

AFP National Guideline on complaint management

1. Disclosure and compliance

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

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

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. 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. Guideline authority

This guideline was issued by Chief of Staff using power under section 37(1) of the *Australian Federal Police Act 1979* (Cth) as delegated by the Commissioner under section 69C of the Act.

Part A – Complaint management methodology and processes

3. Introduction

This guideline details the obligations for AFP appointees when dealing with complaints involving a breach of the professional standards of the AFP.

The approach to dealing with breaches of the professional standards of the AFP places an emphasis on the role of supervisors in resolving complaints within the workplace. This philosophy is complemented 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 Category 1 minor misconduct without resorting to formal processes
- a managerial resolution pursuant to section 8 of this guideline
- the investigation of serious misconduct by the Professional Standards Investigations Unit (PRSIU)
- the investigation of corruption issues by either the PRSIU and/or the Australian Commission for Law Enforcement Integrity (ACLEI)
- the referral and management of complaints using the Complaint Recording and Management System (CRAMS).

Part A – Complaint management methodology and processes

4. Roles and responsibilities

The professional standards of the AFP are the responsibility of **all AFP appointees**.

AFP appointees in supervisory positions must ensure their teams are aware of and comply with the professional standards of the AFP.

4.1 Reporting suspected AFP conduct issues and practices issues

Pursuant to sections 10 and 17 of [CO2](#), an AFP appointee who becomes aware of a breach of the AFP professional standards or an AFP practices issue must deal with the matter as set out below without unreasonable delay; this includes self-reporting.

AFP appointees who receive or become aware of a complaint in relation to a Category 1 conduct issue may deal with the complaint informally pursuant to section 9 of this guideline.

Where a member of the public makes a complaint, or provides information to an AFP appointee regarding another AFP appointee that may raise a conduct issue and it is not suitable for informal resolution pursuant to section 9 of this guideline, the complaint recipient must record the information of the complaint in CRAMS.

When considering raising a conduct issue internally, AFP appointees are encouraged to consider if the matter amounts primarily to a workplace or employment issue of the sort described in section 8 of this guideline and whether alternative avenues are available prior to recording the matter in CRAMS.

A Confidant who receives information about an AFP conduct issue or AFP practices issue must deal with the information in accordance with the [AFP National Guideline on the Confidant Network](#).

An AFP appointee must record all other known or suspected AFP conduct issues and AFP practices issues in accordance with section 6 of this guideline.

4.2 Conflicts of interest

All AFP appointees involved in the assessment, review or investigation of a conduct issue must make a conflict of interest declaration. This declaration must be made at the time of first contact with the matter, and be recorded in official records (e.g. CRAMS, PROMIS Integrity, meeting minutes etc.).

When making a conflict of interest declaration, AFP appointees must consider if they:

- are linked in any way to the conduct of the complaint
- have ever had a personal or family relationship with any party involved in the complaint
- have any knowledge of any party involved in the complaint which may adversely affect their decision making
- could be influenced by factors including but not limited to personal, religious, political, social or cultural values
- have any other personal or professional bias that may lead others to believe they have an actual, perceived or potential conflict of interest
- will be involved in the implementation of sanctions or outcomes related to the complaint.

Declared conflicts of interest must be managed in accordance with the [National Guideline on conflicts of interest](#).

Where an AFP appointee declares a conflict of interest, this does not automatically preclude the AFP appointee from conducting an assessment, investigation or review. A Complaint Management Team (CMT) chair or Professional Standards (PRS) Coordinator will review the nature and details of the conflict and make a determination on the AFP appointee's continued involvement. A determination may include mitigation strategies such as the development of a risk management strategy to manage any actual, perceived or potential conflicts.

5. Other forms of reporting

There are other reporting avenues which form an important part of the professional standards of the AFP. They allow AFP appointees to report integrity concerns, suspicious behaviour, security issues and to protect themselves from misconceptions. These matters should not be recorded in CRAMS unless there are other related circumstances that give rise to an AFP conduct issue or AFP practices issue. The corresponding guidelines detail whether to record these matters as complaints:

- **Integrity reports** – see the [AFP National Guideline on integrity reporting](#).
- **Security incident reports** – see the [AFP National Guideline on personnel security](#).

6. Conduct which must be recorded in CRAMS

An AFP appointee recording an issue in CRAMS should first assess the category of the conduct to which the complaint relates in accordance with the [Australian Federal Police Categories of Conduct Determination 2013](#) (Cth).

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Category 1 conduct issues must be recorded in CRAMS if not resolved within five business days of receiving the complaint, as per section 9 of this guideline.

Category 2 and 3 conduct issues and corruption issues must be recorded in CRAMS unless section 10 of this guideline applies.

Complaints relating to an AFP practices issue that do not also contain an AFP conduct issue or corruption issue must be referred to PRS via an email to the Professional Standards Complaints Coordination Team [PRS CCT](#).

An AFP appointee cannot make an anonymous complaint on their own behalf or on behalf of another AFP appointee in CRAMS due to CRAMS not having this functionality. However, if there is a requirement to protect an appointee's identity, the reporting obligations of [CO2](#) can still be fulfilled by reporting through Safe Place, the AFP Confidant Network or, for corruption issues, directly to ACLEI.

The obligation to report conduct issues extends to an obligation for AFP appointees to self-report if they have been arrested, charged or summonsed in relation to a criminal or traffic matter or have been issued a Criminal Infringement Notice (CIN). The fact that an AFP appointee has been arrested, charged or summonsed raises an issue as to whether they have contravened the AFP professional standards. In these circumstances, a self-report is not taken as an admission of guilt in court or for the investigation of a complaint.

