



Industry Complaints Handling Policy

Unique Identifier	CASA -01-0005
Owner	CASA Board
Responsible Area	Industry Complaints Commissioner
Effective Date	August 2020
Review Date	August 2021
Version	2.0
Intended Audience	Internal/External

Purpose

CASA acknowledges that effectively and appropriately managed complaints offer a number of benefits to both CASA and the complainant. They:

- a) Allow particular issues to be resolved by providing a suitable remedy.
- b) Provide an opportunity to enhance relationships between CASA and a member of the wider aviation community and to enhance CASA's reputation.
- c) Assist with the identification of systemic problems with CASA policies, procedures, the behaviour of particular individuals or the culture of particular offices.
- d) Contribute to the evaluation of the strengths and weaknesses of programs and services.
- e) Provide information about the ways in which some policies and procedures may impact adversely on the wider aviation community (or may be perceived to have such an impact), which can inform future policy or service delivery choices and contribute to the development of more effective systems.

Without inviting or fostering illegitimate complaints, CASA encourages people who are dissatisfied with a CASA service to make a complaint, and CASA promotes a culture that values complaint handling and focuses on resolving complaints fairly and effectively.



This policy outlines the principles under which complaints made to CASA are managed, bearing in mind in most instances such complaints are referred to the Industry Complaints Commissioner for review.

Applies to

This policy applies to the management and resolution of complaints received by CASA from members of the wider aviation community. It does *not* apply to complaints about:

- a) decisions of CASA staff or delegates which are subject to review by the Administrative Appeals Tribunal (the AAT) or the Federal Court
- b) matters which have already been considered by the AAT or Federal Court
- c) matters which are currently the subject of an investigation under Part IIIA of the Civil Aviation Act or by a law enforcement agency
- d) complaints about the conduct of a member of the CASA Board (those complaints are managed by the Chair of the Board or the Minister)
- e) complaints in which the complainant does not have a legitimate or sufficient interest or that are frivolous, vexatious or have not been made in good faith
- f) complaints which allege that there has been a contravention of the:
 - a) CASA Code of Conduct
 - b) Commonwealth Fraud Control Guidelines
 - c) CASA Fraud Control Policy
 - d) a provision of Commonwealth, State or Territory law.

These complaints must be referred to CASA's People and Culture branch.

This policy applies to complaints where the complainant became aware of the incident or incidents giving rise to the complaint within the previous 12 months. As a general rule, complaints that are over 12 months old are not investigated.

It is open to the Manager of the relevant Branch to decide to investigate a complaint where the complainant became aware of the cause of the complaint more than 12 months earlier, however there should normally be compelling reasons to do so. An example would be where the pattern of behaviour commenced more than 12 months ago and continued until more recent times, or the ramifications of the behaviour were not realised until more recently.



Policy

a) The complaint investigation is confidential

Complainants have a right to expect that their complaint will be managed confidentially.

Persons involved in handling a complaint must comply with the requirements of the *Privacy Act 1988* that relate to the collection, storage, use and disclosure of personal information.

Complaints usually have no relevance to or impact on regulatory decisions that are taken by CASA officers or delegates. In order to reduce the opportunity for the fact of a complaint to improperly influence those decisions, and in order to ensure that the requirements of the Privacy Act are observed, access to complaint handling information - in EICMS, RMS or any other database - must be restricted to those who 'need to know' and must not be disclosed to other staff. Reporting on complaints must not include details that allow the identification of the complainant.

CASA accepts anonymous complaints, even though this can make investigation and the development of an appropriate resolution more difficult. Anonymous complainants should be asked how they want to be advised of the outcome of the complaint.

Note that the confidentiality of a complainant in relation to serious safety-related matters may not be able to be preserved in certain cases. Also, it is often possible that in the process of undertaking an investigation, the identity of the complainant may unavoidably become apparent. Where this is likely to occur, the complainant should be advised accordingly before an investigation commences.

Particular care needs to be taken to maintain the privacy of the complainant when making inquiries of third parties in relation to a complaint.

b) The complaint investigation is transparent

The complaint investigation process should be explained to the complainant when the complaint is received, and the name and contact details of the person undertaking the investigation should be provided to them.

Where the investigation takes longer than expected, progress reports should be provided. These can take the form of a brief telephone conversation, properly documented.

Where the complainant remains dissatisfied at the end of the process, and where appropriate, the complainant can be advised that they may escalate their complaint to the ICC.

1. Accessibility

There are three elements to the accessibility of CASA's complaint handling system:



- a) awareness of the right to complaint
- b) the provision of appropriate channels for doing so
- c) the absence of fees or other costs associated with the making of a complaint.

When the opportunity arises, CASA staff must advise members of the wider aviation community of CASA's complaint handling system. Awareness of complaints is promoted on CASA's website and through outreach activities.

Access to complaint handling is available through a range of channels: complainants can complete a complaint form on CASA's website, lodge a complaint by telephone or send a letter. While some complaints are particularly technical and investigation is easier if the complainant reduces it to writing, this should not be a barrier to making a complaint. There may be instances, however, where CASA's ability to effectively investigate a complaint will require the provision of certain details in writing.

2. If making a complaint, no fees are charged and the person should experience no other detriment if they make a complaint.

CASA recognises that some complainants may have special needs. The barriers to complaining are reduced by access to interpreting services for complainants from a non-English speaking background or TTY (teletypewriter) facilities for those with a hearing impairment.

Some members of the community have greater difficulty than others in expressing a grievance or providing further information when asked. CASA staff should be flexible and sensitive when dealing with complaints from vulnerable people. In some cases, and always with the person's express consent, CASA may deal with a friend or advocate who acts on the complainant's behalf.

3. Efficiency

Complaints should be handled in a way that is proportionate and appropriate. Simple complaints should be resolved quickly and locally, often by telephone contact with the complainant. More complex matters may take longer, require specialist input and be easier to explain in writing.

Decisions about the length of time and the amount of CASA resources to be expended on the investigation and resolution of a complaint are made by CASA officers with reference to the issue raised, not the manner in which it is raised. The mere fact that a person complains repeatedly about the same issue, or through a number of channels, does not mean that their complaint will be expedited.

In cases where the complaint cannot be resolved quickly, the complainant should be kept advised of the progress of the matter and the time it is expected to take to resolve it.



4. Respect

Communication with complainants must be respectful and conducted in a way that is not, and is not likely to be seen as hostile, provocative or defensive. Complaints are a way by which CASA may properly be called to account for its actions and it is always fair and reasonable for a person to require an appropriate explanation of the way CASA officers perform their functions and exercise their powers. All complainants must be treated with courtesy and professionalism and in no circumstances should a person be disadvantaged because they have made a complaint. Inappropriate conduct in the handling of a complaint may itself be the subject of, and investigated as, a complaint.

References

Legislative Requirements	<i>N/A</i>
Relevant Guidance	<i>N/A</i>
Related Internal Documentation	Managing Unreasonable Behaviour by Members of the Wider Aviation Community
Responsibility	The Industry Complaints Commissioner (ICC) is responsible for the development, maintenance and publication of this policy. All amendments to this policy shall be made in accordance with CASA Document Control policy and procedures.

Chair of the CASA Board

21 August 2020