



**Australian Government**  
**Australian Research Council**

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# Policy

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## Complaints handling and appeals

**Version:** 2015.1  
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**Owner:** Legal Counsel

## Message from the Chief Executive Officer



The mission of the Australian Research Council (ARC) is to deliver policy and programs that advance Australian research and innovation globally and benefit the community.

To achieve our mission, and maintain strong and valued relationships with our stakeholders, we recognise the importance of utilising stakeholder feedback to gauge the effectiveness of our policies and program delivery.

This policy acknowledges that parties who deal with the ARC have a right to provide feedback and make complaints. This policy aims to provide a clear governance framework for handling feedback and complaints to ensure they are handled consistently and are used by the ARC to identify areas for improvement.

The AS ISO 10002-2006 (*Customer satisfaction – Guidelines for complaints handling in organisations*) and the Commonwealth Ombudsman's *Better Practice Guide to Complaint Handling 2009* were used in developing this policy and associated procedures.

If you have any questions about complaints handling at the ARC please contact the ARC switchboard (02 6287 6600) and ask to speak to the Complaints Handling Officer. Alternatively you can send an email to [complaints@arc.gov.au](mailto:complaints@arc.gov.au) marking your correspondence for the attention of the Complaints Handling Officer.

Professor Aidan Byrne  
Chief Executive Officer

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# Introduction

## ***The ARC***

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The ARC is a Commonwealth entity within the Australian Government. Its mission is to deliver policy and programs that advance Australian research and innovation globally and benefit the community.

The ARC funds research and researchers under the National Competitive Grants Program (NCGP). The NCGP consists of two elements—Discovery and Linkage. Within these elements are a range of schemes structured to provide a pathway of incentives for researchers to build the scope and scale of their work and collaborative partnerships. The majority of funding decisions under the NCGP are made on the basis of peer review.

The ARC also evaluates the quality of research being undertaken in higher education institutions through the Excellence in Research for Australia (ERA) program. This is aimed at identifying research excellence in Australian higher education institutions by comparing Australia's research effort against international benchmarks. ERA assesses quality using a combination of indicators and expert review by research evaluation committees.

## ***Stakeholders***

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The primary ARC stakeholders are:

- the Australian Government
- institutions and researchers within the higher education sector
- various partner organisations

Other stakeholders include:

- the Australian community
- peak bodies with an interest in research
- research funding agencies
- publicly funded research agencies
- business and industry groups
- the media

## ***Scope of this policy***

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**This policy covers:**

Complaints made by clients or stakeholders in the following two areas:

- general complaints about the ARC; and
- appeals against ARC NCGP administrative processes.

A flowchart of the processes for handling each type of complaint is provided at **Attachment A**.

This policy applies to all ARC staff, including ongoing, non-ongoing and contracted staff.

### **This policy does not cover:**

- Allegations of research misconduct.
- Complaints made about institutional processes for addressing research misconduct. These are covered by the Australian Research Integrity Committee (ARIC).
- Complaints related to the operation of the *Freedom of Information Act 1982* and the *Privacy Act 1988*. These are excluded from this policy because both Acts contain internal complaint handling procedures.
- Complaints made by ARC staff about conduct or whistleblowing activities. These are covered by separate policies.

### **If you wish to make an anonymous complaint**

*Note that the capacity of the ARC to deal with anonymous complaints is restricted by the complainant's desire to remain anonymous.*

In relation to complaints about the ARC, anonymous feedback does not allow the ARC to investigate specific concerns or provide the complainant with feedback as to how the complaint has been resolved. The complaint will nevertheless be considered.

## **1. Policy**

### ***Our commitment***

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The ARC is committed to providing a quality service to its clients and to an integrated complaints handling system. This policy represents the commitment of the ARC to fair and transparent dealings with clients.

In handling complaints we will:

- manage personal and private information in accordance with the *Privacy Act 1988*;
- not discriminate against or otherwise disadvantage anyone who lodges a complaint or provides other feedback (if you think you may have been disadvantaged as a result of feedback you have given us, please let us know);
- not charge for complaints handling processes;
- ensure complaints are resolved in a timely fashion; and
- ensure complaints are addressed in an objective and unbiased manner.

