

JLOS COMPLAINTS HANDLING FRAMEWORK (CHF) 2012



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List of Abbreviations

CHF	Complaints Handling Framework
ICT	Information Communication Technology
JLOS	Justice Law and Order Sector
JSC	Judicial Service Commission
LDC	Law Development Centre
SIP III	Third Strategic Investment Plan
UHRC	Uganda Human Rights Commission
UPS	Uganda Prisons Service
URSB	Uganda Registration Services Bureau

Key Definitions

Complaint: an expression of dissatisfaction about staff conduct, a service, procedure, practice or departmental policy that is NOT resolved at the point of service.

Record of Complaint: the documented record of a complaint received.

Standard Complaint: usually involving a single issue or concern.

Vexatious Complaint: a complaint intended to harass, annoy, delay or cause detriment.

Complainant: any person who lodges a complaint with the JLOS member institution.

Complaint Handling Officer: any employee appointed by an institution to resolve a complaint. External investigators are not considered to be a complaint officer.

Complex Complaint: usually involve multiple issues, parties or service areas.

External Investigator: a consultant or contractor external to the business area engaged by a Managing Officer to investigate a complaint. An external investigator must have the necessary skills, knowledge, experience and training to understand and investigate a complaint and have no conflict of interest.

Formal Investigation: an investigation of a complex complaint that may involve multiple issues, parties or business areas.

Internal Review Officer: an officer nominated by an institution responsible for managing the review of a complaint, decision or outcome on the request of a complainant.

Investigation: reviewing an action or activity in response to a standard complaint.

Investigation Officer: an employee external to the relevant service area appointed by an institution to resolve an issue that cannot be resolved within the service area.

Managing Officer: a line manager or other senior employee appointed by an institution to oversee the Complaint Handling System (CHS).

Receiving Officer: any employee who accepts a complaint from a complainant.

1.0 INTRODUCTION

The Justice Law and Order Sector (JLOS) institutions face a number of systemic and operational challenges in the administration of justice. One of such challenges is the absence of comprehensive and effective complaints handling procedures that inspire and enhance public confidence and participation. Such systems would among others, ensure the existence of clear procedures for the receipt and handling of complaints from service users; availability of trained staff within the institution to receive and handle complaints in a timely and satisfying manner and provide feedback to the complainants; and the existence of a clear tracking system to ensure timely follow up on complaints.

The sector recognizes that effective complaint handling is critical to delivering quality services that are responsive to the needs of the users. Client complaints are a valuable source of feedback and an important tool for business and staff development. Diligent and prompt attention to complaints can help to identify the needs of clients and stakeholders, understand service delivery shortcomings, increase client satisfaction and improve overall performance.

Some JLOS institutions such as JSC, UHRC, UPS, Judiciary, have developed Public Complaints H Systems but many of these are not adequately used or appreciated because they lack sound feedback mechanisms. The sector therefore appreciates that complaints handling systems must have inbuilt feedback mechanisms if they are to be sustainable, effective and efficient. Thus, the sector seeks to build an organizational culture that recognizes the benefits of effective complaint handling to justice service delivery.

To this end, the Sector has developed this Complaint Handling Framework (CHF) to serve as the overall reference point for all member institutions in complaints handling processes. It is critical that each institution customizes the application of this framework based on their mandate and operational context.

1.1. Situational analysis

The services of JLOS remain largely unknown and inaccessible outside of urban settings and particularly for socially and economically disadvantaged groups.¹ This has partly been caused by the inadequate geographical and information coverage of most justice institutions.

A baseline survey conducted by JLOS in 2012 on the providers of justice and utilization of JLOS institutions established that Police and Local Council courts were the institutions most engaged by the public irrespective of their education, age, gender etc., while the public engagement with other JLOS institutions was quite low.² Whereas the survey places the public satisfaction with services of JLOS institutions at 59.8% which is a good performance, a clear message runs through the report; that the institutions and their services are largely not known and accessible to the public. The avenues for public engagement with the institutions were also found to be limited in coverage and usage.

