Complaints handling policy

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# Introduction

This policy reflects the needs, expectations, and rights of those who make complaints to the VGCCC. It recognises the public’s right to complain and provides mechanisms for complaints to be addressed in an efficient, fair and timely manner.

This policy reflects our commitment to effective complaint handling that is fair, transparent and responsive.

## Document purpose

This document sets out the complaint handling policy for the VGCCC.

Each division’s complaint handling processes are aligned with this policy.

## Scope

The policy applies to all VGCCC staff, including individuals contracted to carry out work for or on behalf of the VGCCC.

**What is a complaint?**

A complaint is an expression of dissatisfaction with the quality of an action taken, decision made, or service provided or a delay in these actions.

Complaints can be made to us about:

* entities and persons that are regulated by the VGCCC and the gambling industry in general
* the VGCCC or its staff.

We respond to all complaints we receive from the public and our stakeholders, with the following limited exceptions:

* where a complaint is unintelligible and the complainant cannot be contacted to better understand the information provided
* where a complaint has been made anonymously, meaning we cannot reply. Note that we will still act on the details of anonymous complaints, where it is appropriate to do so.

# Statement of policy

We are an independent regulator that ensures the integrity of the Victorian gambling industries and is committed to minimising harm, among other core functions.

We respond to complaints in line with our service standards (outlined below), and within a reasonable timeframe where it receives a complaint about:

* the industries and entities we regulate (e.g., gaming venues, the casino, or other regulated entities)
* the services provided by the VGCCC or the conduct of its employees.

# Framework

As a public sector agency, we have a responsibility to members of the public to provide high-quality, timely services, and fair, transparent decisions.

This policy aligns with:

* [*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 following 7 guiding principles set out in the Complaints: Good Practice Guide for Public Sector Agencies.

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| **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 about regulated entities or the gambling industry

Our Complaints Management Framework sets out the procedures for receiving, processing, triaging, managing, investigating and referring complaints, from receipt to closure.

All procedures comply with this policy and Complaints: Good Practice Guide for Public Sector Agencies. The following documents form part of the Complaints Management Framework:

* VGCCC Complaint internal review policy
* 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.

## Complaints about VGCCC staff

### External complaints

Complaints from external sources which identify integrity-related issues about our staff (such as fraud, corruption, staff misconduct or misuse of data) are escalated to the General Counsel and Director Legal, Policy and Harm Minimisation*.* They triage and refer those complaints to the appropriate responsible party for consideration and actioning.

### Internal complaints

Complaints from internal VGCCC sources which identify integrity-related issues about our staff (such as fraud, corruption, staff misconduct or misuse of data) are escalated to the appropriate person determined in consultation with our People and Culture Manager**.**

## Privacy complaints

Complaints regarding privacy of personal information or alleged privacy breaches are handled in accordance with the our Data breach response plan and referred to the Privacy Manager (Manager, Legal Services)to be triaged accordingly.

The Privacy Manager assesses these complaints and determines the most appropriate course of action which may include misconduct proceedings. This may be determined in conjunction with People and Culture, the Executive Management Team, other external integrity bodies, or referred to a divisional director to handle in accordance with the Data breach response plan.

# Service standards

## Service charter

Our [Service charter](https://www.VGCCC.vic.gov.au/contact-us/VGCCC-service-charter)sets out our service standards for when it is 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.

## Roles and responsibilities

Each division within the VGCCC establishes processes and procedures that outline the roles and responsibilities of relevant staff during the complaints handling process.

These processes and procedures include arrangements to ensure that each complaint has a nominated owner and that, where it is necessary to transfer ownership, the complainant is advised expeditiously.

Arrangements for the transfer of ownership between divisions will also be articulated.

## Timeliness

As set out in its Service charter, we aim to acknowledge complaints within**5 working days**.

The timeframe for complaint investigations is set out in the VGCCC Complaints handling procedures – Regulatory Services Division.

Where contact details have been supplied, we maintain regular contact with the complainant. This includes the provision of status updates on the progress of the complaint**.**

## Record keeping

Each division has processes and procedures to record, track and monitor complaints in the VGCCC electronic document management system.

## Collaboration

Where intra- or cross-divisional input is required to respond to a complaint, each staff member fully cooperates in a timely manner to ensure the complaint can be answered in a timely and efficient manner.

At the conclusion of the complaint, only **one response** compiled by one lead division (as agreed by all divisions involved) must be provided to the complainant encompassing input from all the involved divisions.

## Escalation

A complaint can be escalated at any time during the complaints handling process. Divisional processes include procedures whereby complaints may be escalated to a manager or director.

Complaints are escalated if:

* high-risk issues[[2]](#footnote-2) are identified or develop at any time during the complaint handling process
* dissatisfaction is expressed about existing processes
* dissatisfaction is expressed about the determination or the outcome of a licence application or an investigation.

## Explain our actions

When responding to complaints, divisions ensure the outcome of a complaint is communicated to the complainant in plain language and in a manner that aligns with our Service charter and Complaints: Good Practice Guide for Public Sector Agencies.

## Review options

All complainants have the right to review a decision made by the VGCCC regarding their complaint.

Complainants who are dissatisfied with the outcome of their complaint can seek a review of the our decision by any of the following methods:

### Submitting a complaint internal review request

This process is outlined in the Complaint internal review policy, which is available on the VGCCC website. The internal review process will also be detailed in all closure letters to complainants.

### Contacting the Victorian Ombudsman

Complainants may make a complaint to the [Victorian Ombudsman](http://www.ombudsman.vic.gov.au/complaints/).

### Submitting a freedom of information request

If complainants wish to access documents held by us, they may make a [freedom of information request](https://www.vgccc.vic.gov.au/community-services/freedom-information).

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

   [↑](#footnote-ref-1)
2. *In relation to this policy, a high-risk issue is any issue that causes or involves or may have the potential to cause or involve:*

   *media interest*

   *questions raised in the Parliament*

   *escalation to the Minister’s office and/or Department of Justice and Community Safety or wider areas of government*

   *significant loss/damage or harm to a complainant because of a licensee's actions or inactions*

   *minors gambling.*  [↑](#footnote-ref-2)