

AUSTRALIAN DEFENCE FORCE CADETS: COMPLAINT RESOLUTION POLICY

INTRODUCTION

1.1 Australian Defence Force Cadets (ADF Cadets) programs are designed to deliver a safe and positive youth experience. However, no matter how well programs are developed, complaints may sometimes arise within diverse groups of individuals, with varying backgrounds and experience.

1.2 In the ADF Cadets context, a complaint is any expression of dissatisfaction about the ADF Cadets program, the way it operates, the behaviour of its members or participants, or about a particular decision, act or omission, and where a response or resolution is expected. A complaint may be the only way individuals feel able to improve a situation they consider adversely affects them and/or others.

1.3 Complaints can therefore be a valuable mechanism to help improve the ADF Cadets program – and can also prevent a minor problem or dispute escalating into a serious issue. Because of this, an effective system for handling complaints, and a culture where complaints are taken seriously and resolved in a timely and fair manner, is essential in achieving a safe and positive ADF Cadets experience.

1.4 It is recognised that everyone has the right to make a complaint about any element of the ADF Cadets program. This right, however, is balanced by responsibilities such as complainants attempting to resolve interpersonal issues before complaining and participating in the resolution process.

1.5 Complaints can be made verbally or in writing (including letter, fax, or electronic means such as email or SMS). They can be about something the complainant has personally experienced or observed, or be made on behalf of another person.

POLICY INTENT

1.6 The primary purpose of this policy is to ensure that complaints are resolved fairly and effectively and that anyone participating in the ADF Cadets program, particularly the cadets are confident that if they make a complaint:

- a. it will be taken seriously;
- b. they will be provided with appropriate support and assistance; and
- c. it will be managed in accordance with readily accessible complaints management guidance.

1.7 This policy also provides guidance to Defence personnel and ADF Cadets Adults when receiving, responding to and resolving complaints by a young person. This policy should be read in conjunction with other youth safety policies contained in the [Youth Policy Manual \(YOUTHPOLMAN\)](#).

1.8 The guidance in this policy is focused on the resolution of complaints related to the ADF Cadets program. Guidance related to the management of youth safety incidents (i.e. any event or occurrence involving a disclosure, allegation, suspicion or observation of abuse or neglect perpetrated on either an individual young person or a group of young people) is subject to a separate process, detailed in [YOUTHPOLMAN](#)

[Part 1 Chapter 5](#). The management of safety, security events and incidents of unacceptable behaviour is detailed in individual cadet organisations' guidance.

1.9 This policy is informed by [the Complaint Handling Better Practice Guide Commonwealth Ombudsman](#)¹ and the [Australian Human Rights Commission Good Practice Guidelines for Internal Complaints Processes](#)².

POLICY PRINCIPLES

- 1.10 The principles that underpin this policy are:
- a. Principle 1 – Complaints are resolved at the lowest possible level to achieve an appropriate resolution in the shortest possible timeframe.
 - b. Principle 2 – All complaints are taken seriously.
 - c. Principle 3 – All ADF Cadets members, both adults and young people, have the confidence and knowledge to raise complaints and contribute to their resolution.
 - d. Principle 4 – Complaints are resolved fairly, effectively and confidentially.

POLICY MEASURES AND PRACTICES

Principle 1 – Complaints are resolved at the lowest possible level to achieve an appropriate resolution in the shortest possible timeframe.

1.11 A complaint is an expression of dissatisfaction made with the expectation, expressed either implicitly or explicitly, that the cause of the dissatisfaction will be rectified as quickly as possible.

1.12 Resolution of a complaint in the ADF Cadets context means that timely and effective remedial action, that accords with ADF Cadets policy and procedures, has been taken with due consideration to all parties. Resolution of complaints does not necessarily mean that the decision satisfies either the complainant or the respondent.

1.13 In many cases, concerns and complaints can be resolved quickly and effectively at a low level. A complaint that is resolved promptly and effectively can prevent low level issues or interpersonal disputes from escalating into more serious ones, becoming entrenched, or being unnecessarily referred to an external agency.

1.14 ADF Cadets adults or Defence personnel who receive a complaint that is within their authority and can be resolved appropriately by them (or at their level) should do so as a matter of course. Unnecessary referral of complaints to a higher authority often delays resolution, potentially leading to further dissatisfaction.

1.15 Where a complaint involves an interpersonal issue, especially between peers, consideration should be given to encouraging the complainant to speak directly with the other party or parties to resolve it. In many cases the issue can be resolved by discussion, explanation, or clearing up misunderstandings.

1.16 This approach should not be adopted when there is a significant power imbalance between the parties (e.g. age, or rank/status – whether formal or informal)

¹ http://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf

² <http://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/good-practice-guidelines-internal-complaint>

or if it has the potential to worsen the situation. It is also important for the individual encouraging this approach to provide appropriate support to the complainant and to check that the issue has been satisfactorily resolved. If it is not, then the complaint should be progressed appropriately.