For JLOS service delivery to improve, one of the critical mechanisms the Sector should promote is a harmonized and effectively applied Complaints Handling Framework which individual institutions should be able to customize and apply as their complaints handling systems and procedures. Convenient and user friendly options for complaints and commendations filing by the public will

¹ JLOS: A Baseline Survey Report on Selected JLOS Indicators, July 2012

² Ibid

promote wider and constructive public engagement with the justice institutions; boost the level of public confidence in and utilization of the services of justice institutions. The increased user and public vigilance and demand for quality services will in turn enhance the effectiveness of service delivery of the justice institutions. The sector, through its harmonized Complaints Handling Framework, seeks to enhance public confidence, participation/utilization in JLOS services and ensure increased institutional accountability and provision of quality justice services. Effective complaints handling processes at institutional level requires more commitment and openness to public engagement, positive attitude to public complaints and dynamisms and openness to a range of innovative options such as embracing and utilizing the ICT capabilities that facilitate effective receipt, processing, and feedback processes.

The Third JLOS Strategic Investment Plan (JLOS SIP III – 2012/13-2016/17) has recognized the progress made across JLOS institutions to improve the capacity for complaints handling in terms of both speed and action.³ The JLOS SIP III has strongly prioritized strengthening public complaints handling for all institutions so as to enhance access to JLOS services and observance of human rights particularly for vulnerable persons. All JLOS institutions are thus expected to effectively customize this CHF in as part of strengthening their service delivery standards in realizing the outcomes of the JLOS SIP III.

1.2. Objective of the CHF

The objective of this complaint handling framework is to improve the capacity of JLOS institutions to embrace, adopt and apply an effective complaints handling system that enhances public confidence and participation in the administration of justice.

1.3. Application and Scope

This CHF applies to JLOS institutions. The framework guides the institutions in their respective complaints handling processes, according to institutional mandates and operational contexts.

2.0 THE GUIDING PRINCIPLES

The complaint handling framework is underpinned by the following principles:

2.1 Visibility and Access

- The public will have access to information about the complaint handling system including how and where to make a complaint. The complaint handling framework and procedures will be available to the public through the JLOS institutions' website and other public communication platforms. Information materials will be available at service delivery points.
- Reasonable assistance will be available to complainants with special needs, including complainants who are unable to lodge a complaint in writing.

2.2 Responsiveness

- Complaints will be resolved in a timely manner. Complainants will receive regular progress reports during complex or lengthy investigations.
- Employees will be aware of and have access to the institutional complaint handling systems and procedures. New employees will receive general complaint handling training during induction.
- Complaints will be referred to external agencies, where required.

³ JLOS Third Sector Strategic Plan (JLOS SIP III) 2012/13 – 2016/17, March 2012

2.3 Timeliness

- Responses to complaints should be made within timelines determined by individual institutions.

2.4 Integrity

- The principles of natural justice will be applied to all complaints. Further information about natural justice shall be available in the institutional complaint handling procedures.
- Complaint officers will demonstrate fair and consistent decision-making.
- Complaints will be investigated without prejudice to any other right a complainant may have.

2.5 Accountability

- Parties to a complaint will receive appropriate feedback.
- Complaint data will be analysed to identify systemic issues that need to be addressed in order to improve performance and reduce the number of complaints received.
- Where potential system improvements are identified, such feedback shall be provided to relevant service areas of JLOS institutions.
- JLOS institutions will ensure adequate resources, including staff and training, are available to manage complaints.

2.6 Effectiveness

- The complaints handling processes shall be logically concluded to achieve the intended results and in accordance with set targets and performance standards.

2.7 Complainant Protection

- The parties to the complaint will be protected against victimization.

3.0 NATURE AND CATEGORY OF COMPLAINTS

3.2 What is a Complaint?

- For the purpose of this CHF, a complaint is defined as an expression of dissatisfaction about staff conduct, a service, procedure, practice or relevant policy that is NOT resolved at the point of service.
- The specific ingredients of complaints and complaint admissibility conditions vary from institution to institution in accordance with the institutional mandate.

3.2 Complaint Categories

Generally, complaints should be categorized by complexity and issue, but as earlier stated, each institution has its own complaint classification in respect to its mandate.

3.3 Issue

For recording and tracking purposes, complaints should also be categorised by issue. If a complaint falls into more than one category, the complaint officer must determine which category is most accurate. The complaint categories are:

- Service delivery
- Administrative decision
- Staff conduct (not including human resource grievances)
- Policy and/or procedure.

