

# Complaints handling procedures

PRO-021

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## 1. Title

Complaints handling procedures

## 2. Scope

### 2.1 Purpose

To outline procedures for the handling of complaints received by the National Museum of Australia (the Museum).

### 2.2 Background

The Museum recognises the value of feedback, including enquiries, suggestions, complaints and claims, in improving its programs and services. Several Museum policies and procedures provide for feedback, claims or complaints handling, with reference to the subject matter of the relevant policy or procedure. The Museum's Client Service Charter provides general information about how the Museum will deal with feedback, including complaints, received from Museum visitors and clients.

These Complaints handling procedures outline the Museum's general processes for receiving, managing and responding to complaints and claims, including where these relate to the Museum's commitments under the Client Service Charter or other Museum policies and procedures.

## 3. Procedures

### 3.1 Receiving complaints

#### ***Complaints received as feedback***

Most complaints are received as part of feedback provided to the Museum. Feedback can be provided in multiple ways including:

- in person, to a Museum employee
- by email, via the email addresses listed on the Museum's website at <https://www.nma.gov.au/about/contact-us>
- online, via the feedback and enquiry form on the Museum's website at <https://www.nma.gov.au/about/contact-us>
- by telephone, including via the Museum's general information number, (02) 6208 5000
- by mail, via GPO Box 1901, Canberra, ACT, 2601.

The Museum seeks to acknowledge all feedback received where a response has been requested. If the feedback constitutes a complaint about the Museum, these procedures will apply.

In the first instance, the Museum staff member who receives the feedback will assess

whether it should be handled as a complaint, with advice from the Complaints Coordinator if required. Museum staff are to notify the Complaints Coordinator (preferably via [ComplaintsCoordinator@nma.gov.au](mailto:ComplaintsCoordinator@nma.gov.au)) as soon as possible after receiving any feedback or complaint, including complaints received in person.

All feedback and enquiries made through the online feedback and enquiry form tagged by the complainant as a complaint will be treated as a complaint. Where online feedback and enquiries are determined to be a complaint, the complainant should receive a response, even if a response has not been requested.

### ***Complaints in relation to specific Museum policies and procedures***

The Museum operates under various policies and procedures which govern its interactions with a broad range of stakeholders, including members of the public, staff, volunteers, donors, communities, contractors and partner organisations.

These policies and procedures deal with matters including privacy, intellectual property, information access, acquisition of collection items, return of cultural objects, Indigenous cultural rights, working with vulnerable people, access to Museum buildings, public interest disclosures, and conduct of Museum employees.

A list of relevant policies and procedures is set out in section 7.2 of this document. Some of these policies and procedures include specific contact details and/or processes in relation to complaints about matters dealt with under those policies or procedures.

### ***Complaints about services provided by the Museum***

Under the Museum's Client Service Charter, a person who wishes to make a complaint about their experience as a visitor to the Museum and/or about services provided by the Museum, is encouraged to contact the person they have been dealing with at the Museum. If the complainant does not think that the complaint can be resolved by that person, or if the complainant has not previously dealt with someone at the Museum, they should contact the Museum via the phone number, email address, online feedback and enquiry form or mail addresses listed above, to have the matter allocated to an appropriate Museum staff member for action.

People with accessibility needs are encouraged to advise the Museum of their needs so that an interpreter, teletypewriter or other facilities can be provided by the Museum when handling the complaint.

### ***Complaints about the Museum's procurement processes***

Under the *Commonwealth Procurement (Judicial Review) Act 2018* (Commonwealth) (the GPJR Act), suppliers may complain to the Museum about its procurement processes if they believe the Museum has contravened the Commonwealth Procurement Rules in relation to a covered procurement.

The Museum is required to investigate the supplier's complaint and suspend the procurement, unless the Museum issues a public interest certificate to continue the procurement during the complaints handling process. Certain Museum staff are authorised to exercise powers and functions under the GPJR Act, in order to respond to complaints about procurement, in accordance with the Museum's Instrument of Authorisation for the GPJR Act.