Where an AFP conduct issue is identified during the course of formal legal proceedings which, by its nature implies that the legal process is the preferred method to address the issue raised, the Head of the Unit, Manager Legal and Commander Professional Standards (CPRS) may determine the reporting requirements on a case-by-case basis. It is reasonable for Manager Legal to exercise judgement in such cases where the complainant, if any, has not expressly indicated a desire to progress the complaint to the AFP.

7. Benchmarks for managing AFP conduct issues

Crucial to the success of the AFP's complaint management is compliance with benchmarks:

- Informally resolved Category 1 (pursuant to section 9) – five business days
- Category 1 – 42 calendar days
- Category 2 – 66 calendar days
- Category 3 – 256 calendar days

Benchmarks do not apply to Corruption issues.

Benchmarks are referred to in CRAMS as "timeliness".

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For the purpose of determining compliance with benchmarks:

- The benchmark for a Category 1 complaint suitable for informal resolution, commences when the complaint recipient receives the complaint, or, for complaints given directly to PRS, when the PRS Complaints Coordination Team (CCT) allocates it to the relevant CMT.
- the benchmark for a Category 1 or Category 2 complaint commences when the PRS CCT first allocates the associated CRAMS case to a CMT.
- the benchmark for a Category 3 complaint commences when the PRS CCT 'exports' it from CRAMS to PROMIS Integrity.
- The benchmark for complaints involving a breach of criminal law may be impacted by, or dependent on, Court timeframes.
- Benchmarks reflect the total time from the allocation/export of a complaint until appropriate endorsement of the investigations final finding of fact.

The complaint is finalised when the AFP appointee(s) subject to the complaint and the complainant (if any/known) have been, where possible, notified in writing of the final outcome.

Where the complainant is unable to be contacted, the complaint investigator or CMT representative must record in the assigned case or other official means such as diary entries, the date and time of at least two attempts to make contact (contact should be attempted using all provided contact details, and where appropriate contact details are available, the complaint investigator should then write to the complainant, advising them that if no contact is received within seven calendar days the matter will be considered finalised).

Compliance with benchmarks is systematically reviewed as part of the Ombudsman's review of Part V of the Act.

7.1 CRAMS 'stop clock'

The CRAMS 'clock' may be stopped in certain circumstances for Category 1 or Category 2 matters, for example:

- the complainant/victim, an important witness or the subject AFP appointee is not available for an extended period of time
- the matter is before the court and it is inappropriate for the complaint investigation to continue prior to the conclusion of the court proceedings
- the CMT investigator, after commencement of their investigation, becomes unavailable as a result of an unplanned absence.

'Stop clock' requests must be forwarded via email to the [PRS CCT](#) and must articulate specific reasons for the clock to be stopped. A timeframe/date for the clock to be restarted must also be proposed.

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A 'stop clock' will not be approved unless the CMT investigator has completed all avenues of inquiry available to them at the time.

Where a CMT investigator is on unscheduled leave or undefined unplanned periods of absence, consideration should be given to re-allocating the complaint to a new CMT investigator.

'Stop clock' requests must be approved by authorised AFP appointees, as outlined in [Attachment 1 of Commissioner's Order 2](#) and are actioned by PRS CCT.

8. Managerial approach – Category 1 and 2 conduct issues

The formal complaint management processes detailed in this guideline are not intended to be used for:

- the settlement of minor disagreements and conflict between individuals or groups of individuals within the workplace (workplace conflict)
- the management of underperformance
- employment related issues (within the scope of section 40RJ of the Act)
- other workplace issues where the AFP appointee raising the workplace issue determines that they want the matter to be managed in the workplace and the issue does not raise a serious conduct issue or a corruption issue.

The managerial approach places emphasis on managing minor misconduct, reported as Category 1 and 2 conduct issues, in the workplace. This produces a greater organisational focus on effecting a change in inappropriate behaviour in a timely manner.

Wherever possible, conciliation should be attempted by the AFP appointee authorised to deal with the complaint. Section 40TH(4) of the Act provides protection for AFP appointees in that information is not admissible against the AFP appointee in any criminal or civil proceedings if that information is provided by an AFP appointee during the course of conciliation to the:

- CMT chair
- person authorised by the CMT Chair to attempt to resolve the AFP conduct issue by conciliation
- complainant.

The Head of Unit or CPRS can request (on a case by case basis) a report from the workplace on matters that have been referred back to the workplace for management action.

9. Resolving issues outside of CRAMS – Category 1 conduct issues

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A complaint recipient who receives information that raises a Category 1 conduct issue may resolve the complaint informally, including via conciliation, without formally recording it within CRAMS.

Conciliation is suitable for dealing constructively with issues involving honest mistakes or minor lapses of conduct, particularly where inexperience or difficult situations impact on events. Conciliation may also acknowledge that the AFP may have contributed to the alleged conduct through inadequate training, poor supervision or inappropriate practices and procedures.

Before attempting informal resolution, the complaint recipient should be satisfied that the complaint is appropriate for this approach.

Situations in which informal resolution may be appropriate include matters where:

- there is a misunderstanding of the facts or the law
- there is a misunderstanding of AFP practice or procedure
- the complaint recipient is satisfied that providing the complainant with an apology or accepting or partially accepting the version of events given by the complainant is likely to resolve the issue
- the complaint recipient is satisfied that providing the complainant with an explanation or taking other action is likely to resolve the issue.

Informal resolution of a Category 1 conduct issue must occur within five business days of the complaint recipient receiving the complaint or, for complaints given directly to PRS, when the Complaints Coordination Team (CCT) allocates it to the relevant CMT. The complaint must be recorded in CRAMS, in accordance with section 6 of this guideline, if:

- it has not been, or cannot be resolved within the benchmark
- more serious conduct is identified
- the complaint recipient assesses (or reassesses in the course of resolution) it as being unsuitable for informal resolution.

