



## AFP National Guideline on Complaint Management

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### 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>AFP</b>	Australian Federal Police
<b>CMT</b>	Complaint Management Team
<b>CRAMS</b>	Complaint Recording and Management System

## 3. Definitions

In this Guideline, the following terms have the following meanings:

**'AFP appointee'** – has the same meaning as contained within s.4 of the *Australian Federal Police Act 1979 (Cth)*.

**'AFP conduct issue'** – has the same meaning as s.40RH of the *Australian Federal Police Act 1979*.

**'AFP custodian'** – means an AFP appointee who has the immediate responsibility and care for a person in AFP custody.

**'AFP Hub'** – means the AFP intranet available to all AFP appointees.

**'AFP practices issue'** – has the same meaning as s.40RI of the *Australian Federal Police Act 1979*.

**'Commissioner'** – means the Commissioner of the Australian Federal Police.

**'complaint'** – means the giving of information pursuant to s.40SA of the *Australian Federal Police Act 1979*.

**'complainant'** – has the same meaning as contained within s.4 of the *Australian Federal Police Act 1979*.

**'complaint investigator'** – means a person authorised by the complaint manager to investigate a Category 1 or 2 conduct issue and includes any AFP appointee who is investigating complaints within Professional Standards Investigations.

**'Complaint Management Team'** – has the meaning as given by s.13 of Commissioner's Order 2.

**'complaint manager'** – means an AFP appointee who is a member of a relevant Complaint Management Team.

**'complaint receiver'** – means any AFP appointee who receives information that constitutes a complaint and who may informally resolve a complaint involving a Category 1 conduct issue or AFP practices issue.

**'complaint reviewer'** - means an AFP appointee who has been assigned by the Manager of Professional Standards to review complaint findings or outcomes relating to Category 1 or 2 conduct issues.

**'corruption issue'** – has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006 (Cth)*.

**'detainee'** – means a person who is in the active custody and control of an AFP appointee.

**'Manager of Professional Standards'** – means the person who, in accordance with s.40RE of the *Australian Federal Police Act 1979*, is the Head of the Unit created by s.40RD of the Act.

**'Professional Standards Investigations'** – means the unit constituted in accordance with s.40RD of the *Australian Federal Police Act 1979*.

**'professional standards of the AFP'** - has the meaning given by s.6 of Commissioner's Order 2.

**'the Act'** – means the *Australian Federal Police Act 1979*.

**'the Regulations'** – means the *Australian Federal Police Regulations 1979*.

## 4. Purpose

The purpose of this National Guideline is to:

- a. articulate the roles and functions of AFP appointees in dealing with complaints; and
- b. determine the complaint management methodology and processes to be used by AFP appointees in accordance with Part V of the *Australian Federal Police Act 1979*.

## 5. Authority to Create this National Guideline

This National Guideline was created using the Commissioner's power under s.37(1) of the *Australian Federal Police Act 1979* (the Act).

## Part A – Complaint management methodology and processes

### 6. Introduction

6.1 AFP appointees are subject to high levels of accountability and scrutiny in relation to both their on duty and off duty behaviour.

6.2 Part V of the Act establishes procedures by which complaints concerning AFP conduct issues, AFP practices issues and corruption issues are dealt with.

6.3 The AFP Commissioner's Order on Professional Standards (CO2) articulates the professional

standards of the AFP and outlines AFP complaint management and methodology.

6.4 This National Guideline sets out the procedures for dealing with complaints involving a breach of the professional standards of the AFP.

6.5 The approach to dealing with breaches of the professional standards of the AFP places an emphasis on resolving complaints in a modern managerial environment. This philosophy is underpinned by the AFP's commitment to the principle of continual learning and development. This approach provides for:

- the categorisation of complaints according to their seriousness;
- the informal resolution of certain types of minor complaints without resort to formal processes;
- a managerial resolution of the majority of minor complaints that are not resolved informally;
- more serious matters are generally investigated by Professional Standards Investigations;
- corruption issues to be investigated by either Professional Standards Investigations or the Australian Commission for Law Enforcement Integrity; and
- the referral and management of complaints using a web-based IT application, the Complaint Recording and Management System (CRAMS), which is accessible to all AFP appointees via the AFP Hub.

