

ARC Complaints handling and appeals Policy

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Scope of this policy

This policy covers complaints made by stakeholders in the following areas:

- general complaints about the ARC (including NCGP, ERA and EI administrative processes);
- 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. These are covered by the [ARC Research Integrity Policy](#)
- 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, please 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

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
- ensure complaints are addressed in an objective and unbiased manner.

Purpose of the policy

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
- enable a mechanism for using complaints and consumer feedback to improve services.

ARC role and responsibilities

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, ERA or EI processes. 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 or a complaint about ERA or EI processes. 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.

Appeals Committee

The ARC Appeals Committee principally 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

The ARC's Senior Management Group (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

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?

A general complaint may be about:

- the standard of services provided by the ARC
- the diligence, competency, behaviour or attitude of ARC staff
- the administrative process of ERA or EI.

With respect to ERA and EI, the ARC will only consider complaints against administrative processes and not against committee/panel decisions or the reports made by ERA Peer Reviewers.

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

How do you make a general complaint?

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

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
- an explanation of the reasons for the complaint.

How will we handle your complaint?

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
- 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
- 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?

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.

Previous complaints

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?

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)

What is an appeal?

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?

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

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?

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
- 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 allowed 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?

The ARC Appeals Committee generally 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?

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

Media enquiries can be emailed to communications@arc.gov.au

NCGP enquiries can be emailed to ncgp@arc.gov.au

ERA enquiries can be emailed to era@arc.gov.au

EI enquiries can be emailed to ARC-EI@arc.gov.au

General complaints can be emailed to complaints@arc.gov.au

Appeals forms and enquiries can be emailed to appeals@arc.gov.au

By mail:

You can write to us at GPO Box 2702, CANBERRA ACT 2601

5. Glossary

Administering Organisation	means an Eligible Organisation which is responsible for the administration of the funding of a project approved for funding under an ARC NCGP scheme
Appeal	means 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
ARC	means the Australian Research Council, as established under the ARC Act
ARC Act	means the <i>Australian Research Council Act 2001</i>
ARIC	means the Australian Research Integrity Committee jointly established by the Australian Research Council and the National Health and Medical Research Council
Complaint	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
Complainant	means the person, organisation or its representative, making the complaint
CEO	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
EI	means Engagement and Impact Assessment
ERA	means Excellence in Research for Australia
Formal complaint	means a concern which has not been resolved informally, and which is then set out in writing, and forwarded to the ARC
Informal complaint	means a concern, dissatisfaction, or frustration which can be resolved informally and without the need for further action
Interest	means any direct or indirect, pecuniary or non-pecuniary interest
Minister	means the Minister from time to time responsible for the administration of the ARC Act
NCGP	means the National Competitive Grants Program
Working day	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

