

## **Guidelines for Handling Complaints from Members of the Public and from Gallery Employees**

### **Introduction**

These guidelines have been prepared by the National Gallery of Australia (NGA) for people who are considering making a complaint, and for people responsible for responding to a complaint.

Making a complaint or an allegation is a serious matter, and all parties involved may feel anxious about the process and outcome. NGA staff will strive to ensure all parties fully understand what is involved so that informed decisions can be made along the way.

### **A complaint, or just feedback?**

The NGA values feedback and is working constantly to improve its services. The Service Charter outlines the services that we provide, what you can expect from us, and how you can assist us with improvements. The Service Charter is available in hard copy and on our website ([www.nga.gov.au](http://www.nga.gov.au)), and enables you to tell us whether you think our services are "excellent", "average", or "poor".

If you want to complain about a service, you may use the Service Charter form, or the process described below.

### **Who can make a complaint?**

Anyone who is not satisfied with the services with which they are provided may lodge a complaint. If a complainant cannot personally lodge a complaint, they may authorise a third party to do so on their behalf.

For NGA employees, complaints or grievances relating to any decision/action that relates to employment or working arrangements should be resolved via Clause B.8 of the *National Gallery Certified Agreement 2001-2003*.

### **Anonymity and confidentiality**

Complainants who wish to remain anonymous may lodge their complaints anonymously. If the complaint is investigated, we will endeavour to preserve their anonymity. However, sometimes it may be impossible to guarantee that complainants will not be identified, particularly if their complaint is unique or well known within the Gallery. It may also be very difficult for the Gallery to either fully

assess the merit of the complaint, or adequately investigate it, without being able to clarify issues with the anonymous complainant.

All complaints will be treated with the appropriate level of confidentiality. Employees who for any reason are uncomfortable with raising informal or formal complaints with their supervisor or the relevant action area, are encouraged to approach the Complaints Coordinator in HRM directly, (the Manager, Human Resource Management), or the Deputy Director.

### Commonwealth Ombudsman

The Commonwealth Ombudsman is able to investigate complaints about administrative matters, and can usually do so without disclosing the identity of complainants. Complainants who are concerned to maintain their anonymity should consider contacting the Ombudsman's office.

## **Complaints Procedure**

### Informal Complaints

Anyone who is not satisfied with the service they received should tell the staff member concerned, or their supervisor, to try to resolve the problem.

If this does not resolve the complaint, or if it is not possible to identify the original staff member or their supervisor, then a formal complaint should be considered.

### Formal Complaints

Formal complaints may be submitted by telephone, personally, or in writing. A Complaint Form that sets out required information is provided as part of these Guidelines.

Whatever method is chosen to notify the complaint, the complainant should be careful to ensure that all relevant details are provided so the complaint can be dealt with expeditiously.

The complaint must include:

- name, address and contact details (unless anonymity is being sought);
- an explanation of the complaint, describing what happened, how it happened and who was involved;
- any letters or memos which may be relevant to the complaint;
- a suggested outcome being sought by the complainant; and
- if the complaint is being lodged on behalf of another person, that person's name and their relationship to the complainant (unless anonymity is being sought).

Formal complaints should be forwarded to:

The Complaints Coordinator  
Human Resource Management Department  
National Gallery of Australia  
GPO Box 1150  
CANBERRA ACT 2601

Or by telephone to (02) 6240 6559.

If the complaint is about the Complaints Coordinator, or about the Gallery's Human Resource Management Department, the complaint should be forwarded to the Gallery's Deputy Director at the same postal address above, or telephone (02) 6240 6401.

The stages in submitting a formal complaint are as follows:

#### *Stage 1 – Lodgement*

The complainant advises, orally or in writing, their complaint to the Complaints Coordinator. An acknowledgement will be sent to the complainant within 5 working days of its receipt. In most cases the NGA will resolve the complaint within 15 working days of receipt. If this is not possible, an update will be provided to the complainant as soon as possible specifying the likely time frame for resolution.

Complaints will be registered and acknowledged by the Complaints Coordinator in the Human Resource Management Department before being forwarded to the relevant Program Manager who will identify an appropriate action officer. The Program Manager will use his/her discretion to determine whether the complaint should be brought to the Director's attention.

If the Program Manager considers the complaint is frivolous or vexatious, he/she will advise the Complaints Coordinator of this assessment, and the reasons. The Complaints Coordinator will then seek the Deputy Director's approval to dismiss the complaint and advise the complainant accordingly.