The complaint recipient may seek the assistance of another AFP appointee to resolve the issue, however, the complaint recipient remains responsible for ensuring that the complaint is resolved within five business days, and, if not, for recording the complaint in CRAMS.

In attempting informal resolution it is not always possible to achieve an outcome that satisfies the complainant; however, the primary objective of informal resolution is to achieve a positive outcome for both the complainant and the AFP. A Category 1 conduct issue is considered to have been finalised when:

- the complainant is satisfied with the explanation given or action taken

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- the complaint recipient has given an adequate explanation of the facts, the law or AFP practices and procedures or has taken other reasonable action; however, the complainant remains dissatisfied and further attempts at resolution are unlikely to be successful
- several reasonable documented attempts on differing days and times within the benchmark timeframe have been made to contact the complainant via all contact methods provided and the complainant has not responded. In such circumstances, where appropriate contact details are available, the complaint recipient should write to the complainant providing an adequate explanation of the facts, the law or AFP practices and procedures and/or detailing other action taken to address the issue.

A complaint recipient attempting to informally resolve a Category 1 conduct issue must take contemporaneous notes via an AFP notebook, diary, field book, CMT template etc., and record the following:

- the name and contact details of the complainant (where available)
- the facts associated with the conduct issue raised and the details of any AFP appointees involved
- details of any resolution action taken or explanation given including whether or not the complainant was satisfied
- the date/time and method of contact with the complainant
- any other relevant material.

Where a practices issue, per section 40RI of the Act, is identified during the informal resolution of a Category 1 complaint assigned by the CCT to a CMT, the CMT must deal with AFP practices issues in accordance with the Act, specifically section 40TX. The CMT must ensure details of the issue has been appropriately recorded by the complaint recipient. The issue, including any recommendations as deemed appropriate by the CMT Chair, must be referred to, and reviewed by, the PRS Operations Committee (OC). If accepted by the PRS OC, the practices issue must be recorded on the AFP practices register by the PRS CCT. The AFP practices issues register is reviewed by the Commonwealth Ombudsman under section 40XB of the Act. The Commissioner is also required by section 40WA of the Act to ensure that adequate records are kept.

10. Determination not to proceed

Some complaints raised with the AFP do not warrant treatment as a complaint or further investigation. In those cases, authorised appointees within PRS may decide not to deal with the complaint any further using the following mechanisms.

10.1 Not a complaint - determination

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Authorised appointees, as outlined in [Attachment 1 of Commissioner's Order 2](#) may determine that a matter is not a complaint when there is no legislative basis for the complaint. For example:

- the subject is not or has never been an AFP appointee
- the complaint does not raise a conduct issue or practices issue related to the AFP in accordance with Part V of the Act.

The appointee must, prior to making a not a complaint determination, make a conflict of interest declaration.

10.2 Non-complaint - determination

Authorised AFP appointees, as outlined in [Attachment 1 of Commissioner's Order 2](#) may determine that a complaint is a non-complaint when there is a legislative basis for the complaint, but there is no basis in fact:

- pursuant to section 40RJ of the Act, the complaint relates to action taken in relation to an AFP appointee's employment which does not involve either contravention of the AFP's professional standards or corrupt conduct (i.e. performance issues)
- where the complaint relates to an AFP appointee's behaviour that is off-duty, private, lawful and reasonable and does not bring the reputation of the AFP into disrepute.

The delegate must, prior to making a non-complaint determination, make a conflict of interest declaration.

11. Discretion to take no further action

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.

The delegation to apply a discretion as listed in section 40TF of the Act is detailed in the [Delegations and Authorisations Collection](#). The delegate must, prior to making a section 40TF determination, make a conflict of interest declaration.

Where a CMT chair decides under section 40TF to take no further action in relation to an issue, the Head of the Unit or CPRS may, on internal review, revoke or vary that decision pursuant to section 20 of this guideline.

The Head of Unit or CPRS can request (on a case by case basis) a report from the workplace on matters that have been referred back to the workplace for management action.

12. Withdrawn complaints

Where a complainant indicates a desire to withdraw a complaint, the request should be provided in writing and articulate the reasons for the withdrawal. Should the complainant refuse or fail to provide the request in writing after being requested to do so, the investigator should record this within the relevant case.

A written statement from the complainant requesting the withdrawal of the complaint does not preclude further investigation of the complaint.

A PRS coordinator, PRS Superintendent or responsible CMT Chair must assess whether there is any merit in progressing the investigation. The AFP may wish to proceed with an investigation if the complaint involves:

- wider conduct implications
- significant public interest
- repetitive poor conduct
- practice and procedure issues.

13. Deletion of complaints from CRAMS

A complaint which has been entered into CRAMS may only be deleted if it:

- was entered in error, including where another form of reporting is more appropriate
- is a duplicate of an existing complaint (complaint records are merged prior to deletion)
- is deemed to be not a complaint
- is deemed to be a non-complaint.

Only authorised AFP appointees may approve the deletion of a complaint from CRAMS, in accordance with [Attachment 1 of CO2 – Table of Authorisations](#).

14. Dealing with Category 1 and 2 conduct issues

Category 1 and 2 conduct issues are managed by the relevant CMT and investigated by a CMT investigator, as nominated by the CMT Chair, in accordance with Part V of the Act and [CO2](#).

Self-reported and non-complex Category 1 and 2 conduct issues may be investigated using the [direct engagement investigation strategy](#) (DEIS). Direct engagement investigation strategy (DEIS) means an alternative investigation technique well suited to non-complex and self-reported matters, such as most Category 1 or Category 2 complaints and some Category 3 complaints, which initiates direct contact with the subject of a complaint from the outset.