### ***Purpose of the policy***

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The purpose of this policy is to:

- ensure a consistent approach to the management of complaints;
- provide a system that facilitates management of complaints in a timely, sensitive and effective manner;
- increase awareness of feedback and complaints management requirements;
- provide a framework of clear governance; and
- enable a mechanism for using complaints and consumer feedback to improve services.

## ***ARC role and responsibilities***

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### **ARC employees**

All ARC employees will adhere to the commitment made in this policy and ensure that all complaints are managed in accordance with the ARC complaints handling policy.

### **Complaints Handling Officer**

The position of Complaints Handling Officer has been established to provide a single contact point for lodgement of general complaints about the ARC. The Complaints Handling Officer will maintain a register of general complaints and manage the resolution process.

### **Appeals Officer (NCGP)**

The position of Appeals Officer will continue to provide a single contact point for lodgement of appeals against NCGP processes. The Appeals Officer will continue to maintain a register of appeals and manage the appeals process, including providing secretariat support to the ARC Appeals Committee.

### **ARC CEO and ARC Executive**

In regard to complaints handling, the ARC Chief Executive Officer (CEO) will be responsible for making the final decision in regard to the outcome of a general complaint. Relevant ARC Executive will be responsible for assisting the CEO to ensure complaints are resolved satisfactorily.

The CEO is responsible for making the final decision in regard to appeals against NCGP processes. The CEO's decision will be informed by the recommendations of the ARC Appeals Committee.

The Senior Management Group (SMG) will be responsible for analysing complaints handling data and reviewing the *Complaints Handling Policy and Procedures* as part of ARC business review and improvement processes.

### **Appeals Committee**

The ARC Appeals Committee consists of members who are external to the ARC. The Committee considers appeals against NCGP administrative processes and makes recommendations to the CEO. The Committee may also make recommendations to the ARC about possible improvements to its documentation and processes.

## ***Monitoring and review of complaints***

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The Complaints Handling Officer and Appeals Officer will maintain a register of general complaints and appeals to enable regular reporting to SMG, including the identification of any recurring issues.

The SMG will regularly review complaints handling data and Appeals Committee advice to determine possible improvements to ARC policies, administrative procedures and documentation. An evaluation of the ARC complaints handling policy and procedures will be undertaken at least once a year. This will include reporting against ARC service level standards.

## ***Public Interest Disclosure***

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The *Public Interest Disclosure Act 2013* (the PID Act) is an Act to facilitate disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector. The

ARC encourages and supports the reporting of wrongdoing by public officials in accordance with the PID Act.

While a Public Interest Disclosure (PID) may also be reported as a complaint to the ARC, PID's will be dealt with differently to other complaints due to the nature of the disclosure and the protection and confidentiality measures outlined in the PID Act.

## 2. Procedures – General Complaints

### ***What is a general complaint?***

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A general complaint may be about:

- the standard of services provided by the ARC; and/or
- the diligence, competency, behaviour or attitude of ARC staff.

The ARC Service Charter details the values, guiding principles and service standards of the ARC.

### ***How do you make a general complaint?***

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#### **STEP 1: Contact the staff member involved**

If you have a general complaint about the ARC, you should initially contact the staff member involved by phone or email to discuss the matter.

#### **STEP 2: Contact the ARC Complaints Handling Officer**

If you have already discussed your concerns with the staff member involved and are not satisfied, or if you feel uncomfortable discussing your concerns, the complaints handling process is available to you.

If you decide to proceed with this process you should download and complete the ARC General Complaints Form. A copy of the General Complaints Form is provided at **Attachment B**. The completed form should be sent to the Complaints Handling Officer:

**By email:**     [complaints@arc.gov.au](mailto:complaints@arc.gov.au)  
**By mail:**     The Complaints Handling Officer  
                  Australian Research Council  
                  GPO Box 2702  
                  CANBERRA ACT 2601

All formal complaints must be in writing.