3.4 Complexity

- Standard complaints usually involve a single issue or concern. Standard complaints do not require the level of detailed investigation as other complaints and can often be resolved by reviewing an action or activity.
- Complex complaints may require detailed or lengthy investigation. Complex complaints may involve multiple issues, parties or service areas. In some instances, a formal investigation may be necessary.

3.5 Internal and external complaints

This CHF applies to complaints that are both internal and external to the institutions. Internal complaints should generally be dealt with by the institution concerned. However, this framework does not override institutional policies and procedures regarding staff performance matters or disciplinary and grievance processes.

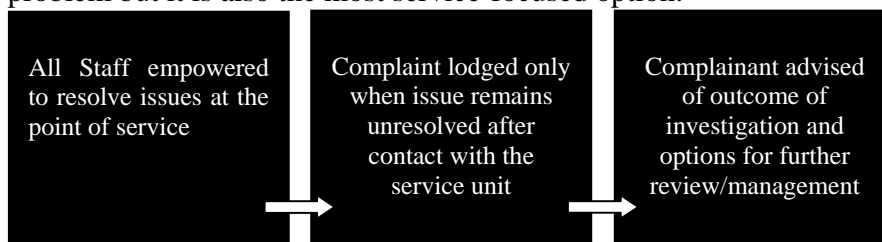
4.0 THE COMPLAINT AND FEEDBACK HANDLING CYCLE

4.1 Lodging a complaint

- Complaints can be made orally or in writing. Complainants are encouraged to submit their complaint in writing. In instances where this is not possible, a record of complaint shall be created. *JLOS will, in the medium term, develop an online automated system for complaint receipt and handling tracking which complement the existing manual system.*
- Complaints can be received by a specific unit of an institution but every staff is obliged to support complainants to lodge complaints with ease, courage and hope.

4.2 Complaint resolution at point of contact

Wherever possible, an institution should encourage all staff to discuss the issue or concern in person or by telephone with the client or with the employee or service unit concerned at the point of contact and before a formal complaint is considered. Not only is this the most efficient way to resolve a problem but it is also the most service-focused option.



Often, a simple explanation or empathy can go a long way to resolving an issue. In some cases, staff may seek guidance from a supervisor or manager or refer the issue to a third party with the institution to take further action. Frontline staff must be empowered to resolve these issues wherever possible. Only when this process is unsuccessful or untenable in receiving or resolving an issue or concern to the satisfaction of the client should a formal complaint be considered.

4.3 Formal complaint receipt and resolution

- If an issue or concern is unable to be resolved at the point of contact, the client may lodge a complaint with the institution. There are also complaints which come through without the possibility or opportunity of first contact. Complainants should be advised to put such complaints in writing.

- There are four steps in the complaint resolution process. This process aims to be simple and straightforward for both clients and staff to use.



4.3.1. Step One – Receive complaint

Complaints may be made orally or in writing. Complainants are encouraged to submit their complaint in writing. In instances where this is not possible, a record of complaint should be created.

4.3.1.1. Receiving oral complaints

Any member of staff receiving an oral complaint (in person or by phone) should record the name, address, other contact details of the complainant, and nature of the complaint. The complainant should be asked to put their complaint in writing. It should be possible to deal with the majority of oral complaints at the time they are made either by the person receiving them or by referring the complainant immediately to another member of staff. The action taken in response to the complaint and the outcome should be recorded. If an oral complaint cannot be dealt with immediately, the procedure for written complaints should be followed.

4.3.1.2. Receiving a written Complaint

Any member of staff receiving a written complaint (by letter or e-mail or any other written means of communication) should follow the procedure outline below in step two (4.3.2).

Complainants may not be required to identify themselves. When preparing a record of complaint for an anonymous complainant, efforts should be made to obtain:

- Sufficient information, including documents, to allow proper investigation, and
- Adequate contact details so the complainant can be advised of the outcome or, if necessary, can be asked for more information or comment to progress the investigation.