## 7. Complaint management methodology and structure

7.1. The AFP approach to complaint methodology in relation to Category 1 and 2 conduct issues, and associated AFP practices issues, provides for a number of roles to be undertaken by AFP appointees. These roles are:

- A 'complaint receiver' is any AFP appointee who receives information that constitutes a complaint and who may informally resolve a complaint involving a Category 1 conduct issue or AFP practices issue;
- A 'complaint investigator' is an AFP appointee of or above Band 4 on the AFP salary spine or performing duties at or above Station Officer in Charge or Station Second in Charge, who may investigate and or conciliate a Category 1 or 2 complaint and associated AFP practices issues on behalf of a complaint manager;
- A 'complaint manager' is an AFP appointee who is authorised by Part V of the Act to deal with AFP conduct and practices issues and to make findings and apply outcomes with respect to those issues;
- 'Complaint Management Teams' (CMTs) are established under s.13 of Commissioner's Order 2 and are wholly comprised of complaint managers. CMTs manage category 1 and 2 conduct issues and AFP practices issues for the relevant Functional Stream or business area for which the CMT has responsibility.
- A 'complaint reviewer' is an AFP appointee who has been assigned by the Manager of Professional Standards to review complaint findings or outcomes relating to a finalised complaint involving Category 1 or 2 conduct issues.

## 8. Managerial approach

8.1. The managerial approach places emphasis on managing minor complaints in the workplace. This produces a greater organisational focus on effecting a change in poor behaviour and under

performance.

8.2. Wherever possible, conciliation shall be attempted by the AFP appointee authorised to deal with the complaint. Conciliations are a move away from an adversarial and formal approach to conflict resolution which encourages the timely and more efficient resolution of concerns. Conciliation necessarily focuses on the issues and how best to resolve them.

8.3. Conciliation also provides scope to constructively deal with honest mistakes, or minor lapses of conduct, particularly where inexperience or difficult situations impact on events.

8.4. Conciliation may also acknowledge that the AFP may have contributed to the poor performance through inadequate training, poor supervision or inappropriate practices and procedures.

8.5. Conciliation may be effected through any of the following ways:

- a. by providing the complainant with an explanation of the facts or law where the complaint is based on a misunderstanding of the facts or law;
- b. by providing the complainant with an explanation of AFP practices or procedures where the complaint is based on a misunderstanding of the practices or procedures adopted or followed by the AFP;
- c. offering an apology or accepting or partially accepting the version of events given by the complainant; or
- d. by any other manner that is reasonably available to conciliate the complaint.

8.6. In attempting conciliation it is not always possible to achieve a resolution to the satisfaction of the complainant. However, the primary objective of conciliation is to achieve a positive outcome for the complainant and AFP.

8.7. Section 40TH of the Act provides protection for AFP appointees in so far as information provided or given during the course of conciliation to the:

- a. complaint manager; or
- b. the person authorised by the manager to attempt to resolve the AFP conduct issue by conciliation (the complaint investigator); or
- c. the complainant,

is not admissible against the AFP appointee in any criminal or civil proceedings against that AFP appointee.

8.8. These protections against civil or criminal liability are a key component for AFP appointees to acknowledge minor breaches of professional standards, to take ownership for their mistakes or performance and to actively participate in the managerial approach to resolving Category 1 and 2 conduct issues.

## 9. Resolving issues prior to formal recording

9.1. Where any AFP appointee receives information (the complaint receiver) and that information raises a Category 1 conduct issue or an AFP practices issue and the complaint receiver is satisfied that:

- a. the issue arises from a misunderstanding of the facts, the law or the practice or

- procedures of the Australian Federal Police; or
- b. is otherwise appropriate for informal resolution; and

the complaint receiver is satisfied that:

- c. giving an explanation to the person giving the information; or
- d. taking other action;

is likely to resolve the issue, and the complaint receiver is satisfied that they can give or arrange for another AFP appointee to give the information or take that action, they may do so without formally recording the issue on CRAMS.

9.2. Where the complaint receiver is in any doubt as to the appropriateness of resolving a Category 1 conduct issue prior to formal recording due to;

- a. uncertainty about the categorisation of the issue; or
- b. concerns arising from their knowledge of an AFP appointees former conduct or performance;

the complaint receiver shall seek guidance from a member of the relevant CMT or the Professional Standards Complaints Coordination Team.

9.3. Any Category 1 conduct issue and associated AFP practices issue to which this section applies that has not been resolved within 48 hours must be recorded on CRAMS in accordance with s.15 of Commissioner's Order 2.

