Complaint internal review policy

OFFICIAL

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# Introduction

Members of the public who have complained to the VGCCC about a regulated entity or the gambling industry and are not satisfied with the outcome can ask for an internal review of the decision.

## Document purpose

This document sets out the VGCCC's process for receiving and handling internal review requests.

# Framework

This policy complies with the following documents:

* [*Charter of Human Rights and Responsibilities Act 2006*](https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/015)
* Guidelines for Complaint Management in Organisations (Australian Standard ISO 10002:2018)*[[1]](#footnote-1)*

* [Complaints: Good Practice Guide for Public Sector Agencies](https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/a-good-practice-guide-to-handling-complaints/), Victorian Ombudsman (September 2016)
* [*Privacy and Data Protection Act 2014*](https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/028)
* VGCCC Service charter

## Guiding principles

This policy aligns with the 7 guiding principles set out in the Complaints: Good Practice Guide for Public Sector Agencies*.*

| **Principle** | **Explanation** |
| --- | --- |
| Commitment | We are committed to resolving complaints and have a culture that recognises an individual’s right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery. |
| Accessibility | People with a range of needs can easily complain and staff actively assist them to navigate the complaints process. |
| Transparency | We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny. |
| Objectivity and fairness | Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit. |
| Privacy | Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely. |
| Accountability | We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes. |
| Continuous improvement | Acting on, learning from and using complaint data helps us identify problems and improve services. |

## Complaints management framework

This policy forms part of Complaints Management Framework which sets out the procedures for receiving, processing, triaging, managing, investigating and referring complaints, from receipt to closure.

The following documents form part of the Complaints Management Framework:

* VGCCC Complaints handling policy
* VGCCC Complaints management triage model
* VGCCC Enforcement strategy
* VGCCC Privacy policy statement
* VGCCC Prosecution policy
* VGCCC Service charter

## Information privacy

We collect personal information for the purpose of responding to, reviewing or monitoring complaints. We manage this in accordance with the *Privacy and Data Protection Act 2014* and our [Privacy policy statement](https://www.VGCCC.vic.gov.au/privacy-policy-statement).

We advise members of the public who make a complaint of the intended use of the information they provide to us.

# Complaint internal review request

External complainant may request an impartial review of a decision by a VGCCC staff member related to a complaint against a regulated entity or the gambling industry in general.

The impartial reviewer considers whether the original decision maker:

* identified and addressed all the relevant issues including potential breaches of the relevant legislation
* sought and considered appropriate evidence
* complied with legislative requirements and our internal policies and procedures
* made the correct decision, and adequately communicated the outcome to the complainant
* acted consistently with their obligations under internal policies and procedures and legislative powers as an authorised officer.

Actioning a request is not a re-investigation of a complaint, although this is an outcome which may be recommended by an internal reviewer.

## Why is a complaint internal review request process required?

Our Service chartersets out our service standards for dealing with members of the public. It includes requirements for timely and transparent decision making and for supporting impartial reviews of decisions made by the VGCCC through a defined process.

The process is established to support our Service charter and to provide a framework that will deliver procedural fairness and promote good complaint handling.

# Submitting a request

A request can be submitted by a complainant who has lodged a formal complaint with the VGCCC and received a written determination regarding their complaint.

The option to request a review is detailed in the written determination we send to the complainant.

A request must be made in writing:

**By email**: contact@vgccc.vic.gov.au

**By post**: Victorian Gambling and Casino Control Commission, GPO 1988, Melbourne, Victoria, 3001

## What should a request include?

When submitting a request, a complainant should provide as much detail as possible regarding why they think the initial determination requires an internal review.

A request should:

* clearly set out why the complainant believes a decision was incorrect, unreasonable or wrong
* refer to, and where possible provide, any documents or other evidence relied upon to support the review request
* include:
* name, address, email and telephone number of the complainant
* previous case reference number, if known
* any new information that should be considered in reviewing the matter
* copies of any relevant letters or other documents that have not previously been provided

A request must be made no later than **28 days** after the original decision has been made and communicated to the complainant.

If more than 28 days have passed since the original decision, a complainant may be required to provide a submission outlining the circumstances which prevented them from making the request within 28 days.

We may consider a request received beyond the 28-day period when exceptional circumstances contributed to the delay in the request.

# Conducting an internal review

## Who conducts the review?

The internal review is conducted by a senior VGCCC authorised officer (VPS 6 level or above) who had no substantive dealings with the complaint.

The outcomes of the internal review must be reviewed and approved by the director of the division responsible for the initial assessment of the complaint.

## Undertaking a review

The reviewer will consider the information provided with the initial complaint and any additional material provided by the complainant to support the request.

The reviewer may also speak to the VGCCC employee/s who dealt with the original complaint.

Where a complainant has submitted a request:

* a written acknowledgement of the receipt of the CIRR will be issued to the complainant within 7 business days from receipt
* reviews should be completed within one month of the request being received unless a further investigation is required. If a further investigation is required, or the reviewer has experienced unexpected delays in assessing the request, this will be communicated to the complainant as soon as practical
* the reviewer will inform the complainant in writing of the outcome of the internal review, including reasons for the decision. The letter must be signed by the director of the investigating division.

If the reviewer decides further investigation is appropriate, they will inform the complainant of the decision to further investigate and either:

* conduct or supervise the investigation
* refer the matter to another employee to investigate and make the final decision.

The original decision maker should not be involved in any further investigation.

## What outcome can be expected?

One or more of the following outcomes are possible:

* The original decision was deemed appropriate and the complaint does not require further investigation.
* The original decision was not deemed appropriate and should be amended without further investigation.
* The original investigation should be reopened and re-investigated.
* The decision should have been better communicated.

## One review only

Except in exceptional circumstances, a complaint will be reviewed only once, upon submission of a request.

## Feedback and monitoring

Reviewers:

* advise the original decision maker that a review request has been received
* report the outcomes of the review to the original decision maker and their divisional director, with comments aimed at improving future decisions
* ensure any feedback provided to the initial decision maker, where the initial outcome was not deemed appropriate, is timely and actioned accordingly.

1. ## Guidelines are only available when purchased from Standards Australia – copies are available for VGCCC staff.

   [↑](#footnote-ref-1)