A *sample complaint form* is provided in **Appendix A**. The complaint form is used to create a record of complaint. Service areas may use the sample form provided or amend it to suit their needs.

a) Language Assistance

Language assistance should be available to non-English speaking complainants and complainants should be encouraged to submit their complaints in the language of their convenience. The institutions should not encourage the use of family or friends as interpreters.

b) Creating a Record of Complaint

When creating a record of complaint the Receiving officer should:

- Consider arranging an interview or meeting room to document the complaint in private.
- Work through the complaint form with the complainant, listen carefully and document the complaint as dictated.
- Provide further information about the complaint handling process.
- Have the complainant sign the complaint form or acknowledge the complaint details.
- Provide the complainant with an endorsed copy of the form, and

- Refer the record of complaint to a managing officer.

AN IMPORTANT NOTE...

The Receiving Officer should refer oral complaints about the conduct of employees to a supervisor, team leader or similar authority to record – excluding those complaints involving suspected misconduct, including official misconduct as outlined in the institutional policies and procedures.

c) Complaints Managing officers

Each JLOS institution will designate Complaints Managing officers responsible for:

- Assessing the complaint and deciding whether it can be actioned by the institution
- Deciding who will investigate the complaint
- Making decisions about extensions and vexatious complaints, and
- Monitoring complaint data, preparing quarterly reports to the supervisors and top management
- Identifying improvement opportunities.

d) Complaint Handling officers

Each institution will designate a complaint officer who should:

- Have the necessary skills, knowledge, experience and training to understand and manage the complaint
- Not be the original decision maker or service provider, and
- Have no conflict of interest.

If the complaint involves another employee the complaint officer should be senior to the person named in the complaint.

The managing officer and complaint officer may be the same person, particularly in small institutions.

4.3.2. Step Two – Register and Acknowledge Complaint

This step should be completed within **5 working days** of the complaint being lodged.

a) Registering a Complaint

All complaints – as defined in this framework - must be recorded on a complaint register. In order to comply with this provision, the register must include:

- Date complaint received
- Nature of complaint
- Issue
- Method of complaint
- Outcome of complaint, and
- Date of feedback.

To maintain privacy and confidentiality, access to the complaint register should be restricted to:

- Directors/managers (as per HR delegations)
- Managing officers, and

- Complaint handling officers.

b) Acknowledging a Complaint

Once the complaint is registered, the complaint officer must acknowledge receipt of the complaint in writing or by telephone. This should include:

- Reassuring the complainant that their feedback/complaint is valued
- Requesting any further information considered necessary to action the complaint
- Outlining how the complaint will be managed, including a timeframe for resolution
- Establishing how progress reports will be provided, and
- Providing contact details for the complaint officer.

c) Requesting further Information

A complaint officer may request additional information from a complainant if it is necessary to action the complaint. An institution may refuse to investigate a complaint until this information is received.

If the institution is unable to action the complaint, the complaint officer should explain why and if possible, refer the complainant to the appropriate service area or external agency.

4.3.3. Step Three - Investigate Complaint

This step should be completed within **20-60 working days** of acknowledging the complaint. The exact period required to investigate the complaint will depend upon the complexity of the issue/s involved.

a) Conducting an Investigation

Complaints can be investigated in many ways. The service delivered by a service area will influence how the complaint is investigated. Investigating a complaint may include but not be limited to:

- Clarifying the details provided in a complaint
- Identifying actions taken to resolve the issue before the complaint was lodged
- Gathering and analysing information from relevant file notes, correspondence and/or other sources
- Reviewing applications submitted by the complainant
- Reviewing documentation submitted by the complainant
- Reviewing previous administrative decisions or actions
- Interviewing complainants, employees and/or other individuals involved in the complaint
- Reviewing relevant policies, procedures and/or legislation, or
- Reviewing previous complaints about the same issue.

Complaints that involve the conduct or actions of specific employees that cannot be resolved within the institution should be referred to the relevant management structures of the institution who will handle them in line with the institutional or public service policies and procedures.

b) Outcome of Investigation

Outcomes that may result from the investigation of a complaint include but are not limited to:

- Amending or rescinding or taking any other decision;
- An explanation of how and why the problem occurred;
- Changes to a service provision;

- Review of policies or procedures;
- Staff training; or
- Disciplinary action.