9.4. Where the complaint relates solely to an AFP practices issue and has not been resolved within 48 hours, the complaint receiver must record the matter in accordance with s.14 of Commissioner's Order 2.

9.5. The explanation or other action taken to resolve the Category 1 conduct or practices issue shall be taken to be resolved if:

- a. the complainant is satisfied with explanation given or action taken; or
- b. the recipient has given adequate explanation of the facts, the law or AFP practices and procedures or has taken other reasonable action, but the complainant remains dissatisfied and further attempts at resolution are unlikely to be successful.

9.6. An AFP appointee resolving a Category 1 conduct issue or an AFP practices issue to which this section applies must, wherever practicable, record the following details:

- a. the name and contact details of the complainant (where available);
- b. the facts associated with the conduct or practices issue raised and the details of any AFP appointees involved;
- c. details of any resolution action taken or explanation given including whether or not the complainant was satisfied; and
- d. any other relevant material,

in an official AFP notebook, diary, fieldbook or by other means as soon as practicable after the conduct or practices issue was resolved.

## 10. AFP appointees Authorised to Resolve Category 1 and 2 Conduct Issues

10.1. Any AFP appointee who is performing duties at or above AFP Band 4 on the AFP salary spine, or performing duties at or above Station Officer in Charge or Station Second in Charge, is authorised to resolve and or conciliate a Category 1 or 2 conduct issue (the complaint investigator). Complaint investigators authorised under this section are taken to be authorised by the complaint manager of that conduct issue.

## 11. Assigning Category 1 and 2 Conduct Issues for Investigation

11.1. Subject to s.9 of this guideline, complaints concerning AFP conduct issues and corruption issues must be recorded formally on the CRAMS by the complaint receiver.

11.2. Where the complaint receiver is recording a complaint in relation to conduct issues, the complaint receiver may assign that complaint to themselves for investigation provided they satisfy the requirements of s.10 of this guideline.

11.3. Where the complaint receiver's band level on the AFP salary spine is lower than that of the subject of the complaint, the complaint receiver must not assign themselves as the complaint investigator.

11.4. Section 11.3 does not apply where the complaint investigator is a member of AFP Professional Standards.

## 12. Procedures for Resolution of Category 1 and 2 Conduct Issues

12.1. A complaint investigator who has been allocated a complaint involving a Category 1 or 2 conduct issue to investigate shall, to the extent practicable in the circumstances:

- a. investigate the complaint in accordance with any directions given by the complaint manager or the CMT;
- b. use a conciliation approach wherever possible;
- c. conduct the investigation with as little formality as the matter allows;
- d. contact the complainant (if any) and clarify details of the complaint and their desired outcome;
- e. explain the process and role of the complaint investigator;
- f. contact the AFP appointee(s) involved and seek their input;
- g. identify other witnesses to the alleged conduct and make contact if necessary to obtain further information;
- h. if appropriate, refer to any relevant legislation, guidelines, AFP practices or procedures, official records or indices;
- i. upload any correspondence, minutes, video files, or any other material relevant to the investigation to the appropriate CRAMS complaint correspondence log;
- j. consider whether the information raises any AFP practices issues and, if so, record the details on CRAMS;
- k. recommend findings in relation to each identified AFP conduct issue for each AFP appointee involved in the complaint; and
- l. prepare and submit the final report field in CRAMS in respect of the AFP conduct issues and any associated AFP practices issue involved.

12.2. Where the complainant is unable to be contacted the complaint investigator must record

in the investigation log of CRAMS the date and time of at least two attempts to make contact. After two unsuccessful attempts, the complaint investigator should then communicate in writing to the complainant and advise them that if no contact is received from them within a reasonable period (between 5-7 working days) they will not be further informed in relation to the complaint and may not be notified of any final outcome.

12.3. Complaints may be made anonymously or in circumstances where the person giving the information that raises the AFP conduct or practices issue does not wish to be kept informed. In each of these instances, the complaint investigator shall take all reasonable measures to investigate the matter as thoroughly as possible in the circumstances.