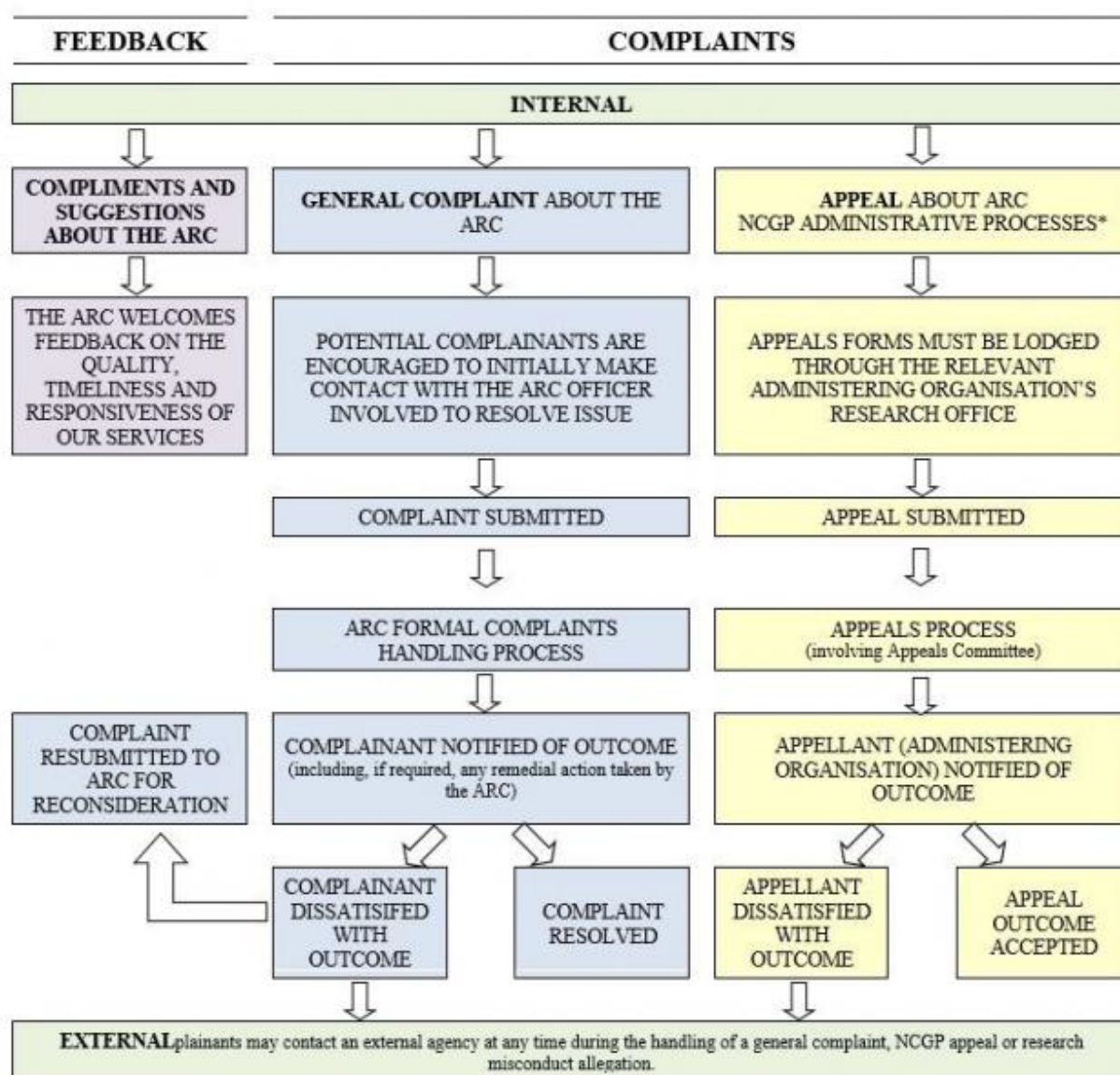
POLICY NAME:	Australian Research Council Complaints Handling and Appeals
RELEVANT LEGISLATION:	<i>Freedom of Information Act 1982</i> <i>Privacy Act 1988</i> <i>ARC Act 2001</i>
RELEVANT CODES / STANDARDS / GUIDELINES:	APS Code of Conduct <i>Commonwealth Fraud Control Guidelines (2011)</i> <i>The Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (2013)</i> <i>AS ISO 10002, 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 (2018)</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>
RELATED ARC POLICIES / DOCUMENTS / AGREEMENTS:	<i>ARC Client Service Charter</i> ARC Funding Rules/Grant Guidelines ARC Funding Agreements/Grant Agreements
APPROVAL AUTHORITY:	ARC Senior Management Group
DATE OF ORIGINAL APPROVAL:	09/11/2011
DATE LAST AMENDED:	Last amended 2018
DATE FOR REVIEW:	June 2019 or as required by significant changes to ARC structure or functions
POLICY SPONSOR:	Executive General Manager
POLICY OWNER / CONTACT:	Legal Counsel
AMENDMENT HISTORY:	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. Version 01: April 2015

Version 0.1: 2017 – minor updates and checking of relevance.

Version 2018.1: 2018 – minor updates and addition of ERA and EI complaints handling processes.

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



Attachment B: General Complaints Form

General Complaints Form – [PDF Format](#) – [Word Format](#)

Attachment C: External Review Information

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](http://www.aat.gov.au).

Tel: 1300 366 700

Email: 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

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](http://www.fmc.gov.au) (www.fmc.gov.au).

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

Post: GPO Box 5218, SYDNEY NSW, 2001

Website: www.oaic.gov.au

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

Post: ARIC-ARC Secretariat [IN CONFIDENCE] Australian Research Council, GPO Box 2702, Canberra ACT 2601

Website: www.arc.gov.au

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
Post: GPO Box 442, CANBERRA ACT, 2601
Website: www.ombudsman.gov.au

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
Post: GPO Box 5218, SYDNEY NSW, 2001
Website: www.oaic.gov.au

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).