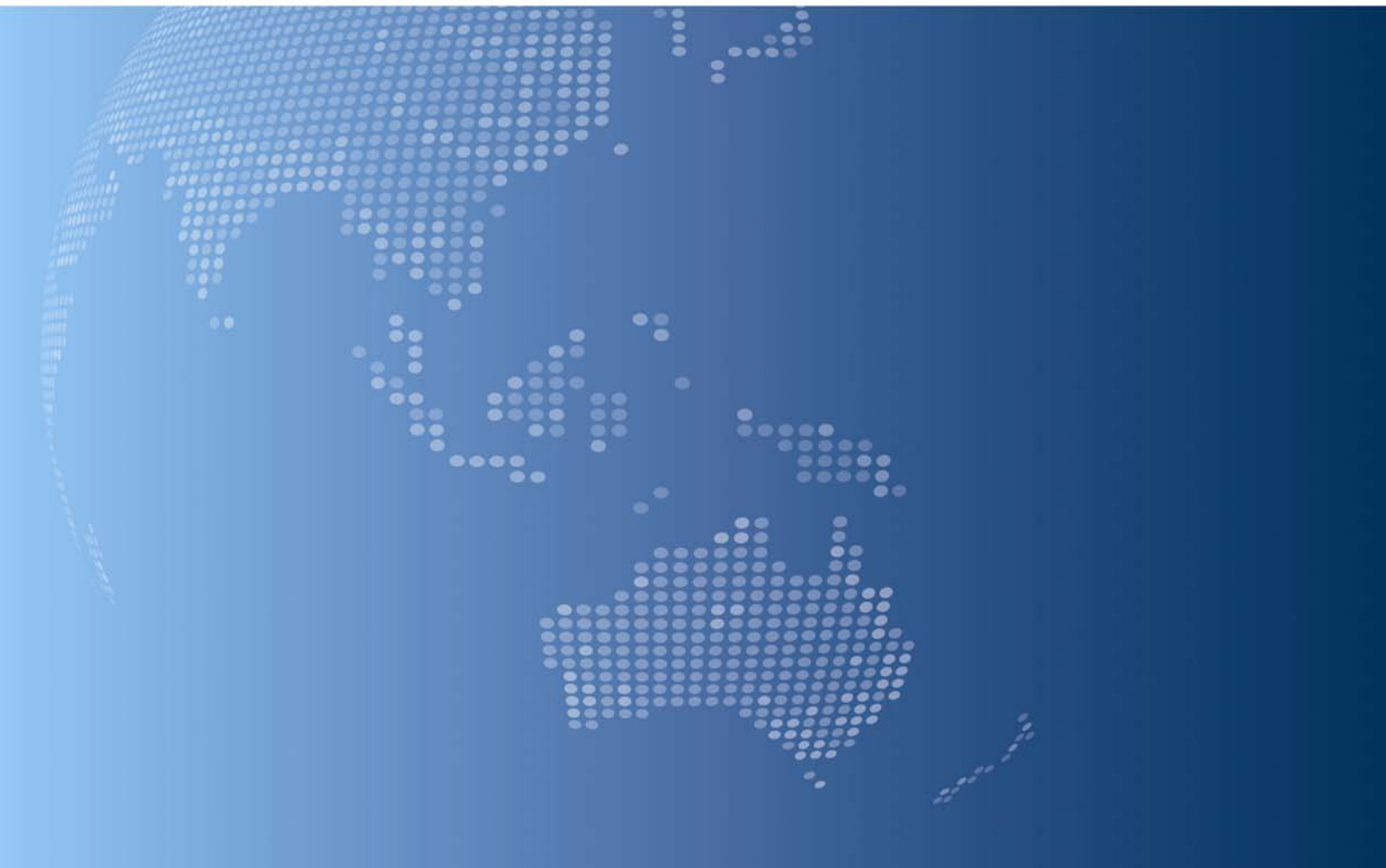




Australian Government
**Department of Immigration
and Citizenship**

Compliments and Complaints Policy



DIAC COMPLIMENTS AND COMPLAINTS POLICY

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1. INTRODUCTION

DIAC's purpose statement is

“Enriching Australia through the well-managed entry and settlement of people”

Our business is broad and complex and we deal with a wide range of clients and stakeholders both in Australia and overseas.

Underpinning the way the department does its business is the key focus of ‘people our business’. We will meet government and community expectations through being an open and accountable organisation, dealing fairly and reasonably with clients and having well trained and supported staff. We use other organisations to deliver a number of our services and monitor the quality of these specific services against agreed contract standards.