## 13. Roles of the Complaint Manager for Category 1 and 2 Conduct Issues

13.1. A category 1 or 2 complaint manager has responsibility for ensuring that each complaint referred to the relevant CMT is dealt with appropriately. This includes:

- a. ensuring the complaint is managed in accordance with the timeliness benchmark set for each category of complaint, pursuant to s.17 of this guideline;
- b. assigning or re-assigning the complaint to a complaint investigator;
- c. where required, providing direction to the complaint investigator in relation to how a complaint is dealt with;
- d. assessing an involved AFP appointee's prior established complaints history to ensure appropriate categorisation of the complaint;
- e. ensuring that the complainant (if any) and any involved AFP appointees have adequate opportunity to be heard in relation to the matter;
- f. endorsing recommended findings or applying new findings to each conduct issue within a complaint;
- g. applying outcomes to each established conduct issue;
- h. applying recommendations where an AFP practices issue is associated with the conduct issue;
- i. communicating final outcomes to involved AFP appointee(s) and the complainant (if any); and
- j. undertaking a quality assurance role while managing the complaint.

## 14. Dealing with category 3 conduct issues and corruption issues

14.1. Professional Standards Investigations will generally manage Category 3 conduct issues and corruption issues.

14.2. Category 3 conduct issues and corruption issues will be referred to the Manager of Professional Standards for allocation to a Professional Standards investigator with the appropriate qualifications and experience to conduct the investigation of the issue.

14.3. The allocation and investigation of Category 3 conduct issues and corruption issues shall be in accordance with Subdivision D of Part V of the Act.

14.4. In addition to any specific powers conferred by Division 5 of the Act, a Professional Standards investigator has the same duties and responsibilities as a complaint investigator.

14.5. The Manager of Professional Standards is required to notify the Integrity Commissioner of the Australian Commission for Law Enforcement Integrity of any corruption issues. The AFP Commissioner and the Integrity Commissioner may enter into agreements in accordance with the *Law Enforcement Integrity Commissioner Act 2006* in relation to investigating corruption issues.

14.6. The Manager of Professional Standards may arrange for any AFP appointee to be attached to Professional Standards Investigations for the purposes of investigating Category 3 conduct issues and corruption issues. Any appointee so attached will conduct the investigation in accordance with any directions issued by the Manager of Professional Standards.

14.7. The Manager of Professional Standards may, in appropriate circumstances, arrange for any person who is not an AFP appointee to assist Professional Standards Investigations for the purposes of investigating Category 3 conduct issues and corruption issues.

## 15. Discretion to take no further action

15.1. Section 40TF of the Act provides discretion for the Commissioner to take no further action in relation to a complaint which raises an AFP conduct or practices issue.

15.2. Commissioner's Order 1 on Administration delegates the authority to apply a discretion as listed in s.40TF for Category 1 or 2 conduct issues and AFP practices issues to:

- a. a relevant complaint manager within a CMT; and
- b. the Manager of Professional Standards,

and for Category 3 conduct issues and corruption issues to:

- c. the Manager of Professional Standards.

15.3. Where a complaint manager has applied a discretion to take no further action to a Category 1 or 2 conduct issue or an AFP practices issue, the Manager of Professional Standards may revoke or vary that decision.

## 16. Findings applicable to AFP conduct issues and corruption issues

16.1. A complaint entered on the CRAMS will have specific AFP conduct issues or corruption issues attributed against one or more AFP appointees who are the subject of the complaint. The issues will initially have a finding of 'Not Assigned' applied. At the conclusion of an investigation a complaint investigator is able to recommend a finding against each issue within CRAMS. The findings that can be applied are:

- a. Established;
- b. Not Established;
- c. Withdrawn; or
- d. Discretion to take no Further Action.

16.2. A complaint investigator is required to assess all available information to determine whether, on the balance of probabilities, the conduct complained of did, or did not, occur.

16.3. Where a complaint investigator is satisfied that the conduct occurred, then a finding of 'Established' may be recommended. Where the complaint investigator is not satisfied that the

conduct occurred, a finding of 'Not Established' may be recommended.

16.4. A complaint investigator may also recommend that a particular complaint be 'withdrawn' if the complainant indicates that they are withdrawing the complaint. The complaint investigator shall endeavour to obtain a written reason from the complainant in relation to the withdrawal.

16.5. Where a complainant indicates their desire to withdraw the complaint, a complaint investigator shall assess whether there is any merit in progressing the investigation further. A positive statement from the complainant that they wish to withdraw the complaint does not preclude further investigation of the complaint.

16.6. Where a complaint investigator intends to recommend a finding of 'withdrawn' in relation to a particular complaint, the investigator shall record in CRAMS the reason for the recommendation.