Principle 2 – All complaints are taken seriously.

1.17 A fundamental requirement for effective complaint resolution, especially for young people, is that complaints are taken seriously.

1.18 All complaints are to be handled respectfully, sympathetically, confidentially and promptly. It is particularly important that information about a complaint is only provided to those who need to know about it in order for the complaint to be actioned properly. All parties to a complaint have a right to expect their privacy will be respected and their complaint will be investigated in accordance with the privacy principles related to collecting, storing, using and disclosing personal information obtained in complaint handling.

1.19 If the individual receiving the complaint is able to resolve it, they should do so. Complaints are to be:

- a. acknowledged formally within three days of receipt;
- b. resolved within 30 standard working days (or written advice provided explaining the reason for the delay and the estimated time until resolution); and
- c. documented in accordance with [The Defence Records Management Policy Manual \(RECMAN\)](#).

1.20 Complainants, especially young people, are to be offered appropriate support and assistance. This should include an explanation of the following:

- a. who they should talk to – if it is not the person to whom they made the original complaint (noting that they chose a particular person to confide in and should not feel that they are being 'palmed off' on someone else.
- b. the process that will be followed to resolve the complaint;
- c. the possible outcomes (including any right of review);
- d. that their complaint will be treated in a confidential manner (noting that other relevant persons may need to be informed to achieve resolution and that procedural fairness may require any respondent to be informed of the nature of the complaint); and
- e. respondents should also be advised about the resolution process and be reassured they will have the opportunity to provide their version of events and respond to any negative decisions.

1.21 Discussing the substance of a complaint with the complainant may lead to it being resolved and remove the need for further action. However, under no circumstances should any person attempt to talk a complainant out of making a complaint, dissuade them from talking with an external agency, or threaten them with any adverse action. Doing so may constitute a breach of the [ADF Cadets Code of Conduct](#).

1.22 If a complainant alleges at any time something which, if proven, would constitute a criminal offence or a significant breach of policy, procedure or legislation, then the person receiving the complaint must bring that matter to the attention of the appropriate program supervisor/manager within timeframes proportionate to the

nature of the complaint. **If there is a belief that a young person is in immediate danger, police are to be called immediately on 000.**

Principle 3 – All ADF Cadets members, both adults and young people, have the confidence and knowledge to raise complaints and contribute to their resolution.

1.23 **Confidence.** Although an individual's personality and experience are factors that contribute to having the confidence to make a complaint, the culture, policies and procedures within ADF Cadets organisations also play a major role. A key influence in generating confidence is:

- a. observing that any complaint is taken seriously;
- b. handled promptly, effectively and in a confidential manner;
- c. complainants are not victimised or suffer reprisals for complaining; and
- d. that respondents are provided with equal support and opportunity to present their version of events.

1.24 Appropriate implementation of this policy will contribute significantly to raising confidence in complaint handling generally. In addition to ensuring all complaints are taken seriously the following features are to be incorporated into each ADF Cadet organisation's complaints resolution procedures and practices:

- a. **Accessibility:** the system and procedures are to be clear, visible, and easy to find, with multiple avenues to make complaints including the ability to make a complaint using appropriate social media;
- b. **Responsiveness:** those dealing with complainants are to ensure that: complainants and respondents understand any information provided to them; they are informed of progress at appropriate intervals; and the deadlines in paragraph 1.19 above are met.
- c. **Support:** young people are to be fully supported through the complaints process and this extends to adults complaining on behalf of children – they are to be fully briefed on the process and kept fully informed of progress.

1.25 **Knowledge.** Every ADF Cadets member needs to understand the complaints process in order to be able to participate in it if required. This is particularly relevant for those who have to resolve complaints. The knowledge of how to complain, what the process will involve, and the potential outcomes will also help instil confidence in the process.

1.26 All ADF Cadets members, especially young people, are to be provided with age-appropriate learning opportunities to ensure maximum awareness of their respective ADF Cadets program's complaints resolution process and procedures. Parents and guardians are also to be provided with information about complaint handling and resolution.

1.27 Parents and guardians are also to be provided with information about complaint handling and resolution. This will engender confidence in ADF Cadets and, more importantly, allow them to act as effective advocates for young people, who often prefer that an adult makes a complaint on their behalf.

Principle 4 – Complaints are handled fairly, effectively and confidentially.

1.28 The key to fair and effective complaint resolution is focusing on procedural fairness and following the guidance contained in this policy. The key features of ADF Cadets complaints resolution, detailed at Annex A reflect the five fundamental

principles of effective complaint handling: the application of fairness, accessibility, responsiveness, efficiency and integration.

1.29 **Recording Complaints.** All communication regarding a complaint is to be recorded. Outcomes, in particular, are to be documented prior to closing a complaint.