Our Client Service Charter is a public statement of our service commitment. The Charter outlines:

- our commitment to quality service
- how to contact us for information on our products and services
- how clients can provide feedback

2. PURPOSE

This policy supports and expands upon the commitments of the Client Service Charter. It sets out the principles that DIAC has adopted for the management of feedback –compliments, suggestions or complaints - received in relation to the services we provide and the client's experience of the delivery of those services. It describes the principles that we follow to recover the client experience when our service delivery has not met the client's expectations.

Our policy recognises the role and responsibilities of each DIAC officer in resolving feedback at the first point of contact. It sets out the principles which will empower staff at all levels to effectively listen to the voice of the client, turning a potentially negative experience into a positive one.

3. OUR COMMITMENT

Compliments and complaints are a valuable element in understanding our clients' views of their experience with the department.

We recognise that some client's expectations will not always be met, and we encourage and promote the right of clients to provide us with their suggestions and complaints.

Effective complaint management and resolution allows us to improve our services, prevent similar issues recurring, and rebuild the client's relationship with the department. In the international environment in which we operate, an acknowledged and recognised complaint handling process provides confidence to the client of consistent treatment both onshore and offshore.

3.1 No discrimination

The department affirms the right of clients and stakeholders to give us positive and negative feedback, and to have any dissatisfaction with our services dealt with fairly, reasonably, impartially and confidentially. We aim for service excellence and value the trust of our clients and stakeholders. We are committed to ensuring that no person will suffer reprisals as a result of complaining about us or our services. Any indication that a person has experienced discrimination or retribution as a result of complaining will be promptly investigated by the Values and Standards Branch.

4. SCOPE

This policy provides guidance for all DIAC employees, both ongoing and non-ongoing. It describes the framework through which clients, stakeholders and employees can compliment us on, or complain about, our service, processes and procedures, (including services delivered on our behalf) or provide us with suggestions.

Our clients and stakeholders include but are not limited to:

- the Minister and Parliamentary Secretary
- people who seek to access our visa, citizenship, settlement and other services either in Australia or overseas
- persons in immigration detention
- third parties on behalf of the people listed above eg sponsor, relative, advocate, migration agent, Members of Parliament
- persons concerned about or who have an interest in our programmes or service delivery.

The policy is **NOT** intended to cover:

- complaints made by DIAC staff relating to working conditions or conditions of service
- complaints about other agencies or organisations (other than DIAC's contracted service providers) – however we will, wherever possible, provide clients with information about the correct channels through which they can make a complaint, or forward the complaint on their behalf where possible
- allegations of criminal conduct against DIAC officers
- decisions where an external review or appeal mechanism already exists

5. DEFINITIONS

5.1 Feedback

Feedback encompasses all information relating to the department's services, performance or the way we do our business. It may come in the form of a compliment, suggestion or complaint.

Feedback is important to the department because it is the voice of the client. It can be solicited or unsolicited, formal or informal, positive or negative.

Feedback is set apart from routine client contact such as standard information enquiries, progress reports, provision of, or request for, information as part of standard processing. Routine client contact is recorded as per departmental record management guidelines.

Sources of feedback may include:

- clients and stakeholders through the Global Feedback Unit (the department's centralised formal client feedback system)
- client and stakeholders through direct contact with DIAC staff/management
- client, staff and stakeholder surveys
- Value Creation Workshops
- Ministerial and Members of Parliament contacts
- agents
- third party providers
- external review bodies such as the Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT) and Administrative Appeals Tribunal (AAT)
- community groups and the business sector
- Ombudsman, Human Rights and Equal Opportunity Commissioner (HREOC), Privacy Commissioner
- other key stakeholders including government agencies

5.2 Compliments

We define a compliment as an expression of praise, admiration or congratulation in relation to any aspect of the department's services, performance or the way we do our business.

A compliment may be about an individual staff member, a team or a service. A compliment could be expressed as:

- satisfaction or happiness with a service
- staff going 'the extra mile' to provide excellent client service
- the client feeling valued
- good complaint handling-service recovery.

5.3 The value of compliments to DIAC

Compliments are of value to the department as they mean that the client has taken the time to tell us what they consider we are doing well. Compliments act as drivers towards improved client service, as they provide 'best practice' examples that can be

applied across the organisation. Compliments also give us an opportunity to recognise our staff and reward excellence.