The JLOS institutions are bound by policy and legislative requirements. At times, this can make it difficult to resolve some issues or concerns to the satisfaction of a client. However, this does not diminish the client’s right to lodge a complaint or have their issue dealt with by an objective decision maker – even if the end result is the same. Complaint officers must demonstrate fair and consistent decision making.

4.3.4. Step Four - Respond to Complaint

Step four should be completed within **5 working days** where possible of completing the investigation. A response must be provided to the complainant once the outcome of the complaint is known. An appropriate response should include:

- The outcome of the investigation
- A clear explanation of decisions made
- Changes implemented as a result of the complaint (if applicable), and
- Options for review

5.0 CRITICAL CONSIDERATION IN COMPLAINT HANDLING PROCESSES

5.1 Natural Justice

Natural justice refers to procedural fairness, ensuring a fair decision is reached by an objective decision-maker. Natural justice requires two rules to be observed:

1. The “hearing rule” which requires that a person or body deciding a particular matter ensure the affected person knows the case against them and has the opportunity to present their case before any decision is made.
2. The “rule against bias” which requires that a decision-maker should have no personal interest in the matter to be decided, has no bias as to the outcome and acts in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

Further information about procedural fairness and natural justice (including a guide to ethical decision making) should be available in the institution’s Code of Conduct.

5.2 Review of process, decision or remedy

If a complainant is dissatisfied with the outcome of their complaint they may request an internal review of the complaint.

5.2.1. Internal Review

The top management of an institution may nominate internal review officers responsible for managing the review of a complaint decision/outcome on the request of a complainant. Officers appointed to conduct an internal review must be from a different service area and of equal or greater seniority to the officer who conducted the original investigation.

Internal review involves the institution reviewing the process used by the designated officer to consider the complaint, and/or the merits of any decision or action taken. As well as considering the

overall fairness of the remedy (to both the complainant and the institution), the internal reviewer will examine the standard of performance in the following key areas:

- **Accessibility** – the availability of the complaint handling and investigation process
- **Timeliness** – of response, considering the degree of complexity or seriousness of the issue
- **Satisfaction** – with the complaint investigation process and the outcomes of the resolution;
- **Effectiveness** – of the investigation, response and redress offered, and
- **Compliance** – with the complaint handling policy and procedures.

The internal reviewer must have authority to:

- Examine all materials in relation to the complaint and investigation
- Overturn any adverse decision that led to the request for review
- Provide information to external reviewer, and
- Compile data about the internal review process for analysis.

5.2.2. Keeping records of complaints

Complaint officers are responsible for ensuring the complete and accurate recording of all material relating to a complaint (including actions and decisions made regarding issues resolved at the point of service). These records shall be kept and preserved in accordance with the national records and archives legislations and policies.

Each complaint file must contain all correspondence, file notes of any telephone conversations, interviews and findings from investigations, recommendations and internal approvals. The file must also contain evidence of the methodology used to consider the complaint and an explanation for the actions taken.

The file will be available for internal and external review, subject to privacy and freedom of access to information considerations.

5.2.3. Protection / Confidentiality

The protection of the complainants against victimization is a key responsibility of institutions and critical for complaint handling sustainability and credibility. If a complainant believes their personal information, or the personal information of a third party, has not been managed in line with one or more of the principle of confidentiality and this CHF, they may lodge a separate complaint under this CHF.

5.2.4. Misconduct

Complaints about misconduct by staff, including breaches of the code of conduct should be immediately referred to the Heads of institutions, designated units in the institutions to receive such complaints or any other relevant institutions of Government.

5.2.5. Vexatious complaints

An institution may refuse to investigate a complaint if it is considered to be trivial, frivolous or vexatious. A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment.

If a complaint is considered vexatious, this must be communicated to the complainant in writing. Managing officers should choose this course of action after careful consideration and keep sufficient evidence to support their decision should the complainant choose to take their complaint to any other authority.

5.2.6. Timeframes

The timeframes outlined in this framework are long enough to encompass the needs of individual business areas. The Sector encourages the prompt resolution of complaints and supports business areas who choose to reduce the maximum timeframes stated.