To enable timely investigation of the complaint it is preferable that the complaint contain the following information:

- name and address of the person or organisation making the complaint;
- detail of the complaint;
- description of what you want us to do to fix the problem; and
- an explanation of the reasons for the complaint.

## ***How will we handle your complaint?***

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The ARC Complaints Handling Officer will oversee the complaints handling process. They will:

- be the primary contact point for lodgement and enquiries regarding general complaints about the ARC;
- acknowledge receipt of your general complaint;
- make a preliminary assessment of the legitimacy of the complaint and discuss options with you for resolution of the complaint;
- investigate the complaint; and
- inform you of the outcome and/or remedial action taken to resolve the complaint.

In investigating the complaint the Complaints Handling Officer will:

- gather all information;
- confirm issues and facts with the complainant if required;
- analyse the complaint against ARC procedures; and
- determine whether the complaint is valid.

Once investigation of the complaint has been completed the Complaints Handling Officer may prepare a recommendation for the ARC CEO. The CEO may make a decision regarding the outcome of the complaint. Where applicable, you will be advised of the outcome of the complaint.

If the CEO decides that your formal complaint is justified, a course of action will also be decided.

Possible outcomes could be:

- taking steps to rectify the problem; and/or
- changing ARC policies or procedures if the complaint exposes a systemic problem.

## ***How long will it take?***

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The length of time taken to resolve a formal complaint will depend on the nature and complexity of the issues raised. As a guide, we have set the following time standards that we will aim to achieve in most cases:

- acknowledge receipt of formal complaints within **10 working days** of receiving the complaint; and
- respond to formal complaints within **30 working days** of receiving the complaint.

If this is not possible we will provide an explanation for the delay.

## ***Unreasonable complaints***

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If the ARC decides that your complaint has previously been acknowledged, responded to, and resolved, and that all appropriate avenues of internal review or appeal have been exhausted:

- no phone calls will be accepted or interviews granted concerning the specific matter already reviewed; and

- correspondence will be received, read and filed but only responded to if it provides materially significant new information about the complaint or the complainant's concerns or raises new issues which in the ARC's opinion require fresh action.

## ***What else can you do?***

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### **Further internal review**

If you are not satisfied with our response to your formal complaint, you should write to the Complaints Handling Officer within **30 working days** of receiving the response. You should provide reasons why you feel the response is not satisfactory. The complaint may then be referred back to the CEO for reconsideration. Where possible, a further response will be provided within **30 working days**.

### **External review**

If you have completed each stage of our general complaints handling process and are still not satisfied, or you are dissatisfied at any time during the handling of your complaint, you may wish to seek an external review through an alternative mechanism, such as:

- Commonwealth Ombudsman
- Privacy Commissioner
- Australian Information Commissioner
- Scheme for Compensation for Detriment caused by Defective Administration (the CDDA Scheme)

Further information about each of the organisations listed above is provided in **Attachment C**.

## **3. Procedures – Appeals (NCGP)**

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### ***What is an appeal?***

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Applicants for funding under the schemes of the NCGP are able to submit an appeal against administrative process issues. The appeals process is designed to ensure that the applicant has been treated fairly and consistently in the context of the selection procedures.

The ARC will **only** consider appeals against administrative process issues and not against committee decisions or assessor ratings and comments.

### ***How do you make an appeal?***

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Appeals must be lodged, in writing, through the relevant Administering Organisation's research office using the ARC Appeals Form. The Appeals Form can be downloaded from the ARC website.

The Appeals Form must be received by the ARC, within 28 days of the date the Administering Organisation is notified of the outcome of a proposal. The completed form should be sent to:

**By email:** [appeals@arc.gov.au](mailto:appeals@arc.gov.au)  
**By mail:** The Appeals Officer  
Australian Research Council  
GPO Box 2702  
CANBERRA ACT 2601

Appellants should provide the ARC with all the information necessary to enable the appeal to be considered without the need for further written or oral explanation or reference to additional material.