5.4 Suggestions

We define a suggestion as a comment on how the department could improve its services, do our business differently or improve staff performance.

5.5 Complaints

We define a complaint as an expression of dissatisfaction or unmet expectation by or on behalf of a client. It could relate to any aspect of the department's services, performance or the way we do our business.

A client may complain for the following reasons:

- performance of the department in relation to our Client Service Charter including staff attitude or conduct, or dissatisfaction with the quality of our service (for example accessibility, accuracy of information, timeliness of service, failure to meet service standards)
- concerns with DIAC services provided by contractors, such as medical assessments or detention facilities and services
- dissatisfaction with migration agent services or conduct
- perceived unfair policy or legislation

A request to review a decision is not a complaint. However, where such a request includes something more, such as a concern about poor client service, then this aspect of the request will be followed up as appropriate. We will ensure that the client understands that the addressing of the complaint will not necessarily mean the substitution of a more favourable decision. For many decisions, the client will have a formal right to review (such as through the Migration Review Tribunal) and does not have to make a complaint to access the review channel.

5.6 The value of complaints to DIAC

Complaints are of value to the department as they mean that the client has taken the time to tell us what they consider we are not doing well. If we look behind the complaint to ask why the client felt compelled to make it, we can identify areas in need of improvement. Effective acknowledgement, and handling, of the complaint means that we restore our relationship with the client and minimise the likelihood of the issue recurring or escalating.

DIAC is actively committed to effective and efficient complaint handling as we recognise that complaints allow both clients and staff to contribute to the improvement of the organisation's services and processes. Complaints provide an opportunity for the department to recover and learn, and to lessen the adverse publicity that dissatisfaction may generate.

A robust complaint handling mechanism means that we can avoid an issue escalating, and prevent prolonged, costly engagement with the complainant.

5.7 Anonymous Feedback

Anonymous feedback does not allow the department to investigate the provider's specific concerns, or provide them with specific detail as to how the feedback has been resolved. The feedback will nevertheless be considered since it is still important as a driver towards improved client service. In the case of a complaint, it will be reviewed if the matter is considered sufficiently serious, and if sufficient information has been provided to justify allocating resources.

5.8 Managing the client's expectations

DIAC will seek to identify the client's desired outcome or resolution. While we cannot guarantee that we will meet this expectation, the information will often provide an insight into how best to resolve the feedback, especially if it is a complaint.

An apology for poor client service is often the best remedy and an acknowledgement of shortcomings in our service will often satisfy the client and prevent potential escalation of a complaint.

In some circumstances, we will not be able to offer a remedy which is satisfactory to the client. In such instances, we will

- listen to and acknowledge the client's concerns
- refer the client to the appropriate review body, where applicable
- offer to refer them to the relevant policy/program area
- record the information and pass it to the appropriate policy/program area

5.9 Compensation

Requests for compensation will be handled in accordance with the discretionary compensation mechanisms available under the provisions of the *Financial Management and Accountability Act 1997*, including:

- the *Scheme for Compensation for Detriment caused by Defective Administration* (CDDA Scheme)
- Act of Grace payments
- Waiver of debts owed to the Commonwealth
- Ex gratia payments.

6. COMPLAINTS AND SERVICE RECOVERY

We recognise that there will be times when the client relationship with the department breaks down. This may be evidenced through a formal complaint about our service or staff. However other clients may have a concern which is not formally articulated into a complaint.

Through our commitment to service recovery we aim to:

- recognise
- prevent and
- correct

unmet client expectations.

Service Recovery is an opportunity to recover the client's positive feelings about the department – and by so doing, to turn a negative, or potentially negative, client experience into a positive one. For the client this will be achieved through quick acknowledgement and resolution of the issue. The department will gain through addressing the root cause of the issue and the subsequent learning opportunity.