1.30 The requirement to document is particularly important when an individual, especially a young person, a person with parental responsibility such as a family member, or a nominated person on behalf of a young person, does not wish to make a complaint formal. Informal conversations about a concern, dispute, or grievance are to be recorded to provide background history in case it is raised again, or a similar issue arises with the same individuals.

1.31 Where the nature of the complaint requires it to be referred to another agency for investigation, this is to be clearly recorded and managed in accordance with the requirements of the [Defence Records Management Policy Manual](#) and the [Privacy Act 1988](#)³.

1.32 **Responsibilities of a Complainant.** While an individual has the right to complain, and to have that complaint dealt with fairly, effectively and promptly, a complainant also has the responsibility to:

- a. attempt, where appropriate, to resolve disputes or interpersonal issues by direct discussion with the other party or parties; and
- b. demonstrate willingness to participate in the resolution process, in good faith and with the intention of resolution - not retribution.

1.33 **Vexatious and malicious complaints.** Complainants should be made aware that vexatious and malicious complaints constitute unacceptable behaviour, and are a breach of the ADF Cadets Code of Conduct. A complaint is considered to be vexatious if it is an abuse of the complaint process, if there are no reasonable grounds for the complaint, or the purpose of the complaint is to harass, annoy, delay or cause detriment.

1.34 A complaint that is found to be unsubstantiated does not necessarily constitute a vexatious complaint. It may have been made in good faith but based on incorrect information or a misunderstanding, and/or the evidence to substantiate it may simply not have been located.

1.35 The inappropriate use of social media by posting, distributing or sharing information on platforms such as Facebook, texting, chatrooms, blogs video clips in relation to an individual or a complaint also constitutes unacceptable behaviour and is a breach of the ADF Cadets Code of Conduct.

RELATED POLICY

Accountable Officer: Chief Joint Capability

³ <https://www.legislation.gov.au/Series/C2004A03712>

Policy Officer: Head Reserve and Youth Division

UNCLASSIFIED

Key Features of ADF Cadets Complaints Management

Considering a complaint - complainants feel confident to speak up	Making a complaint – the process is straightforward for adults and young people alike	Staying informed - complainants feel heard and understood	Achieving outcomes – the process is resolution focused and supported by effective and appropriate communication	Organisational learning – the process enables reflection and program improvement
Information on the complaints process as well as the outcomes and program improvements from complaints is readily accessible and available through multiple mediums.	Appropriate support is available for those wishing to complain.	Complaints are acknowledged and resolved in keeping with procedural fairness and published timescales.	The complaints handling process is flexible and offers complainants options for resolving their complaint, depending on the seriousness and nature of the concerns mindful of statutory requirements.	Remedial action is proportionate, follows a consistent approach and takes account of the circumstances of the complaint.
The complaints process includes assurance to members making a complaint that complaining will not affect their membership and every attempt will be made to protect them against unfair repercussions or victimisation.	Members are able to complain verbally or in writing.	The nature of the complaint is clarified and the desired outcome is discussed and agreed at the outset of the process.	In accordance with procedural fairness both complainants and respondents are given the opportunity to be heard, decisions are made without bias; and the complaint response is clear, easy to understand and responds to all concerns raised.	Systems are in place to record and capture themes, trends and outcomes from complaints to enable organisational learning and complaints resolution is included in the annual report
Members are made aware: ADF Cadets is open to	All complainants are taken seriously and complainants'	Complainants are informed of who will be investigating and	Resolution: considers the complainant's desired	Member feedback is actively encouraged on the experience of

<p>feedback and complaints</p> <p>they have both rights and responsibilities when making complainants</p>	<p>concerns treated with respect.</p>	<p>responding to their complaints.</p>	<p>outcome; and</p> <p>is focussed on action in the shortest possible time / at the lowest possible level</p>	<p>making a complaint in order to inform learning and improvement of the complaints process.</p>
<p>There is senior member ownership and accountability for the complaints processes.</p>	<p>Where personal information about an individual is collected, stored, used and/or disclosed for the purposes of resolving a complaint, it is done in accordance with the Defence Privacy Policy</p>	<p>Complainants are advised of the timescales for responding to their complaints and kept informed of any delays.</p>	<p>Learning points and actions specific to the complaint are included in the response together with timescales for completion and the person responsible</p>	<p>Systems are in place to follow</p> <p>up on the recommendations and actions from complaints to ensure that they are implemented and the complainant is informed.</p>
<p>ADF Cadets respects the right to make complain directly to external bodies such as the Human Rights Commission, and/or the appropriate State or Territory Children and Young People's Commissioner</p>	<p>There are clear systems in place for appropriate referral of youth safety issues when a complaint includes such issues.</p>	<p>All complaints are treated confidentially and shared only on a 'need to know' basis.</p>	<p>Complainants are advised on actions taken as a result of their complaint, subject to confidentiality.</p>	<p>Evidence of learning outcomes, program changes and improvements are captured</p> <p>in order to inform organisational learning and program development.</p>