### ***Complaints concerning child safety***

The Museum is committed to ensuring feedback and complaints concerning children and young people are taken seriously and responded to promptly and thoroughly. The Museum's Working with children and young people policy (POL-C-043) contains further information about how the Museum will deal with complaints involving children and young people.

## **3.2 How a complaint will be handled**

The Museum's complaints handling process will generally comprise these steps:

1. acknowledge all complaints quickly, within at least 10 days of receiving complaint
2. assess the complaint, including its priority
3. plan the investigation
4. investigate the complaint
5. respond to the complainant with a clear decision within a reasonable timeframe dependent on the needs of the investigation
6. follow up concerns
7. consider if there are any systemic issues to be addressed by the Museum.

Complaints will be dealt with in a manner that is proportionate and appropriate to the nature of the complaint. For straightforward complaints, steps 3 and 4 may not be required. These steps are outlined in more detail below.

### ***Step 1: Acknowledge all complaints quickly***

The complainant should be provided with an acknowledgement of the complaint containing the following information (if known):

- name and contact details of the person who will be dealing with the complaint
- where appropriate, an outline of the complaints handling process
- an estimated time frame for when the complainant can expect to be contacted next.

An acknowledgement should be provided as soon as possible after the complaint is received, and within 10 days at the latest. A written or oral acknowledgement may suffice, depending on the circumstances.

For complaints that are straightforward and can be resolved quickly, the acknowledgement, assessment and response phases may all take place 'on the spot' for direct resolution of the complaint, or be included in a written response to a straightforward complaint received via email or by post. This approach is reflected in the Museum's Client Service Charter.

If a complaint cannot be resolved directly, the complainant is to be advised of the Museum's complaints handling process, including the likely time frame for the Museum to provide a further response to their complaint. If the complaint has been made in person by a Museum visitor, the visitor should be referred to the Client Service Charter and the online feedback and enquiry form on the Museum's website.

Complaints may be made anonymously. However in some circumstances it may be difficult to properly investigate a complaint without knowing the complainant's identity. In such cases, and where possible, the anonymous complainant will be asked how they wish to proceed.

### ***Step 2: Assess the complaint***

The Museum will assess the nature of the complaint and decide whether:

- a. any further information is required from the complainant at this stage. For example, additional information could help determine whether the complaint needs to be addressed to a particular person within the Museum, or should be directed to another organisation.
- b. the complaint should be prioritised or dealt with in a particular way. For example, if there are statutory time frames to be met or other sensitivities.

The complaint will be allocated to a person who is impartial and has the suitable skills to consider the complaint on its merits. For example, a complaint about a privacy breach will be allocated to a person with privacy expertise. In some circumstances a person external to the Museum may be appointed to undertake an investigation.

The person to whom the complaint is allocated will be required to treat the complainant fairly, and to demonstrate impartiality, confidentiality and transparency in their investigation.

If appropriate, the complainant should be asked how they would like to see the complaint resolved and/or what outcomes they are seeking. At this point the complainant may also need to be advised about what outcomes are feasible and why.

The complainant should also be informed of the process that will be adopted for investigating the complaint and applicable time frames (see paragraph 3.3). For some types of complaint, specific complaint handling or investigation procedures may be detailed in other Museum policies or procedures. For example, a 'whistleblower' type of complaint may be dealt with under the Museum's Public Interest Disclosure procedures. Section 7 of these procedures lists a range of Museum policies and procedures which include specific provisions for complaints management or investigation.

A copy of these complaint handling procedures (and, where relevant, the specific Museum policy or procedure that relates to the subject matter of the complaint) should be provided to the complainant.

The Museum may decline to investigate a complaint if it is assessed to be unreasonable or groundless.

***Steps 3 and 4: Plan the investigation and investigate the complaint***

For complaints which are not able to be resolved on the spot, or in the initial response to the complainant, a plan may need to be prepared, outlining what is to be investigated, the relevant steps, and the estimated time needed to undertake each step to resolve the complaint.

In some cases it may be desirable to appoint an independent investigator to investigate the complaint. For the purposes of these procedures, the term ‘investigator’ refers to the staff member or external person appointed to investigate the complaint.