#### *Stage 2 - Assessment*

The complaint will be assessed according to the circumstances and the available evidence. The person making the complaint may be contacted for more information if necessary, and if the complaint is not made anonymously.

Gallery staff against whom a complaint is made will be provided with all details of the allegation, and their comments sought.

A response to the complaint will be provided to the complainant outlining any actions to be taken. The response will detail the reasons for the decision. A copy will also be provided to the subject of the complaint.

#### *Stage 3 – Review*

If the complaint has not been resolved satisfactorily, the complainant may apply to the Director for a review to be undertaken. Depending on the circumstances, the Director may appoint a Review Officer. A review must be requested within 28 days of the complainant receiving the response.

Other rights of review include the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission, if relevant to the nature of the complaint. These usually only occur after all other avenues have been exhausted.

### Special Needs

Complainants with special needs should make them known to the Complaints Coordinator who will assist or make special arrangements where possible.

### **Whistleblowing**

Members of the public, or employees, making any complaints in good faith – not just those alleging a breach of the Gallery's Code of Conduct by an employee - will be protected from harassment and reprisals.

### **Internal Complaints**

NGA employees may lodge complaints on any aspect of their employment, working arrangements or environment not already provided for through Clause B.8 of the *National Gallery Certified Agreement 2001-2003* (Review of Decisions/Actions). However, it should be noted that existing processes should be used in the first instance to resolve the following issues:

- building and facilities – a Building Services Maintenance Request can be used to report any concerns relating to the building and facilities including those relating to airconditioning, fire alarms, electrical and plumbing;
- risks – forms with which to report identified risks are available on request from the Risk Management Coordinator;
- general OH&S – the supervisor should be approached initially, and if unable to resolve the matter satisfactorily, the Designated Work Group Representative or OH&S Officer should be contacted;
- OH&S Hazards and Incidents – discuss with supervisor and complete the Incident/Hazard Reporting Form, which clearly outlines the procedures to follow.

*Prepared by HRM*

*Endorsed by Program Managers*

*Referred for staff comment*

*Approved by Program Managers*

*Date of effect*

*Seen by GCC*

*Review date*

*December 2001*

*December 2001*

*Received 18 January 2002*

*13 February 2002*

*13 February 2002*

*To be tabled at April 2002 meeting*

*Scheduled for February 2004*

Notification of a Complaint

A complaint may be lodged in person, over the telephone, or by using this form or sending a letter.

While anonymous complaints will be accepted, it may be difficult for the Gallery to satisfactorily resolve your complaint if we cannot contact you for further information.

Telephone complaints

If you know the person or work area to contact: ring the Gallery's switchboard on 02 6240 6411.

If you do not know who to contact, ring the Complaints Coordinator on 02 6240 6559.

**Confidentiality**

The information you provide in completing this complaint form may be used in conducting an investigation into your complaint.

We guarantee to maintain your confidentiality and privacy as far as possible while investigating your complaint. We will ensure that only those who need to know are given details of you or your complaint. If you demand absolute confidentiality, we will discuss with you the problems which that may present in resolving your complaint.

**Translation needs?** If English is not your preferred language, please telephone (02) 6240 6559.

**PART 1 – Your Details**

Name: \_\_\_\_\_ email address: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone number(s): \_\_\_\_\_

Business name (if relevant): \_\_\_\_\_

Are you making this complaint on behalf of someone else? \_\_\_\_\_

If yes, please name that person: \_\_\_\_\_

What is your relationship to that person? \_\_\_\_\_  
\_\_\_\_\_

Do they know you are complaining on their behalf? \_\_\_\_\_

**PART 2 – The Complaint**

Have you already contacted the Gallery and tried to resolve this complaint? \_\_\_\_\_

If yes, please advise who you contacted and why you were not satisfied with the offered solution:

\_\_\_\_\_  
\_\_\_\_\_

## National Gallery of Australia – Complaint Notification Form

Details of your complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there witnesses can help in the investigation of your complaint? \_\_\_\_\_  
\_\_\_\_\_

### PART 3 – Resolution

Do you have a suggested outcome for resolution of your complaint? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Once you have completed this form, please forward it to:

The Complaints Coordinator  
National Gallery of Australia  
GPO Box 1150  
CANBERRA ACT 2601

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### HRM use only:

Reference No.: \_\_\_\_\_  
Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Acknowledged: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Closed: \_\_\_\_/\_\_\_\_/\_\_\_\_