15. Dealing with Category 3 conduct issues and corruption issues

Category 3 conduct issues are managed and investigated by the PRSIU in accordance with Part V of the Act and [CO2](#).

Non-complex Category 3 conduct issues may be suitable for investigation using the DEIS.

Corruption issues are managed and investigated by the PRSIU and/or ACLEI in accordance with Part V of the Act, [CO2](#) and Part 6 Division 1 of the Law Enforcement Integrity Commission (LEIC) Act and as agreed between the AFP Commissioner and the Integrity Commissioner.

The Head of the Unit or CPRS may allocate certain Category 3 conduct and corruption issues to a person outside the PRSIU, or arrange for an AFP member or special member to be instrumented into the PRSIU for the purposes of investigating Category 3 conduct issues and corruption issues. Any person conducting the investigation must conduct the investigation in accordance with Part V of the Act, [CO2](#) and this guideline, and adhere to directions issued by the Head of the Unit or CPRS, including the completion of a conflict of interest declaration.

The Head of the Unit or CPRS may, where appropriate, arrange for any person who is not an AFP appointee to assist the PRSIU for the purposes of investigating Category 3 conduct issues and corruption issues.

The Head of the Unit may, where appropriate, approve the [suspension or redeployment](#) of an AFP appointee who is the subject of ongoing Category 3 conduct issues and corruption issues.

Where an AFP appointee gives written notice of resignation during a Category 3 or corruption issue investigation, and a delegate has decided not to delay the AFP appointee's resignation under section 30A of the Act, the investigation must proceed to finding of fact with no sanction recorded. In circumstances where the resignation was in anticipation of termination action, CPRS may seek approval from Manager People Strategies (MPS) to mark the AFP appointee's personnel records as 'not to be re-engaged'.

16. Professional Standards Panel/Senior Executive Service Panel for Category 3 conduct issues or corruption issues

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at or below the Senior Executive Service (SES) Band 1 level, the matter

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must be referred to the Professional Standards Panel (Panel) for determination of appropriate sanctions.

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2/Assistant Commissioner (AC)/National Manager (NM) level, the matter must be referred to the SES Professional Standards Panel (SES Panel) for determination of appropriate sanctions.

The purpose of sanctions is to protect the interests, resources and reputation of the AFP to ensure that the trust and confidence of the public, our stakeholders and government is maintained.

The Commissioner has formed the Panel and the SES Panel to ensure appropriate action is taken in relation to an established finding from a Category 3 conduct issue or corruption issue. The Panel/SES Panel must:

- consider the findings and any recommendations in investigation reports made pursuant to section 40TU of the Act
- advise the Panel Delegate, regarding the appropriate action to be applied under section 40TV of the Act in relation to the issue(s), which may include an appropriate sanction.

Composition

The Panel comprises the following members:

- Head of the Unit
- Assistant Commissioner People and Culture (ACPC)
- at least one additional SES Band 2/AC/NM level AFP appointee on a rotating basis.

ACPC (or the AFP appointee acting in the ACPC role) is the Chair of the Panel and the Panel Delegate. If ACPC is unavailable and there are no acting arrangements for the ACPC role, or if ACPC has declared a conflict of interest, the Head of the Unit will be the Chair of the Panel and the Panel Delegate.

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2/AC/NM level, the Panel comprises the following members:

- Chief Operating Officer (COO)
- the Deputy Commissioners (DCs)

The COO (or the AFP appointee acting in the COO role) is the Chair of the SES Panel and the SES Panel Delegate. If the COO is unavailable and there are no acting arrangements for the COO role, or if the COO has declared a conflict of

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interest, one of the DCs will be the Chair of the SES Panel and the SES Panel Delegate.

Where required, the Panel/SES Panel may also request that representatives from relevant areas of the AFP attend Panel meetings in an advisory capacity (e.g. PRS, relevant line areas and Organisational Health).

The Chief Counsel and CPRS, or their delegates, will generally attend all meetings of the Panel/SES Panel in an advisory role.

CPRS has functional responsibility for providing the secretariat support to the Panel/SES Panel.

The members of the Panel/SES Panel and all attendees at Panel/SES Panel meetings are subject to the [AFP National Guideline on Conflicts of Interest](#). Prior to any meeting of the Panel/SES Panel, all participants at the meeting must declare whether they have any interest in the matter under consideration, any association with the AFP appointee whose conduct is being reviewed or any other consideration which may give rise to a potential, perceived or actual conflict of interest. In such cases:

- the Chair will, in consultation with the Chief Counsel, determine the appropriate action
- where the actual or potential conflict relates to the Chair, the Chief Counsel will determine the appropriate action
- action to address the conflict may include excluding a member of the Panel/SES Panel from the part of the meeting considering the matter to which the conflict relates.

Where a member of the Panel is excluded from part of the meeting due to a potential, perceived or actual conflict of interest:

- if the excluded member is the Chair, the role of Delegate will be performed by COS
- if the excluded member is not the Chair, the Panel may proceed to consider and deal with the relevant matter with a reduced membership.

Where a member of the SES Panel is excluded from part of the meeting due to a potential, perceived or actual conflict of interest:

- if the excluded member is the Chair, the role of Delegate will be performed by one of the DCs
- if the excluded member is not the Chair, the SES Panel may proceed to consider and deal with the relevant matter with a reduced membership.

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The Commissioner determines the composition of the Panel and the SES Panel, and may determine a Panel comprised of other members (including members who are not AFP appointees), if the Commissioner considers it appropriate to do so.

Timing

The Panel will convene on at least a monthly basis or more frequently as required.

The SES Panel only convenes in instances where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2/AC/NM level.

Administrative issues

The Panel/SES Panel should deliberate during in-person meetings or, if this is impracticable, by conference/video call. In the event that the Panel/SES Panel are unable to convene, matters may be considered out of session.