## ***How will we handle your appeal?***

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The Appeals Officer will manage the appeals process. They will:

- be the primary contact point for lodgement and enquiries regarding appeals;
- acknowledge receipt of an Administering Organisation's appeal;
- collate the appellant's and the ARC submission for the Appeals Committee (generally the ARC submission outlines relevant provisions of the funding rules and the processes which were applied during the selection process);
- provide secretariat support to the ARC Appeals Committee; and
- inform the relevant Administering Organisation of the outcome of the appeal.

The ARC Appeals Committee will consider the information presented in regard to each appeal and determine whether there has been any error in the administrative process relating to the selection process. If so, it will determine whether any such errors led to a defect in decision-making which adversely affected the proposal. In each case it will make a recommendation to the ARC CEO whether an appeal should be upheld or dismissed.

The Appeals Committee also provides general advice to the ARC in relation to how its administrative processes could be modified or improved.

The ARC CEO will consider the Appeals Committee's recommendation and determine whether to accept its advice. In the case that an appeal is upheld an appropriate course of action will be decided.

## ***How long will it take?***

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The ARC Appeals Committee meets two to three times per year (usually around July/August and again in December/January) to consider appeals arising from recent funding rounds.

## ***What are the options for external appeal?***

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While the ARC only accepts appeals against administrative process issues, at any time you may seek to appeal any ARC decision using an alternative external appeal mechanism.

Potential external options for appeal include:

- Commonwealth Ombudsman
- Privacy Commissioner
- Australian Information Commissioner
- Administrative Appeals Tribunal (AAT)\*
- Administrative Decisions (Judicial Review) (ADJR)
- Scheme for Compensation for Detriment caused by Defective Administration.

Further information about each of the above options is provided in **Attachment C\***.

*Regarding available options for external appeal, the AAT does not have general power to review ARC decisions.*

## 4. Contact details

### In person:

Our office is located at 11 Lancaster Place, Canberra Airport, Canberra.  
The reception (Level 2) is open Monday – Friday from 9am – 5pm.

### By phone:

You can telephone us during business hours (except public holidays) on **02 6287 6600**.

### By email:

**General enquiries** about the work of the ARC can be emailed to [info@arc.gov.au](mailto:info@arc.gov.au)

**Media enquiries** can be emailed to [communications@arc.gov.au](mailto:communications@arc.gov.au)

**NCGP enquiries** can be emailed to [ncgp@arc.gov.au](mailto:ncgp@arc.gov.au)

**ERA enquiries** can be emailed to [era@arc.gov.au](mailto:era@arc.gov.au)

**General complaints** can be emailed to [complaints@arc.gov.au](mailto:complaints@arc.gov.au)

**Appeals** forms and enquiries can be emailed to [appeals@arc.gov.au](mailto:appeals@arc.gov.au)

### By mail:

You can write to us at:

GPO Box 2702

CANBERRA ACT 2601

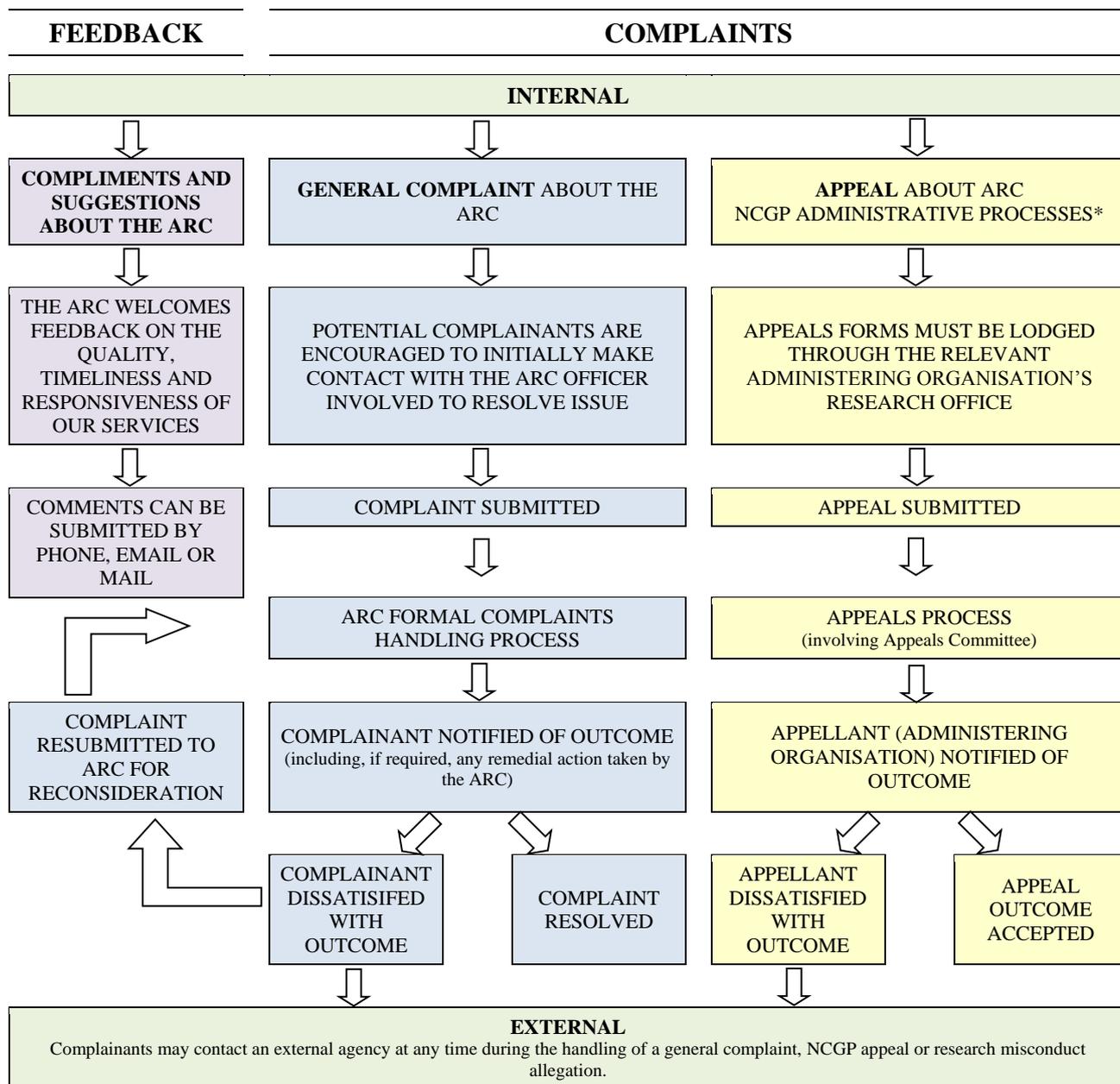
## 5. Glossary

<b>Administering Organisation</b>	means an Eligible Organisation which is responsible for the administration of the funding of a project approved for funding under an ARC NCGP scheme.
<b>ARC</b>	means the Australian Research Council, as established under the ARC Act
<b>ARC Act</b>	means the <i>Australian Research Council Act 2001</i>
<b>ARIC</b>	means the Australian Research Integrity Committee jointly established by the Australian Research Council and the National Health and Medical Research Council
<b>Complaint</b>	means an expression of dissatisfaction made to the ARC; related to our standard of service and/or the actions of an ARC staff member, or an appeal against NCGP administrative processes, or an allegation of research misconduct associated with ARC funding; where a response or resolution is explicitly or implicitly expected
<b>Complainant</b>	means the person, organisation or its representative, making the complaint
<b>CEO</b>	means the occupant of the position from time to time of the Chief Executive Officer of the ARC, or the delegate, as established under the ARC Act
<b>Formal complaint</b>	means a concern which has not been resolved informally, and which is then set out in writing, and forwarded to the ARC
<b>Informal complaint</b>	means a concern, dissatisfaction, or frustration which can be resolved informally and without the need for further action
<b>Interest</b>	means any direct or indirect, pecuniary or non-pecuniary interest
<b>Minister</b>	means the Minister from time to time responsible for the administration of the ARC Act
<b>Working day</b>	means a day that is not a Saturday, Sunday or a gazetted public holiday in the place where an activity is to be done and, if an activity is to be done on a day that is not a working day, then it is to be done on the next working day.