The investigator should identify and take into account Museum policies or procedures relevant to the subject matter of the complaint. Where possible, the investigator should also take account of the outcome the complainant is seeking, and note any special considerations that apply, such as keeping the identity of the complainant private, or safeguarding sensitive or confidential information. For complex or lengthy investigations, the plan may need to be reviewed and adjusted as the matter progresses.

The investigator must seek advice from the Museum’s Legal Services section in relation to significant complaints or claims, for example:

- situations where legal action against the Museum or relating to Museum actions is threatened or foreshadowed
- where a decision or action of the Museum is subject to appeal or challenge lodged with an external entity, for example the Commonwealth Ombudsman.

The investigator should undertake the investigation as quickly as possible. The way in which the complaint is to be investigated will vary depending on the nature of the complaint. It may be necessary to interview or seek further information from the complainant, Museum employees or persons external to the Museum. A written record must be kept of information provided orally.

Where appropriate, the investigator should contact the complainant to provide them with updates on progress of the investigation.

***Step 5: Respond to the complainant***

When the investigation is complete, the complainant should be advised of the outcome of the investigation or the decision reached (subject to any privacy or confidentiality considerations that may apply). An interim explanation or preliminary view may also be given. Complainants should be given an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint.

The Museum response may be provided orally, in writing, or both, depending on the circumstances. A written explanation would be more suitable if the complaint dealt with a serious, complex or disputed matter. An oral response would be acceptable if it was the method preferred by the complainant, however, the Museum will retain a written record of the response in accordance with its recordkeeping practices and privacy policy.

The response should deal with each part of the complaint, to ensure that the complainant is satisfied that all aspects have been fully considered. The response should indicate whether any remedy is to be provided to the complainant. Remedies may include a detailed explanation of the subject matter of the complaint, an apology, or reconsideration of a decision.

The response should offer the complainant an opportunity to follow up the complaint with the Museum, or to seek review of the decision. The response should include advice about available options for review of the decision, including review by another Museum employee ('internal review') or by another agency ('external review') such as the Commonwealth Ombudsman, the Australian Public Service Commission, or the Australian Human Rights Commission, depending on the nature of the complaint.

### ***Steps 6 and 7: Follow up***

The first point of contact for follow up should be the person handling the complaint. They should offer to explain their findings and provide further information on any review options to the complainant.

Where a complainant has requested internal review of a decision, and internal review is appropriate in the circumstances, the complainant should tell the Museum which aspects of the response they would like reviewed, and why they disagree with the Museum's response. The Museum should provide the complainant with approximate time frames for the conduct of the review and details of the person undertaking the review.

Where the person handling the complaint has identified any systemic issues that need to be addressed, such as the need for further training of staff, they should communicate these issues to their manager or the Museum's executive. This does not necessarily need to form part of the response to the complainant.

### **3.3 Time frames**

Straightforward complaints should be dealt with as soon as practicable, and in most cases within 10 working days. It can be difficult to estimate time frames for more complex complaints. The complainant should be advised of estimated time frames for receiving a response from the Museum, as well as time frames relating to specific stages of a complaint, for example for interviewing relevant personnel and providing a written response.

Where a complaint is being dealt with under specific procedures or legislative requirements, the time frames may be mandated by the applicable procedures or legislation. In all other



cases, the Museum aims to respond to complex complaints within 60 calendar days. If the planning phase for an investigation indicates that a longer time frame will be required, or the time frames need to be revised during the course of an investigation, the Museum will advise the complainant accordingly and, if applicable, explain the reasons for delay/revisions to the time frame.

### 3.4 Privacy and confidentiality

The Museum will treat all complaints confidentially and take steps not to disclose details of a complaint, other than is reasonably necessary for the purpose of investigating the complaint.

Complaints involving personal information will be dealt with in accordance with the requirements of the *Privacy Act 1988* (Commonwealth). A complainant's identity or personal details will only be made available to Museum staff involved in dealing with the particular complaint or who are responsible for handling Museum complaints. Personal information about a complainant will not be disclosed to people outside the Museum unless the complainant has given their consent, or they would reasonably expect for their information to be disclosed, for example, where their complaint involves another organisation, such as a Museum supplier or contractor.