If a member of the Panel/SES Panel is not available to attend a meeting, the non-attendance is recorded by the Panel secretariat. The meeting may still proceed without a Panel/SES Panel member providing a quorum can be met. The quorum for the Panel is the Chair plus one other member. The quorum for the SES Panel is the Chair plus two other members.

All deliberations of the Panel/SES Panel are subject to section 40ZA of the Act.

The Panel secretariat will document the Panel/SES Panel's meetings, deliberations and outcomes.

Where an AFP appointee gives written notice of resignation during a Category 3 or corruption issue investigation, and a delegate has decided not to delay the AFP appointee's resignation under section 30A of the Act, the matter will be finalised with no sanction recorded. In circumstances where the resignation was in anticipation of termination action, CPRS may seek approval from MPS to mark the AFP appointee's personnel records as 'not to be re-engaged'.

Panel/SES Panel process

The Panel secretariat will refer the established Category 3 conduct issue or corruption issue to the Panel, or where applicable, the SES Panel. Such referral will include:

- the investigation report and attachments
- the AFP appointee's natural justice response to the finding of fact
- Part 1 of the Category 3 and Corruption Determination of Sanction template
- the AFP appointee's antecedents

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- any other information that may be relevant to the Panel's deliberations.

The Panel/SES Panel meets to consider the information for the purpose of assisting the Panel/SES Panel Delegate to reach a preliminary view on the appropriate sanction.

Following consideration of all relevant material, the Panel/SES Panel Delegate will reach a preliminary view on the sanction to be applied, including the nature, scope and duration of any proposed sanction.

Some factors relevant to the proposed sanction include:

- the seriousness of the conduct
- the seniority of the AFP appointee involved
- actual or potential damage or loss, financial or otherwise, to the AFP caused by the conduct
- past misconduct of the AFP appointee
- aggravating factors
- mitigating factors
- actions/sanctions imposed in previous cases involving similar conduct
- any other relevant factors.

Notice to the AFP appointee of proposed sanction

Once the Panel/SES Panel Delegate has reached a preliminary view on the proposed sanction, the PRS investigator will arrange for the AFP appointee to be notified of the proposed sanction and be provided with an opportunity to comment or respond.

The AFP appointee will ordinarily be provided with 14 calendar days to comment or respond to the proposed sanction.

AFP appointee's comment or response

Any response from the AFP appointee will be considered at the next available meeting of the Panel, or next scheduled meeting of the SES Panel.

In the event that the AFP appointee does not provide a response, this will be noted and the Panel/SES Panel Delegate will then make a final determination on sanction.

For the avoidance of doubt, where the AFP appointee's response is considered at the next available meeting of the Panel, or next scheduled meeting of the SES Panel, the person performing the functions of the Panel/SES Panel Delegate at that meeting will determine the sanction even if that person was not performing that function at the previous meeting where the particular matter was considered.

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Communication of decision

If the Panel/SES Panel Delegate decides to impose a sanction, PRS must make arrangements for the decision to be communicated to the AFP appointee.

PRS will also make arrangements for the decision to be communicated to the relevant SES Band 2/AC/NM or Commander/Manager tasked with implementing the sanction. For SES Panel matters, CPRS will make arrangements for the decision to be communicated to the Commissioner for implementation of the sanction.

Commissioner visibility

Where a Category 3 conduct issue or corruption issue is established against an AFP appointee at the AFP SES Band 2/AC/NM level and the matter has been considered by the SES Panel, the Commissioner will meet personally with the subject appointee for the purposes of sanction implementation.

Part B – Complaint management teams

17. Complaint management teams – establishment

The Head of the Unit or CPRS may decide to establish a CMT, and which AFP appointees may be members of any CMT.

Requests for an AFP appointee to become a CMT member must be submitted to the PRS CCT by the CMT Chair (or their delegate) and are subject to an integrity check.

The PRS CCT must maintain a record of all CMTs and their membership and must facilitate annual integrity checks of all CMT members.

Where a member of a CMT moves out of the CMT area of responsibility, or ceases to occupy the appropriate band level, the CMT Chair (or their delegate) must notify the PRS CCT for removal.

Upon movement out of a functional stream/business area, a CMT member may transfer to the CMT in their new functional stream/business area without the requirement for a new integrity check provided the transfer occurs within 90 calendar days and no conduct issues are identified.

Each CMT must have a CMT Chair and secretariat.

A CMT Chair should engage at least one secretariat to manage the administration of its complaints and must notify the PRS CCT for recording. The secretariat must not be a CMT member, must be at or above Band 4 and is subject to an integrity

check. The CMT secretariat may provide advice to the CMT but must not make decisions related to the management of complaints, or the CMT's findings.

AFP appointees at or above the SES Band 1 level must not be a member of a CMT.

In certain circumstances, such as where a conflict of interest exists, a CMT may be engaged to manage a conduct issue outside their area of responsibility. In these circumstances, it is the responsibility of the CMT Chair to contact the Chair of an alternate CMT to arrange re-allocation of the matter.

18. Role of the CMT Chair for Category 1 and 2 conduct issues

A CMT Chair has responsibility for ensuring that Category 1 and 2 conduct issues referred to their CMT are dealt with appropriately by:

- ensuring the complaint is managed in accordance with the benchmark set for each category of complaint
- assigning or re-assigning, without unreasonable delay, the complaint to a CMT investigator
- managing conflicts of interest of CMT members and CMT investigators
- ensuring that the complainant(s) (if any) and subject AFP appointee(s) have an adequate opportunity to be heard in relation to the complaint
- ensuring reasonable measures are taken to speak to relevant witnesses and consider available evidence
- ensuring adequate records are kept pursuant to section 40WA of the Act
- endorsing the findings recommended by a quorum of three CMT members, or applying a new finding
- endorsing appropriate outcomes having regard to the subject's prior established complaints history
- ensuring findings are communicated to the complaint subject(s) and the complainant (if any)
- ensuring outcomes are communicated and implemented as appropriate.