## 6. Document Details

<b>POLICY NAME:</b>	Australian Research Council Complaints Handling and Appeals Policy and Procedures
<b>RELEVANT LEGISLATION:</b>	<i>Freedom of Information Act 1982</i> <i>Privacy Act 1988</i> <i>ARC Act 2001</i>
<b>RELEVANT CODES / STANDARDS / GUIDELINES:</b>	APS Code of Conduct <i>Commonwealth Fraud Control Guidelines (2002)</i> <i>The Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (2004)</i> AS ISO 10002, <i>Customer satisfaction – Guidelines for complaints handling in organizations (2006)</i> <i>The National Statement on Ethical Conduct in Human Research (2007)</i> <i>The Australian Code for the Responsible Conduct of Research (2007)</i> <i>ANAO Better practice guide to complaints handling (2009)</i> <i>Principles on open public sector information (2011)</i> <i>Web Content Accessibility Guidelines (WCAG) 2.0</i>
<b>RELATED ARC POLICIES / DOCUMENTS / AGREEMENTS:</b>	<i>ARC Client Service Charter</i> ARC Funding Rules ARC Funding Agreements
<b>APPROVAL AUTHORITY:</b>	ARC Senior Management Group
<b>DATE OF ORIGINAL APPROVAL:</b>	09/11/2011
<b>DATE LAST AMENDED:</b>	24/04/2013
<b>DATE FOR REVIEW:</b>	November 2013 or as required by significant changes to ARC structure or functions
<b>POLICY SPONSOR:</b>	Executive General Manager
<b>POLICY OWNER / CONTACT:</b>	Complaints Handling Officer
<b>AMENDMENT HISTORY:</b>	Version 0.1: 9 November 2011 Version 0.2: 23 July 2012 (review and update to incorporate minor changes and new CEO message) Version 0.3: 24 April 2013 (addition of caveat regarding AAT) Version 0.4: 05 August 2014 (removal of section relating to research misconduct (for inclusion in separate policy), and include section on unreasonable complaints.

# Attachment A: Overview of the ARC Feedback and Complaints Handling Processes



# Attachment B: General Complaints Form

Complaint ID No.

*(ARC use only)*

<b>Title:</b>	
<b>Family name:</b>	
<b>Given name:</b>	
<b>Organisation:</b>	
<b>Postal address:</b>	
<b>Contact number(s):</b>	
<b>Email:</b>	

1. **I wish to complain about (list only the main issues – you have the opportunity to provide more detail below):**

2. **I am raising these issues because I'm hoping to receive:**

3. **I raised my concerns with the staff member to seek a resolution and I understood their response to be:**

4. **However, I still believe that my concerns were not satisfactorily dealt with and I request that a senior officer investigate and report to me for the following reasons:**

5. In the space below, please tell us (a) the events that led to your complaint, (b) what you believe that the ARC did or did not do, and (c) the date of the conduct/issues that you are concerned about:

6. Attach copies of any relevant documents. Please list the documents that you have attached:

The officer considering your complaint is required to apply the principles of natural justice while they carry out their investigation. Natural justice involves informing the people being complained about of the allegations against them and then giving them the right to respond. Natural justice also requires that the investigating officer will approach your case without bias, will not have a personal interest in the outcome and will only take action based on evidence.

What this means is that we would normally send a copy of the complaint to the person being complained about and ask for their side of the story. If there is any reason why you do not want us to do this please tell us. If we are unable to send a copy to the person being complained about the matter may not go any further.

Can we send a copy of your complaint to the staff member you are complaining about?  
**Yes/No**

### Declaration

I hereby declare that the above information is true and correct.