We will:

- recover in a timely way;
- recover effectively; and
- try to improve the situation wherever possible

6.1 Complainants' rights and responsibilities

DIAC's complaint handling procedures recognise that it is fair and reasonable for clients to:

- treat departmental staff with courtesy and respect
- make timely contact with the department
- be respected and dealt with politely
- be provided with accurate, plain language information
- be given a clear explanation of the process ahead
- be kept informed of the progress of their complaint
- gain a sensible outcome as quickly as practicable
- be assured that their complaint will not affect the consideration of their application or any other dealings they may have with the department
- have their personal information collected, stored, used and disclosed only in accordance with Australian law
- provide the department with all necessary information to investigate the complaint
- clearly identify the issues they are complaining about and what result/outcome they want
- provide their contact details so that the department can respond

6.3 DIAC Roles and responsibilities

Executive Management:

The department's senior management will create an environment where feedback and service recovery is valued through:

- Endorsement of the feedback process
- Ensuring the promotion of awareness of compliments and complaints handling through a focussed communication strategy

- Fostering a ‘no blame’ environment in which complaints are seen as a valuable and necessary part of continuous improvement
- Role modelling and shared examples of how to handle complaints which result in positive outcomes
- Provision of appropriate training and other support to empower staff to confidently resolve complaints
- Provision of ongoing opportunities for staff to share best practice in client service and complaint resolution
- Recognition of excellence in service recovery and dissemination of positive feedback and compliments
- Continuous improvement of service processes to lower the level of client concern and dissatisfaction
- Management of client expectations in terms of what the feedback process can and cannot deliver
- Ongoing monitoring and auditing of the complaint handling process to ensure that it is effectively and efficiently maintained and continually improved.

All staff:

DIAC employees are empowered to own and handle client concerns as they occur.

Staff will:

- Recognise a client concern – this may be evidenced through verbal or non-verbal clues which may indicate dissatisfaction, for example with the ways clients can do business with us (our service channels)
- Empathise with the client through careful and non-defensive listening and by ‘putting themselves in the client’s shoes’
- Acknowledge the client concern and be prepared to apologise for the impact that poor service is having on them
- Offer an explanation or a solution, for example explaining the rationale of policy or legislation
- Take responsibility for immediate actioning of the concern, focussing on what can be done rather than on what can’t
- Keep the client informed of progress
- Follow through to resolution
- Inform clients of their external review options such as the Review Tribunals, Ombudsman
- Not take a client’s anger or frustration personally
- Escalate a complaint quickly to the next level of supervision if required.

Client Feedback and Service Recovery Section:

The Client Feedback and Service Recovery Section within the department’s National Office in Canberra has been established to ensure that staff are empowered to deal effectively with client feedback and complaints. This will be achieved through:

- Provision of clear procedural and operational guidelines for relevant business areas and other staff involved in any stage of the feedback and service recovery process

- Oversight of the operation of the GFU to ensure and maintain an effective and efficient operation including technology requirements, documentation, reporting, and process reviews
- Development and communication of escalation procedures to prevent complaints developing into major disputes
- Effective and accountable analysis, recording and reporting on feedback and complaints, including
 - The numbers and types of complaints
 - Levels of satisfaction with DIAC's feedback handling systems
 - Numbers and types of solutions offered to clients
 - Action taken by the department to improve service delivery and the client experience as a result of feedback
- Implementation of internal monitoring to ensure client satisfaction with the complaint handling process and to address any risk of discrimination or adverse consequences for clients who lodge a complaint.

6.4 Difficult complainants

DIAC recognises that complaints are an invaluable source of feedback to highlight shortcomings (both major and minor) in the way the department is functioning. However, there may be occasions where the complainant's actions or motivations are unacceptable. We also recognise that staff have rights that must be respected when dealing with aggressive clients.

These situations may include:

- complaints made maliciously – for example, to damage a person's career or reputation
- aggressive or abusive behaviour – for example, abusive language (oral or written), threats, rudeness
- complainants threatening, or taking, violent action against themselves or property
- vexatious complaints made without evidence – for example, complaints without substance made to cause annoyance
- unreasonable demands – for example, insisting on an unreasonable time-scale, repeatedly changing the substance of the complaint, insisting on speaking to a particular staff member
- unreasonable persistence – for example, refusing to accept an outcome, apology or resolution, pursuing a complaint without presenting any new information.

In such circumstances, departmental resources may be unnecessarily diverted, and in extreme cases, the physical or mental well-being of a staff member may be threatened, or departmental property damaged.

Where it is considered appropriate, and after careful consideration of all the facts and issues of the case, the department may take steps to minimise or control our dealings with clients engaging in this kind of behaviour.

DIAC will ensure that the complainant is first given clear advice of our decision to do so, and the reasons for it.

7. STANDARDS FOR COMPLAINTS MANAGEMENT IN DIAC

The way we manage complaints is predicated on the right of the client to tell us about their experience and their right to know what will happen next. Our policy and procedures reflect the relevant International and Australian standards (*AS ISO 10002 – 2006- Customer Satisfaction – Guidelines for complaints handling in organizations*).