The CMT Chair should not form part of the CMT quorum.

A CMT Chair has the delegation, and may apply discretion under section 40TF of the Act, to take no further action in relation to a Category 1 or 2 conduct issue pursuant to section 11 of this guideline. When exercising this delegation, the Chair must articulate the reason for the decision and corresponding 40TF subsection, within the relevant CRAMS case.

19. CMT Functions

CMTs are responsible for managing Category 1 and Category 2 conduct issues and associated practices issues. CMT functions are detailed below.

19.1 CMT functions – complaint re-categorisation

In accordance with section 40RK(7) of the Act, the category to which a complaint belongs may change as more information is obtained in relation to the conduct.

Where additional information indicates a possible upgrade to a Category 3 conduct issue or corruption issue, the CMT should forward the additional information, along with a request for upgrade consideration, via email to the [PRS CCT](#).

Following an assessment by the PRS OC, the matter may:

- remain with the CMT at the current category
- be upgraded to a Category 3 conduct issue or a corruption issue and be managed and investigated by the PRSIU and/or ACEEK

Where a complaint is upgraded to either a Category 3 conduct issue or a corruption issue, CRAMS automatically refers the complaint to PRS. The CMT and CMT investigator will no longer have the ability to access and deal with the complaint.

Where additional information indicates a possible upgrade or downgrade between Category 1 and Category 2 conduct issues, the CMT Chair may endorse the category change without referring the matter to the PRS CCT.

19.2 CMT functions – dealing with AFP practices issues

The CMT must deal with AFP practices issues in accordance with the Act, specifically section 40TX.

Where an AFP practices issue is referred to a CMT as a complaint, or identified in the course of a Category 1 or 2 investigation, the CMT must ensure this is appropriately recorded in CRAMS, including any recommendations as deemed appropriate by the CMT Chair. Any practices issue must be referred to and reviewed by the PRS OC. If accepted by the PRS OC, the practices issue must be recorded on the AFP practices register by the PRS CCT. The AFP practices issues register is reviewed by the Commonwealth Ombudsman under section 40XB of the Act. The Commissioner is also required by section 40WA of the Act to ensure that adequate records are kept.

19.3 CMT functions – quality assurance (QA)

When an investigation of a complaint is completed, the CMT quorum must, without unreasonable delay, review and conduct QA of the investigation. QA must include review of the initial complaint, case notes, supporting documentation, and the CMT investigator's final report, findings and recommendations, and where an

established finding has been recommended, any comments or response to this finding made by the AFP appointee.

If issues are identified during the QA, the CMT must request additional enquiries or follow up by the CMT investigator.

19.4 CMT functions – findings

Upon completion of the QA, a CMT quorum must either uphold the findings recommended by the CMT investigator or recommend new findings to each conduct issue within a complaint. When the CMT applies a new finding, the reasons for this decision must be recorded in CRAMS.

The CMT must ensure a sound evidentiary basis exists to support their finding on the balance of probabilities.

The findings that can be applied to a conduct issue are:

- established
- not established
- withdrawn (pursuant to section 12 of this guideline)
- discretion to take no further action pursuant to section 40TF of the Act and section 11 of this guideline.

Where the CMT investigator has submitted a proposed finding of established, or where the CMT has recommended a new finding of established the CMT Secretariat will arrange for the AFP appointee to be notified of the proposed finding and be provided with an opportunity to comment or respond.

The AFP appointee will ordinarily be provided with seven calendar days to comment or respond to the proposed finding.

Where the CMT cannot make a unanimous decision regarding a recommended finding, the Chair must make the final decision.

19.5 CMT functions – applying outcomes

The Act provides for established conduct issues to attract certain actions depending on the category to which the conduct belongs. For the purposes of this guideline and CRAMS, actions are referred to as "outcomes".

CMTs have the responsibility of applying appropriate outcomes to established Category 1 and 2 conduct issues dealt with in CRAMS.

Outcomes link to the subject AFP appointee's Performance Development Agreement (PDA). Outcomes must be managed by the subject AFP appointee's

current supervisor and it is the supervisor's responsibility to ensure compliance, completion and PDA sign-off and reporting to the CMT Chair once finalised.

Part C – Review of findings and outcomes of complaints

20. Internal review for Category 1 and 2 conduct issues

Any AFP appointee who is subject to a Category 1 or 2 conduct issue investigation, and has been notified of the final finding and outcome (if any), may seek an internal review of the finding.

A request for internal review must be made in writing by the affected AFP appointee to the Head of the Unit or CPRS within 30 calendar days of receipt of the final outcome. The request must articulate the grounds on which the review has been requested and provide sufficient details to enable the Head of Unit or CPRS to make an informed decision whether a review should occur. This may be submitted via email to the [PRs CCT](#).

The grounds on which the review may be requested may include:

- failure to declare and/or appropriately manage conflicts of interest
- not having an adequate opportunity to be heard pursuant to section 40TH of the Act
- failure to consider all reasonably available evidentiary material.

The Head of the Unit or CPRS may undertake the review or assign an independent AFP appointee (the complaint reviewer) who was not involved in the original investigation or decision-making process. This appointee must be at or above the Executive Level (EL) unless advised otherwise by the Head of Unit or CPRS.

The Head of the Unit or CPRS must make a final decision with reference to the review findings and arrange for an amendment to CRAMS records (if appropriate) and notification as appropriate, including to the complaint subject, the original CMT and the complainant (if any).