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please return this form to:

**By email:** [complaints@arc.gov.au](mailto:complaints@arc.gov.au)

**By mail:** The Complaints Handling Officer  
Australian Research Council  
GPO Box 2702  
CANBERRA ACT 2601

## Attachment C: External Review Information

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### Administrative Appeals Tribunal (AAT)

The Administrative Appeals Tribunal (AAT) provides independent merits review of administrative decisions made by the Australian government and some non-government bodies. Merits review of an administrative decision involves considering afresh the facts, law and policy relating to that decision.

Further information about AAT processes and how to apply is available on the AAT website.

**Tel:** 1300 366 700  
**Email:** [aatweb@aat.gov.au](mailto:aatweb@aat.gov.au)  
**Post:** GPO Box 9955, Canberra ACT, 2601 (Canberra Office).  
For other State and Territory offices see the AAT website.  
**Website:** [www.aat.gov.au](http://www.aat.gov.au)

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### Administrative Decisions (Judicial Review) (ADJR)

This process can be used if you want the Federal Magistrates Court of Australia to review an administrative decision or conduct under the *Administrative Decisions (Judicial Review) Act 1977*. Further information regarding the ADJR process and associated forms is available on the Federal Magistrates Court of Australia website ([www.fmc.gov.au](http://www.fmc.gov.au)).

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### Australian Information Commissioner

The Office of the Australian Information Commissioner (OAIC) is an Australian Government agency, established under the *Australian Information Commissioner Act 2010*. The Office of the Australian Information Commissioner is Australia's federal regulatory agency for freedom of information and privacy. The office also has a role in government information policy issues.

**Tel:** 1300 363 992  
**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
**Post:** GPO Box 5218, SYDNEY NSW, 2001  
**Website:** [www.oaic.gov.au](http://www.oaic.gov.au)

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### Australian Research Integrity Committee (ARIC)

The ARIC, which is jointly established by the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC), provides a review system of institutional processes to respond to allegations of research misconduct.

For further information regarding the ARIC or to download the ARIC Request for Review form, please see the ARC website or contact the ARIC Secretariat.

**Tel:** (02) 6287 6701  
**Email:** [aric@arc.gov.au](mailto:aric@arc.gov.au)  
**Post:** ARIC-ARC Secretariat [IN CONFIDENCE]  
Australian Research Council, GPO Box 2702, Canberra ACT 2601  
**Website:** [www.arc.gov.au](http://www.arc.gov.au)

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## Commonwealth Ombudsman

You have the right to refer your complaint to the Commonwealth Ombudsman. The Commonwealth Ombudsman can investigate complaints about the actions and decisions of Australian Government agencies to see if they are ‘wrong, unjust, unlawful, discriminatory or just plain unfair’.

Complaints can be made in writing, by phone, in person or by using an online complaint form. Further information is available from the Commonwealth Ombudsman's website.

**Tel:** 1300 362 072  
**Email:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
**Post:** GPO Box 442, CANBERRA ACT, 2601  
**Website:** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

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## Privacy Commissioner

If at any time you consider that we have breached your privacy, you may wish to submit a complaint to the Privacy Commissioner at the Office of the Australian Information Commissioner (OAIC). The OAIC has complaint handling responsibilities under the *Privacy Act 1988*. It investigates privacy complaints from individuals about Australian and ACT government agencies, and private sector organisations covered by the Act.

Information on how to submit a complaint, as well as a complaints form, is available from the OAIC website.

**Tel:** 1300 363 992  
**Email:** [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)  
**Post:** GPO Box 5218, SYDNEY NSW, 2001  
**Website:** [www.oaic.gov.au](http://www.oaic.gov.au)

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## Scheme for Compensation for Detriment caused by Defective Administration (the CDDA Scheme)

If you consider you have suffered detriment as a result of our administrative procedures or advice, you may wish to submit an application under the Scheme for Compensation for Detriment caused by Defective Administration (the CDDA Scheme).

Applications under the CDDA Scheme should be made directly to the ARC. Further information about the CDDA Scheme is available on the ARC website ([www.arc.gov.au](http://www.arc.gov.au)).