001* (Vic).
- the handling of freedom of information requests under the *Freedom of Information Act 1982* (Vic).
- a decision, policy, or procedure of the ACCS relating to the operation and management of business of the ACCS.
- complaints about the DSCO are to be made to the Senior Conciliation Officer (SCO).

What the ACCS will not investigate

There are certain kinds of complaints that the ACCS may not at law, or will not, as a matter of policy, investigate, or investigate to completion. These include:

- complaints which are in effect requests to review decisions made or actions taken by COs, the DSCO or SCO in the exercise of their discretion, powers or performance of their functions/duties under legislation. Examples include: a decision whether or not to make a direction, a decision whether or not to refer medical questions to the Medical Panel, or whether or not to give consent to a legal representative's participation at conciliation. Under the AC Act and the WIRC Act, these decisions or actions can only be reviewed by a court. If you are seeking review of such a decision/action, you should seek independent legal advice;
- complaints which the DSCO, SCO or investigator considers frivolous, vexatious or misconceived, or which are abusive or threatening, or complaints by serial or persistent complainants;
- complaints about the SCO's conduct. Complaints about the conduct of the SCO should be made to the Victorian Ombudsman;
- complaints of corrupt or improper conduct that fall under the regime of the Protected Disclosure Act 2012 (Vic) are addressed in the ACCS protected disclosures policy, and
- any complaint concerning any matter which another Government body has power to investigate and resolve.

If after the ACCS receives the complaint, we are satisfied that the complaint is of a kind which the ACCS may not at law, or will not, as a matter of policy, investigate, or investigate to completion, the ACCS will cease investigating or will not commence to investigate the complaint and will notify you by correspondence.

What may happen as the result of a complaint?

The ACCS will take appropriate action in response to the complaint and/or any report provided by any external investigator.

The ACCS will also provide you with a written response, describing the outcome of the complaint and investigation.

What can happen if you are not satisfied with how your complaint has been handled by the ACCS?

If you are not satisfied with the ACCS' response to your complaint, there may be a number of different avenues for you to escalate your complaint.

Complaints on information privacy may be escalated to:

- in relation to personal information: The Victorian Privacy Commissioner
- in relation to health information : The Health Services Commissioner

Complaints about freedom of information (FOI) may be escalated to:

- The Victorian Ombudsman in for complaints under the Accident Compensation Act 1985 (Vic).
- The FOI Commissioner for requests under the *Freedom of Information Act 1982* (Vic).

Otherwise you have the right to escalate your complaint to the Victorian Ombudsman, who can be contacted as follows:

Ombudsman Victoria Level 9, 450 Collins Street
Melbourne 3000

Ph: (03) 9613 6222

Toll free: 1800 806 314

Email: ombudvic@ombudsman.vic.gov.au Website: www.ombudsman.vic.gov.au

Protected Disclosures

If the ACCS receives a complaint, whether internal or external, which may be a protected disclosure about improper conduct, then we must handle it in accordance with the ACCS Protected Disclosures Policy and the requirements of the Act. Refer to the policy for more details.

Improper Conduct is defined in s. 4 of the *Protected Disclosures Act 2012* (Vic) as corrupt conduct, or specified conduct that would constitute a criminal offence or reasonable grounds for dismissal.

Specified conduct is defined as conduct:

- by any person that adversely affects the honest performance by a public officer or public body of their public function;
- by a public officer or body that is dishonest;
- by a public officer or body that breaches public trust;
- by a public officer or public body that involves the misuse of official information or material;

- that could constitute a conspiracy to do any of these things, and
- by a public officer or body that involves substantial mismanagement of public resources, a substantial risk to public health or safety or a substantial risk to the environment.

A protected disclosure may also be made about detrimental action taken in reprisal for reporting improper conduct.

Corrupt conduct is defined in the Act as:

- conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or public body's functions;
- the performance of a public officer's functions dishonestly or with inappropriate partiality;
- conduct of a public officer, former public officer or a public body that amounts to a breach of public trust;
- conduct by a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions; or
- a conspiracy or attempt to engage in the above conduct.

Complainants may also make such disclosures directly to the Independent Broad-Based Anti-Corruption Commission (IBAC), which is contactable as follows:

IBAC

Level 1, North Tower, 459 Collins Street, GPO Box 24234,

Melbourne, VIC 3001

Phone: 1300 735 135

Fax: (03) 8635 6444

Website: www.ibac.vic.gov.au