A complaint may only be reviewed once by internal review.

21. External review of a complaint investigation – reviewable actions

An AFP appointee subject to a Category 1 or 2 conduct issue investigation who is not satisfied with the finding after internal review, may approach the Commonwealth Ombudsman to request a review of their investigation.

An AFP appointee who is subject to a complaint involving a Category 3 conduct or corruption issue investigation, and has had the final finding and sanction notified to them, may:

- request the Commonwealth Ombudsman to review
- take action to have any sanctions involving reviewable actions considered under administrative law at the Federal or High Court of Australia
- if the matter resulted in the termination of the AFP appointee's employment, make an unfair dismissal application to the Fair Work Commission, but not when a section 40K Declaration of Serious Misconduct has been made by the Commissioner, as per section 69B of the Act.

Complainants for any matter, including AFP appointees, who are not satisfied with the outcome of any complaint may approach the Commonwealth Ombudsman with their concerns.

Part D - Further information

22. Claims for compensation

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

A complainant who has made a claim for compensation must be advised that their claim for compensation will be referred to AFP Legal.

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

A complaint may still be finalised despite issues outstanding in relation to compensation; however, upon finalisation, the relevant CMT Chair or CPRS must advise AFP Legal of the finding of the investigation.

23. Information provided by a detainee

Where a detainee requests to make a complaint, the AFP custodian must act in accordance with section 40SB of the Act.

Where a detainee appears to be under the influence of alcohol or drugs and wishes to make a complaint, the complaint recipient must make a record of the detainee's request outside of CRAMS. As soon as it is determined that the detainee is no longer under the influence or upon the release of the detainee, the complaint recipient must raise the complaint request with the detainee. If the detainee then

wishes to proceed, the AFP member must record the information of the complaint in CRAMS or otherwise as outlined in section 9 of this guideline.

24. Former AFP appointees

In accordance with section 40RH(2)(a) of the Act, an AFP conduct issue includes all conduct while a person is an AFP appointee, even if that person has since ceased to be an AFP appointee.

These complaints must be assessed by PRS and managed according to Part V of the Act.

25. Confidentiality

Complaint management information must be treated in confidence. Information may only be recorded, divulged, communicated or otherwise used to ensure the good order, administration or discipline of the AFP. The use of information must be consistent with section 60A of the Act, section 18 of [CO2](#) and section 28 of the [Australian Federal Police Regulations 2018](#) (Cth).

26. Mandatory training

All PRS investigators and CMT Chairs must successfully complete the [AFP Workplace Investigations Training](#) on iAspire within one month of commencing in either of these positions.

27. Further advice

Queries about this guideline should be referred to PRS-Policy-and-Governance@afp.gov.au.

28. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Categories of Conduct Determination 2013](#) (Cth)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [Law Enforcement Integrity Commissioner Act 2006](#) (Cth)
- [Ombudsman Act 1976](#) (Cth).

AFP governance instruments

- [AFP Commissioner's Order on Governance \(CO1\)](#)
- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on integrity reporting](#)
- [AFP National Guideline on public interest disclosure](#)

- [AFP National Guideline on the Confidant Network](#)
- [AFP National Guideline on personnel security](#)
- [AFP National Guideline on conflicts of interest](#)
- [Better Practice Guide on redeployment or suspension of AFP employees in relation to AFP conduct issues.](#)

Other

- [Better Practice Complaint Handling Guide.](#)

29. Shortened forms

ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
CCT	Complaints Coordination Team
CMT	Complaint Management Team
COS	Chief of Staff
CRAMS	Complaint Recording and Management System
DEIS	Direct engagement investigation strategy
EL	Executive Level
LEIC Act	<i>Law Enforcement Integrity Commissioner Act 2006</i> (Cth)
CPRS	Commander Professional Standards
PROMIS	Police Real-time On-line Management Information System
PRS	Professional Standards
PRSIU	Professional Standards Investigations Unit
PRS OC	Professional Standards Operations Committee
SES	Senior Executive Service

30. Definitions

Australian Commission for Law Enforcement Integrity (ACLEI) means the statutory agency which supports the Integrity Commissioner. ACLEI and the Integrity Commissioner are responsible for the detection, investigation and prevention of corruption in the AFP.

AFP appointee means a Deputy Commissioner, an AFP employee, special member or special protective service officer, and includes a person:

- engaged overseas under section 69A of the *Australian Federal Police Act 1979* (Cth) (the Act)

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- seconded to the AFP under section 69D of the Act
- engaged under section 35 of the Act as a consultant or contractor to perform services for the AFP and determined under section 35(2) of the Act to be an AFP appointee.

(See section 4 of the Act.)

AFP conduct issue has the same meaning as defined in section 40RH of the Act.

AFP Confidant Network has the same meaning as defined in the [AFP National Guideline on the Confidant Network](#).

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 member means a 'member of the AFP' as defined in section 4 the Act.

AFP practices issue has the same meaning as in section 40RI of the Act.

Commissioner means the Commissioner of the Australian Federal Police.

Complaint means the giving of information pursuant to section 40SA of the Act.

Complainant has the same meaning as contained within section 40SA of the Act.

Complaint management information means information obtained when recording, investigating or managing a conduct issue.

Complaint management team (CMT) means a team that manages AFP Category 1 and Category 2 conduct issues and associated practices issues relevant to their area of responsibility or otherwise assigned to it, as authorised by section 13 of [CO2](#).

Complaint management team Chair (CMT Chair) means an AFP appointee, nominated by a Senior Executive Service (SES) Band 1 AFP member from the CMT area of responsibility, and who, as authorised by section 40RQ of the Act, has responsibility for overseeing a CMT and ensuring Category 1 and 2 conduct issues and AFP practices issues within their area of responsibility, or as otherwise assigned, are dealt with appropriately. The CMT Chair is also responsible for determining the appropriate action to be taken pursuant to sections 40TI, 40TJ and 40TK of the Act.