16.7. A complaint investigator may also recommend that a discretion in accordance with s.15 of this guideline be applied.

16.8. Any recommendations made by a complaint investigator are not binding on a complaint manager within a CMT. The complaint manager may either endorse the recommended finding or apply a different finding.

## 17. Timeliness for Managing AFP Conduct Issues

17.1. In order to ensure that complaints are managed in a timely manner, benchmark standards for complaint resolution have been set. The set benchmark in which complaints involving AFP conduct issues are to be investigated and completed by a relevant CMT are:

- a. for Category 1 complaints – 21 days;
- b. for Category 2 complaints – 45 days; and
- c. for Category 3 and Corruption complaints – 180 days.

17.2. A complaint involving differing categories of AFP conduct issues, will have an overall category assigned which equals the highest AFP conduct issue involved. Therefore, a complaint involving both category 1 and 2 conduct issues, will have an overall category of 2 with timeliness set at 45 days.

## Part B – Complaint Management Teams

### 18. Complaint Management Teams – establishment

18.1. The establishment of any CMT is subject to authorisation by the Manager of Professional Standards.

18.2. Membership of a CMT is defined by the holding of an identified position in the Functional Stream or business area.

18.3. Authorisation to act as a complaint manager for a Category 1 or 2 conduct issue and to be a member of a CMT is revoked when an AFP appointee ceases to occupy the relevant identified position.

18.4. Each established Functional Stream or business area CMT will consist of a minimum of 4 AFP appointees. However, a CMT may convene with a quorum of 3 CMT members.

18.5. Wherever practicable, AFP appointees nominated to participate in a CMT should be at or above the level of AFP Band 8 on the AFP salary spine.

18.6. Generally, senior executive AFP employees should avoid being a member of a CMT as they may be assigned as a complaint reviewer where a complaint is subject to a request for internal review.

18.7. Where the membership of an established CMT changes, it is the responsibility of the CMT to notify the Complaints Coordination Team within Professional Standards.

## 19. Complaint Management Teams – roles and functions

19.1. CMTs will be responsible for the management of Category 1 and 2 conduct issues and any associated AFP practices issue relevant to their particular Functional Stream or business area.

19.2. A CMT should convene on a weekly basis or more frequently if required. CRAMS will provide e-mail notification to the membership of a CMT when a new complaint is recorded or an active complaint changes status. Each CMT is required to manage their complaint case load accordingly.

19.3. The CMT will assign or re-assign the complaint to a complaint investigator for investigation and possible conciliation.

19.4. Where a complaint is not assigned at the time of recording, the CMT shall ensure that the complaint is assigned to a complaint investigator at the earliest opportunity.

19.5. Wherever practicable, the CMT shall ensure that the assigned complaint investigator is at or above the Band level on the AFP salary spine, of any involved AFP appointees in the complaint.

19.6. A complaint manager may assign or re-assign a complaint investigator where required without the need for the CMT to convene with a quorum. The complaints manager should take care to ensure the assigning or re-assigning function is not duplicated by another complaints manager.

19.7. The CMT will provide investigation oversight in relation to each complaint assigned to that CMT. Investigation oversight may include the provision of directions to the complaint investigator as to how the matter is to be handled.

## 20. CMT functions – complaint categorisation

20.1. CRAMS will automatically categorise an AFP conduct issue in accordance with the Agreement reached between the Commissioner and the Commonwealth Ombudsman.

20.2. Section 40RK(7) of the Act states that the category to which a complaint belongs, may change as more information is obtained in relation to the conduct.

20.3. Where additional information indicates a possible change in the category of an AFP conduct issue, the CMT may change the conduct issue category. Where a conduct issue category has been changed, the CMT shall record the reasons for that decision on CRAMS.

20.4. The CMT shall assess each involved AFP appointee's prior established complaints history in determining whether an associated AFP conduct issue is categorised appropriately. Where an AFP appointee has a repeated history of similar conduct and has failed to change or modify their behaviour or performance, the CMT may consider upgrading the complaint category.

20.5. Where a complaint has an AFP conduct issue that is upgraded to either a Category 3 conduct issue or a corruption issue, CRAMS will refer the complaint to Professional Standards. The CMT and complaint investigator will no longer have the ability to access and deal with that complaint.