7.1 Privacy principles

Feedback received by DIAC is handled in accordance with the Information Privacy Principles (IPP) of the *Privacy Act 1988*.

In particular:

- Information is only collected insofar as is necessary and lawful (IPP1)
- Information is only stored for as long as necessary and with appropriate security to prevent unauthorised access (IPP4)
- Information is only disclosed to the person the information is about, not to any other person or organisation (IPP11).

7.2 Service Standards

The following table highlights service standards for acknowledging client feedback:

Feedback channel	Standard for acknowledgement
Telephone or email	1 (one) working day
Writing by letter or courier or fax	5 (five) working days

The following table highlights service standards for resolving client feedback:

Feedback channel	Standard for resolution
Telephone or email	10 (ten) working days
Writing by letter or courier or fax	20 (twenty) working days

8. TIERED FEEDBACK SYSTEM

DIAC's feedback management process consists of three tiers.

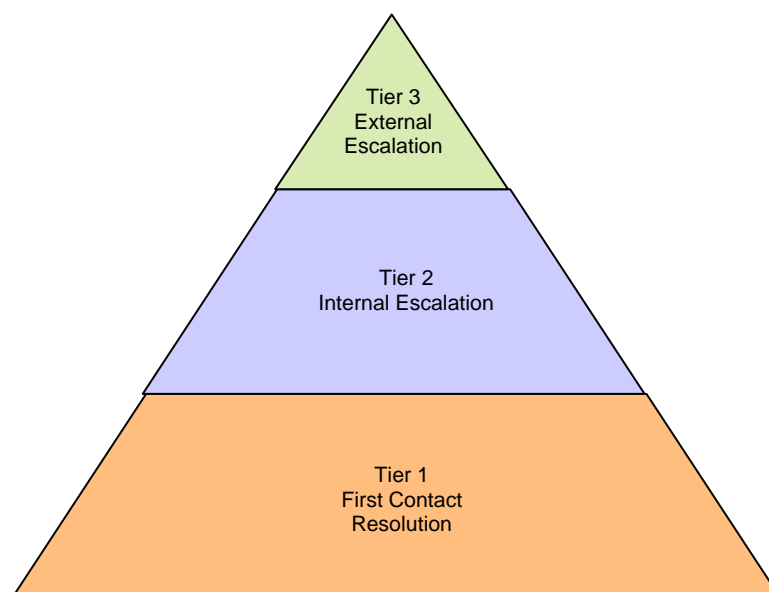
Tier 1: 'first contact resolution' – we recognise that the most effective and fastest way to resolve feedback and achieve client satisfaction is to deal with the issue at the point where it is received.

Tier 2: internal escalation - when the feedback (particularly a complaint) cannot be resolved at the first point of contact, it will be referred to the next appropriate level.

Tier 3: external bodies - such as the Commonwealth and State Ombudsman Offices or the Human Rights and Equal Opportunity Commission (HREOC), a Federal or State Member of Parliament, or direct to the Minister for Immigration and Citizenship.

We recognise that clients may choose to enter the feedback process at various stages, and have the right to do so.

8.1 First contact resolution



Feedback can be directed to the department through a variety of channels:

- by contacting the Global Feedback Unit (GFU) by telephone through the dedicated feedback line (within Australia) 133 177
- by email through the web-based feedback form at www.immi.gov.au
- by mail to the Manager, Global Feedback Unit, GPO Box 241, Melbourne Victoria 3001 Australia
- a client service counter or client-facing area
- a service provider

- contacting a case officer or the manager of a work area directly in writing, by fax or telephone.

The Global Feedback Unit:

The Global Feedback Unit (GFU) was established in August 2005 to act as the department's centralised feedback handling mechanism.

Feedback through the 133 177 telephone line, the web-based feedback form, or mail to the Manager, Global Feedback Unit is received by the GFU.

The GFU will, wherever possible, resolve the feedback at the point of contact – in other words, it is responsible for resolution of matters that do not require direct input from the responsible business area (RBA). Once the feedback is resolved, a copy of the response will be forwarded to the RBA for information only. The business area may, if it wishes, provide additional information to the client, and forward details of this action to the GFU. The GFU will record all action taken on a particular case on the database.

Other first points of contact:

Persons in immigration detention are able to contact a detention services officer in the first instance. If the matter is not resolved to their satisfaction they can then raise the issue with DIAC detention centre staff or contact the GFU.