Complaint management team (CMT) investigator means an AFP appointee, at or above Band 4, who is of a higher or equal Band to that of the complaint subject,

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and who on behalf of a CMT may fulfil the requirements of section 40TH of the Act and investigate Category 1 or 2 conduct issues.

Complaint management team secretariat means an AFP appointee, at or above Band 4, nominated by the CMT Chair to perform administrative support functions for the CMT.

Complaint management team member (CMT member) means an AFP appointee, from the CMT area of responsibility, at or above Band 8 (substantive or on higher duties), who, as authorised by section 40RQ of the Act, performs functions as set out in section 19 of this guideline.

Complaint recipient means any AFP appointee who receives information that raises a conduct or practices issue and who, for a complaint involving a Category 1 conduct issue may:

- informally attempt to resolve it pursuant to section 9 of this guideline, in which case the appointee is also the allocated complaint manager for the purposes of section 40TH of the Act unless it is later recorded in CRAMS and allocated to a CMT
- refer it to the area of responsibility for attempted resolution.

Complaint reviewer means an AFP appointee, usually Band 9 or above, who has been assigned by CPRS to review findings and outcomes relating to Category 1 or 2 conduct issues pursuant to section 20 of this guideline.

Complaints Coordination Team (CCT) means the PRS team responsible for the administration of CRAMS. The PRS CCT liaises with complaint management teams and provides advice to ensure the effective management of complaints within CRAMS.

Conflict of interest means a conflicting obligation, loyalty or other improper influence to which an individual is subject to in the course of a relationship or activity. A conflict of interest refers to the conflict between public duties and private interests, or between two or more public duties or the commitment of time between fulfilling a public duty and an outside professional activity. It may involve an actual, perceived or potential conflict:

- between an AFP appointee's responsibilities in serving the public interest/official AFP duties, and the AFP appointee's private interests (a conflict of interest); or
- between an AFP appointee's legal or ethical obligations to the AFP and their legal or ethical obligations to another organisation, agency or public office/duty (a conflict of duty); or

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- of a commitment of time between an AFP appointee's engagement in a non-AFP professional activity, paid or unpaid, and their ability to fulfil their obligations to the AFP (a conflict of commitment).

Conflicts of interest can arise from both avoiding personal losses and gaining personal advantage – whether financial or otherwise.

Contravention of professional standards has the same meaning as in section 10 of [CO2](#) and is dealt with by the complaint process within the AFP Complaint Management Framework.

Corrupt conduct has the same meaning as 'engages in corrupt conduct' as defined in section 6 of the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act).

Corruption issue has the same meaning as defined in section 7 of the LEIC Act. Corruption issues are categorised in CRAMS as Category 4.

CRAMS means the web-based IT application for the formal recording and management of complaints.

Detainee means a person who is in the custody and control of an AFP appointee.

Head of the Unit means the position instrumented as the Head of the Unit constituted under section 40RE of the Act. Refer to AFP Delegations and Authorisations Collection.

Integrity Commissioner means the Integrity Commissioner appointed under section 175 of the LEIC Act.

Integrity framework is based on the four areas of prevention, detection, response and investigation, and continuous improvement. The integrity framework's purpose is to ensure the AFP's professional standards are upheld.

Commander Professional Standards (CPRS) means the position responsible for the management of PRS.

Minor misconduct has the same meaning as defined under section 40RN Category 1 conduct and section 40RO Category 2 conduct in the AFP Act.

Professional Standards (PRS) means the business area responsible for managing the integrity framework of the AFP and investigating Category 3 conduct issues and corruption issues, and associated practices issues relating to conduct engaged in by AFP appointees.

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Professional Standards Investigations Unit (PRSIU) means the unit constituted in accordance with section 40RD of the Act with the responsibility for the investigation of Category 3 conduct issues and corruption issues that relate to conduct engaged in by AFP appointees.

Professional standards of the AFP has the meaning given by Part A of [CO2](#).

Professional Standards Panel has the same meaning given in CO2.

Professional Standards Panel/Senior Executive Service (SES) Panel Delegate has the same meaning given in CO2.

PROMIS Integrity PROMIS Integrity is the corporate IT system used by PRS, Safe Place and Security.

PRS investigator means an AFP member or special member of the AFP who, in accordance with section 40RF of the Act, is assigned as a member of the PRSIU.

Safe Place forms part of the People and Culture Portfolio function. It is 'victim focussed' and provides holistic support and advice on matters related to sexual assault, sexual harassment, bullying and harassment within or connected to the workplace.

Sanction has the same meaning given in [CO2](#) and is also referred to as an 'outcome' in CRAMS.

SES Panel has the same meaning given in [CO2](#).

Serious misconduct has the same meaning as given in section [40RP of](#) the Act.

Significant corruption has the same meaning as in section 5 of the LEIC Act.

The Act means the [Australian Federal Police Act 1979](#) (Cth).

The Ombudsman means the Commonwealth Ombudsman and the Ombudsman's Office who, in accordance with section 4 of the [Ombudsman Act 1976](#) (Cth), may also be called the Law Enforcement Ombudsman and have responsibility for the oversight of the AFP's management and administration of Part V of the AFP Act. The Ombudsman may investigate complaints about the actions of AFP appointees and about the policies, practices and procedures of the AFP as an agency.

Workplace conflict means the perception or actual occurrence of diverging, opposing, competing or incompatible differences between two or more people in the workplace. Where unresolved, workplace conflict may escalate into a dispute, but will not generally amount to misconduct.

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