## 21. CMT functions – dealing with AFP practices issues

21.1. A CMT may be referred an AFP practices issue in two ways:

- a. where a complaint is recorded and referred on CRAMS, the complaint may also involve an AFP practices issue; or
- b. where a complaint relating to an AFP practices issue is made that does not involve any AFP conduct issues, the complaint will be referred to the CMT in accordance with s.14 of Commissioner's Order 2.

21.2. The CMT must deal with complaints involving AFP practices issues in accordance with the Act, specifically sections 40TA, 40TF, 40TK and 40TX.

21.3. An AFP practices issue that is raised in conjunction with an AFP conduct issue, or becomes apparent during an investigation into an AFP conduct issue, will be recorded on CRAMS.

21.4. Any AFP practices issues recorded on CRAMS will be dealt with through applying recommendations as the complaint manager considers appropriate to address the practices issue.

21.5. Where an AFP practices issue is referred to the CMT in accordance with s.14 of Commissioner's Order 2, the CMT shall ensure that the practices issue is dealt with.

21.6. Each CMT must, for AFP practices issues referred in accordance with s.14 of Commissioner's Order 2, maintain an AFP file for the relevant financial year. The file shall record the practices issue referred to the CMT and what action is taken in relation to the practices issue.

21.7. The file created under section 21.6 of this guideline shall have the following title:

**"AFP Practices Issue Register <yyyy – yyyy>: <functional stream or business area name> CMT"**

21.8. The file shall be created by the AFP Records Management Unit and registered accordingly. The creation of a file is required for the review function of the Commonwealth Ombudsman under s.40XB of the Act. The Commissioner is also required by s.40WA of the Act to ensure that adequate records are kept.

21.9. Nothing in this section prohibits a CMT from creating a PROMIS case as a mechanism to manage AFP practices issues referred under s.14 of Commissioner's Order 2.

## 22. CMT functions – findings

22.1. When an investigation of a complaint is completed, the complaint managers within the CMT must either endorse the findings recommended by the complaint investigator or apply new findings to each conduct issue within a complaint.

22.2. When the CMT applies a new finding, the CMT shall record the reasons for this decision on CRAMS.

## 23. CMT functions – applying outcomes

23.1. CMTs have the responsibility of applying outcomes to established conduct issues dealt with in CRAMS. The Act provides for established conduct issues to have certain actions available to the category for which the conduct belongs. For the purposes of this guideline and CRAMS, an action is referred to as an outcome. These are:

- a. Category 1 conduct issues may have training and development action outcomes applied;
- b. Category 2 conduct issues may have Category 1 outcomes and remedial action outcomes applied;
- c. Category 3 conduct issues and corruption issues may have Category 2 outcomes and termination action outcomes applied; and
- d. outcomes relating to conduct (in CRAMS referred to as 'organisational outcomes') may be applied to all categories of conduct issues.

23.2. The outcomes available to be applied to conduct issues and practices issues are detailed in Attachment 1 of this guideline.

23.3. When applying outcomes CMTs should ensure that applied outcomes are proportionate and appropriate to the established conduct.

23.4. The CMT should only apply or recommend structured changes to an AFP appointee's employment in situations where the conduct warrants such action.

23.5. The application of certain remedial action and training and development outcomes will require the involved AFP appointee to undertake ongoing development requirements. These ongoing outcomes will be managed by the current supervisor of the involved appointee. The supervisor's responsibility is to ensure that the involved AFP appointee complies with and completes the ongoing outcome as required.

23.6. The application of these outcomes requires the CMT to note in CRAMS the nature and or duration of the requirement for insertion into the 'Management Actions' tab of the involved AFP appointees Performance Development Agreement. The ongoing requirements will be inserted into the member's Performance Development Agreement through CRAMS once the complaint is finalised.

23.7. Where a Performance Development Agreement does not exist for the involved AFP appointee, the CMT will be notified via e-mail. In these instances the CMT shall ensure that the outcomes are communicated to the AFP appointee's supervisor. The supervisor will then have

responsibility for ensuring the appointee completes the required outcomes.

## 24. CMT functions – finalising a complaint

24.1. Where a CMT has applied outcomes in relation to a complaint, the complaint can be completed by the CMT. To complete a complaint, the CMT is required to undertake a final quality assurance of the complaint before it is submitted to Professional Standards.

24.2. The Professional Standards Complaints Coordination Team may conduct a further quality assurance over the complaint before finalising the matter. The Professional Standards Complaints Coordination Team may remit a complaint back to a CMT for further action.