## 4. Definition of terms

### Complaint

Any expression of dissatisfaction with the Museum where a response is sought, reasonable to expect or required. A complaint may relate to interactions with the Museum (its staff, volunteers, partners, contracted service providers or anyone else acting on its behalf) or Museum activities or products (exhibitions, events, publications, tours, programs, shop, Cafe or facilities).

### Claim

A formal legal claim or demand on the Museum, or a situation where legal action is threatened or foreshadowed. For example, where a person asserts that the Museum has breached or interfered with their legal rights, or has dealt with their property in an unauthorised way, and is seeking compensation, reimbursement or some other form of redress.

### Feedback

Any comments or suggestions (whether positive, negative or neutral) about a person's interaction with the Museum or in response to Museum activities or products.

## 5. Definition of responsibilities

### Complaints Coordinator

Responsible for maintaining the Museum's complaints management system, coordinating

data input and reporting on feedback and complaints handling, and applying the following steps for each complaint:

- acknowledging receipt of the complaint
- assigning the complaint to the appropriate work area for resolution
- tracking the complaint's status.

**Head of Visitor Experience**

Supports complaint management and resolution for complaints relating to Visitor Experience. Complex or sensitive complaints may be referred to the Assistant Director of Public Engagement.

**Assistant Director, Corporate Operations and Services**

Responsible for making decisions regarding the investigation of suspected fraud in accordance with the Museum's Fraud control policy, and for maintaining and disseminating Museum policies and guidelines relating to employee conduct.

**Assistant Director, Discovery and Collections**

Responsible for ensuring feedback, enquiries and complaints received in relation to the acquisition, loan, display or use of collection objects and cultural material is managed in accordance with the relevant Museum policies and procedures.

**Public Interest Disclosure Authorised Officers and Supervisors**

Responsible for receiving public interest disclosures under the Museum's Public Interest Disclosure procedures, including allegations concerning suspected breaches of the code of conduct.

**Program Manager, Human Resources**

Responsible for receiving, managing or providing advice regarding complaints or claims by Museum employees or contractors and complaints under Museum guidelines or procedures administered by the Human Resources team, including complaints concerning staff conduct, or health and safety issues.

**Program Manager, Governance and Legal Services**

Responsible for providing advice on the management of complex complaints and claims as required, including where it is claimed that collection objects have been acquired or disposed of illegally, or where the complaint or claim includes allegations of infringement of/interference with legal rights, threats of legal action or legal proceedings.

**Privacy Contact Officer**

Responsible for investigating complaints relating to privacy in accordance with the Museum's Privacy Policy.

**Freedom of Information Officer**

Responsible for receiving, determining and advising on freedom of information requests and internal reviews of FOI decisions.

**6. References**

These procedures build upon the Museum's Client Service Charter. They were developed with regard to the principles and standards outlined in the Commonwealth Ombudsman's *Better Practice Guide to Complaint Handling*, 2009, and re-released in 2020.

**7. Implementation****7.1 Coverage**

These procedures are intended to apply to all areas of Museum activity, subject to the exclusions in paragraph 7.3.

**7.2 Other related policies and procedures**

The following Museum policies and procedures include provision for complaints, claims, feedback or enquiries which may be managed in accordance with these procedures:

- Assistance animal and disability aid guidelines and procedures (PRO-008)
- Client Service Charter
- Collections development policy (POL-C-005)
- Indigenous cultural rights and engagement policy (POL-C-054) and Indigenous cultural rights and engagement procedures (PRO-010)
- Loans policy (POL-C-036)
- Privacy policy (POL-G-058)
- Working with children and young people policy (POL-C-043)
- Door to Store manual, Part 1, Chapter 12: Managing claims or disputes regarding collection material.

**7.3 Exclusions**

Some complaints made by or involving employees may be dealt with more appropriately under other Museum policies or guidelines with specific investigation procedures, such as:

- Public Interest Disclosure Procedures (PRO-016)
- Code of Conduct Guidelines and Procedures (PRO-015)
- Review of Actions Guideline (POL-G-050)
- Fraud control policy (POL-G-031)

**7.4 Monitoring**

This procedure will be reviewed by June 2024 or earlier as required.