In other circumstances where clients contact the department other than through the GFU, staff are required to take personal responsibility, wherever possible, for acknowledging the feedback and where required, assisting the client to find a reasonable outcome.

In these instances, details of the feedback and the outcome will be copied to the GFU for recording.

8.2 Internal escalation

By the Global Feedback Unit:

Where the feedback cannot be resolved by the GFU, it will be referred to the RBA. The GFU will be notified of the type of resolution offered by the RBA and records the details on the database. The feedback will be automatically escalated to the next level within the RBA if it is not resolved within the service standards.

By staff at other first point of contact areas:

A proportion of our clients may have exceptional circumstances that need special attention. If a DIAC staff member is unable to provide a reasonable outcome to the client, they will escalate the matter to the next level of management.

The National Client Liaison Officer:

The position of National Client Liaison Officer (NCLO) has been created to undertake intensive management of sensitive/high profile client cases. The position will also act as a point of internal review for clients who are not satisfied with the resolution of a complaint by the GFU or RBA.

8.3 External mechanisms

We encourage clients to contact us directly to resolve their feedback. However, we recognise the right of the client at any time to access external mechanisms. This may include:

- referral of a complaint to the Commonwealth Ombudsman or Human Rights and Equal Opportunity Commission (HREOC)
- referral of a compliment, suggestion or complaint to another service provider or department (for example Centrelink, Medicare, Migration Agents Registration Authority)
- referral to the Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT) or Administrative Appeals Tribunal (AAT) for review of a decision or legal outcome.

At the time of decision, we will ensure that clients are informed of any existing appeal or review procedures.

9. QUALITY ASSURANCE

The department is committed to regular monitoring and review of the effectiveness of its complaints and compliments arrangements. Through this evaluation we will ensure that feedback becomes part of our continuous improvement program for the services that we deliver.

We will undertake evaluation through:

- surveys of both clients and staff to gauge their satisfaction levels with feedback and complaints handling systems and ensure that their needs are being met
- systemic review of the data captured to determine whether it is being effectively used as a management tool
- expert Committees or bodies undertaking analysis of representative samples of feedback and complaints, with a particular emphasis on timeliness, documentation, procedural fairness and appropriate closure

GLOSSARY

Administrative Appeals Tribunal (AAT)

The Administrative Appeals Tribunal (AAT) provides independent review of a wide range of administrative decisions made by the Australian government and some non-government bodies.

Australian standard (AS ISO 10002 – 2006- Customer Satisfaction – Guidelines for complaints handling in organizations)

National and international agreed benchmarks on complaint handling.

Complainant

A person or party making a complaint, either directly or through someone acting on their behalf.

Complaint

An expression of dissatisfaction or unmet expectation by or on behalf of a client, relating to any aspect of the department's services, performance or the way we do our business.

Compliment

An expression of praise, admiration or congratulation in relation to any aspect of the department's services, performance or the way we do our business.

DIAC

Department of Immigration and Citizenship.

Escalation

Referral of a piece of feedback which cannot be satisfactorily resolved at the first point of contact, through to the next appropriate level or levels.

Feedback

All information relating to the department's services, performance, or the way we do our business.

First contact resolution

Handling of a piece of feedback at the point where it is first received, through to a conclusion which satisfies the person providing the feedback.

Global Feedback Unit (GFU)

The department's centralised feedback handling point, located in Melbourne.

Migration Review Tribunal (MRT)

A merits review body established under the *Migration Act 1958* whose jurisdiction, powers and statutory procedures are set out in that Act and the Migration Regulations 1994.

Refugee Review Tribunal (RRT)

A merits review body established under the Migration Act 1958 whose jurisdiction, powers and statutory procedures are set out in that Act and the Migration Regulations 1994. The Tribunal's main function is to review decisions made by the Department of Immigration and Citizenship to refuse or cancel protection visas to non-citizens in Australia. The Tribunal also has the power, in respect of certain 'transitory persons', to conduct an assessment of whether a person is covered by the definition of a 'refugee' in Article 1A of the Refugees Convention as amended by the Protocol.

Service Recovery

An opportunity to recover the client's positive feelings about the department, whenever the client's expectations, for whatever reason, have not been met.

Suggestion

A comment on how the department could improve its services, do our business differently or improve staff performance.

Vexatious Complaint

A complaint which lacks sufficient grounds for action and is made only to cause annoyance to DIAC or DIAC staff.