24.3. Where a complaint is completed and the final outcomes have been determined, the complaint manager where appropriate, shall arrange for the AFP appointee(s) subject of the complaint and the complainant to be notified of the final outcome.

## Part C – Further information

### 25. Offences

25.1. The Act provides for a number of offences relating to victimisation, complainants providing false information and AFP appointees providing false particulars. Authority to commence proceedings in relation to these offences rests with the Manager of Professional Standards.

### 26. Internal review for category 1 and 2 conduct issues

26.1. Any AFP appointee who is subject to a complaint involving Category 1 or 2 conduct issues, and has had final outcomes notified to him or her, has the option to seek internal review of the decision.

26.2. A request for internal review must be made in writing by the affected AFP appointee to the Manager of Professional Standards. The request must provide sufficient details of the nature of the concerns to enable an effective review to take place.

26.3. The Manager of Professional Standards will ensure that the review is undertaken by an AFP appointee who was not involved in the original investigation or decision-making process.

26.4. The Manager of Professional Standards will seek an independent AFP appointee, generally at or above Band 9 on the AFP salary spine, to undertake the review. The Manager of Professional Standards may undertake the review by himself or herself.

26.5. The independent AFP appointee (the complaint reviewer), will review the complaint and make a final decision on the merits of the request and may re-determine the findings or outcomes where appropriate.

26.6. The complaint reviewer will communicate their final decision to the subject AFP appointee and the original CMT. The complaint reviewer will also make a record of their decision on the relevant CRAMS case.

26.7. A complaint may only be reviewed once by internal review. Once an internal review has been conducted, there are no further avenues for internal review.

## 27. Claims for compensation

27.1. An AFP appointee should not make any statement to a complainant regarding the merits of any compensation claim or the liability of the AFP in that matter.

27.2. An AFP appointee who becomes aware of the complainant's request for compensation should note the request in the assigned CRAMS case.

27.3. A complainant who has made a claim for compensation must be advised by the CMT or Professional Standards that their claim for compensation will be referred to AFP Legal.

27.4. A complaint can still be finalised despite outstanding issues in relation to compensation. Once a complaint which involves a compensation claim has been finalised, the relevant CMT or Professional Standards will advise the relevant National Manager or the Chief Police Officer for ACT Policing and AFP Legal of the result of the investigation.

## 28. Information provided by a person in AFP custody

28.1. Section 40SB of the Act deals with arrangements for a person in custody to give information. The following sections are to be read in addition to the requirements of the Act for persons in AFP custody.

28.2. Where a person is in AFP custody, that person shall be called the detainee for the purposes of this order.

28.3. Where the detainee requests to make a complaint, the AFP custodian must:

- a. record the information of the complaint in accordance with this guideline; or
- b. provide facilities for the preparation of a written complaint where the detainee requests such facilities; or
- c. provide facilities for the detainee to give further information relevant to the management of an AFP conduct or practices issue, where the detainee requests such facilities; and
- d. provide without undue delay any written complaint or further information by the detainee to Professional Standards in an envelope sealed by the detainee; and
- e. give consideration to the welfare and associated factors in custodial management of the detainee in determining whether it is appropriate in the circumstances to comply with sub-sections 28.3 b) and c).

## 29. Former AFP appointees

29.1. Section 40RH(2)(a) of the Act states that Part V of the Act dealing with AFP conduct issue applies even if the AFP appointee who engaged in the conduct has ceased to be an AFP appointee.

29.2. Any complaint receiver who receives information involving a Category 1 or 2 conduct issue and a former AFP appointee should consult with the Complaints Coordination Team in Professional Standards.

29.3. A complaint involving a Category 3 conduct issue or a corruption issue and a former AFP appointee must be recorded on CRAMS. These complaints will be assessed by Professional Standards and dealt with according to the Act.

## 30. References

This guideline is to be read in conjunction with:

- a. Part V of the Act;
- b. The Regulations;
- c. Commissioner's Order on Administration (CO1);
- d. Commissioner's Order on Professional Standards (CO2);
- e. AFP Professional Standards Policy;
- f. The AFP National Guideline on Professional Reporting; and
- g. any other relevant order, guideline or policy as issued from time to time.

## 31. Further advice

Any queries relevant to the content of this National Guideline should be referred to the nominated contact point reference as noted in the metadata or AFP Professional Standards

## Attachment 1

[Table of Outcomes](#)