- Standard complaints should be finalized within a maximum of 30 working days.
- Complex complaints should be finalized within a maximum of 70 working days.
- Or any such other period as may be prescribed in the institutions' client charters
- Extensions beyond this time should be communicated to the complainant immediately and the reason for the extension.
- Regular progress reports should be provided to the managing officer and the complainant during lengthy investigations.

5.2.7. Reporting

Aggregate complaint data will be included in the annual report. Institutions will compile quarterly reports. These reports will highlight the performance of their CMS over the previous three months, and, at the minimum, the reports will include:

- Name of institution
- Number of complaints received during the reporting period by category
- Number of extensions granted during the reporting period
- Number of complaints conclusively handled during the reporting period, and
- Significant service improvements (if any).

5.2.8. External investigators

An external investigator is a consultant or contractor engaged by an institution to investigate a complaint. External investigators must have the necessary skills, knowledge, experience and training to understand and investigate a complaint and have no conflict of interest. They are to conduct their investigation according to the same procedures as an ordinary investigator, and must commit to provisions and obligations of confidentiality.

Institutions may appoint external investigators if:

- The matter is outside their area of expertise or delegation
- If the complainant requests it; or
- If there may be a conflict of interest.

5.2.9. Appeal process

If a complainant is unsatisfied with the outcome of their complaint they may request a review of the complaint by the director or manager of the relevant institution.

5.2.10. Referral Process

The complaints which are outside the mandate of an institution but have been received by such an institution will be referred to the relevant institutions for handling. In such a situation, the complainant will be duly informed and advised to follow up directly with such a referral institution.

5.2.11. Coordination, Collaboration and Implementation Mechanisms on Handling Complaint

Each institution should have a functional and equipped complaint handling unit that will implement the complaint handling tasks. The institutions are also expected to customize this CHF.

The referral mechanism indicated in this CHF shall be applied by all institutions in respect to the nature of complaints received.

The JLOS Secretariat will access and consolidate complaint handling reports from the institutions into coherent sectoral reports that can be shared amongst stakeholders.

6.0 COMPLAINT FORM

Reference No:

1. INFORMATION FOR COMPLAINANTS

- Before lodging a complaint, you should contact the business area involved to discuss your concern. Where possible, they will take steps to resolve the matter directly with you.
- Standard complaints may take up to **30 working days** to finalize.
- Complex complaints may take up to **70 working days** to finalize.
- Once you lodge the complaint, it will be referred to a complaint officer who will investigate your complaint and contact you with an outcome.
- During the investigation, the complaint officer may contact you to obtain additional information to support the complaint.

2. PERSONAL DETAILS

*Fields mark with an * must be completed.

Title: Mr Mrs Ms Miss Male Female

*What is your last name(s)?

*What is your first name(s)?

3. CONTACT DETAILS

What is your current residential address?

* What is your mailing address? (if different to residential address)

Daytime contact number

Mobile phone number

Email address

Preferred Contact Method: Telephone Letter Email Unknown

4. COMPLAINT DETAILS

*Does your complaint involve a breach of privacy? Yes No

*Have you reported your complaint to any other agency? Yes No If yes to whom:

*Have you lodged a complaint about this issue before? Yes No If yes, when:

5. COMPLAINT CATEGORY

Indicate the category of the complaint:

6. COMPLAINT SUMMARY

Please outline what happened, when it happened, where it happened and who was involved? If necessary, attach an extra page to outline the complaint. Any documentation that supports your complaint should also be provided (copies only).

What do you want to be done?

7. ACKNOWLEDGEMENT

All of the information provided above is true and correct to the best of my knowledge.

Signature

Date

I am willing to provide feedback on the department's complaint handling system. Yes No

8. PRIVACY NOTICE

Our Commitment to You:

We will only use the information provided on this form to resolve your complaint. We will usually provide the information you give us to other business units within the department that may have information relevant to your complaint so that it can be managed fairly.

Your personal information will not be provided to any person you are complaining about, unless it is specifically required to ensure your complaint is appropriately dealt with. None of the information you provide on this form will be disclosed outside of this department without your permission, unless we are required to do so by law.

9. LODGEMENT

Post a copy of your completed form and any attachments to:

Address of Institution:

10. OFFICE USE ONLY

***Receiving Officer:**

Position

Date

Complaint lodged: Telephone In person In writing

***Referred to Managing Officer**

Date

Notes