

## Rights and Responsibilities of Parties to a Complaint

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All parties to a complaint must respect the following rights and responsibilities. This will help Victims Services to deal with complaints fairly, efficiently and effectively while complying with occupational health and safety standards and duty of care obligations.

### All parties to a complaint

- have the right to be treated with courtesy and respect, and are responsible for treating other parties with courtesy and respect
- have the right to be treated professionally, fairly and impartially
- are responsible for being honest and cooperative in all communications during the course of a complaint investigation.

### Complainants have the right:

- to make a complaint and express their opinions in ways that are reasonable, lawful and appropriate
- to a reasonable explanation of Victims Services' complaints procedure
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- to receive a timely response and be informed in at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least one internal and independent review of the decision in relation to the complaint
- to communicate valid concerns and views without fear of reprisal or other unreasonable responses.

### Complainants are responsible for:

- clearly identifying to the best of their ability what their complaint is about and providing all relevant information available to them, or asking for help from Victims Services staff to do so
- informing Victims Services of any other action they have taken in relation to their complaint

***If complainants do not meet their responsibilities, Victims Services may consider restricting their ability to communicate with staff or access services.***

### Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be informed (at an appropriate time) about the substance of the allegations made against them
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably.

### Subjects of a complaint are responsible for:

- providing all relevant information in their possession to Victims Services when required
- not taking any detrimental action against the complainant in reprisal for them making the complaint.

***If subjects of a complaint fail to comply with these responsibilities Victims Services may take action under applicable agreements, codes of conduct and laws.***

#### Victims Services staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint
- giving all parties to a complaint a reasonable opportunity to explain the complaint and put their case before any final decision is made
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against
- keeping complainants informed of the actions taken and the outcome of their complaints
- providing complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions
- giving adequate warning of the consequences of unacceptable behaviour
- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints
- taking action to determine complaints
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on evidence and sound reasoning
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances
- implementing reasonable and appropriate policies/procedures/practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

***If Victims Services fails to comply with these responsibilities, complainants may make a complaint to Victims Services.***

#### Victims Services staff have the right:

- to determine whether, and if so how, a complaint will be handled
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants, organisations and people who are the subject of a complaint
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

***Victims Services has a zero tolerance policy in relation to any behaviour that poses a substantial risk to the health and safety of staff or third parties. Any conduct of this kind may result in a refusal to any further dealings with the associated party and conduct of a criminal nature will be reported to police. Legal action will be considered if necessary.***