



ASIC

Australian Securities & Investments Commission

Complaint management policy

About this policy

This policy sets out our approach to managing complaints about our services, decisions, actions and officers.

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A Overview

Introduction

- 1 As Australia's corporate, markets and financial services regulator, ASIC values the public's right to complain about our services, decisions, actions and officers. We are committed to treating complaints seriously and dealing with them promptly, fairly and genuinely.
- 2 The information gained from complaints helps us improve our policies, systems and services, which in turn help us achieve our [strategic priorities](#).
- 3 This policy sets out our approach to managing any complaints we receive. The policy is underpinned by ASIC's complaint management framework, which comprises the systems and internal procedures supporting the implementation of the policy.

Commitment

- 4 ASIC is committed to an accessible, effective, efficient and fair complaint management process. We will:
 - (a) welcome complaints from people who have dealt with ASIC and who are dissatisfied with our services, decisions, actions or officers;
 - (b) have accessible, transparent and accountable complaint processes;
 - (c) address each complaint in an equitable, objective and unbiased manner;
 - (d) treat all complaints received in accordance with ASIC's [Privacy Policy](#);
 - (e) treat complainants with respect and provide them with clear explanations of ASIC's actions and decisions wherever the law or ASIC policy allows;¹
 - (f) recognise feedback and complaints as opportunities to build knowledge and improve services;
 - (g) proactively seek feedback and suggestions for improvement; and
 - (h) be courteous and professional at all times.

¹ For further information about ASIC's ability to comment on certain matters, see Information Sheet 152 *Public comment* (INFO 152).

Scope of policy

- 5 ASIC considers a complaint to be:
An expression of dissatisfaction made to ASIC related to our services, decisions, actions or the actions of our people, or the complaint management process itself, which ASIC has been unable to resolve in the first instance, where a response is expected.
- 6 This is distinct from a request for service. However, a request for service may develop into a complaint where the complainant considers the provision or timeliness of the service to be unsatisfactory.
- 7 This policy does not extend to requests for a review of an ASIC decision or action where the right to do so is granted by law. These reviews will be conducted in accordance with the applicable legislation.
- 8 This policy does not extend to complaints or allegations about third parties unrelated to ASIC. These are considered reports of misconduct and are handled under a different process.²

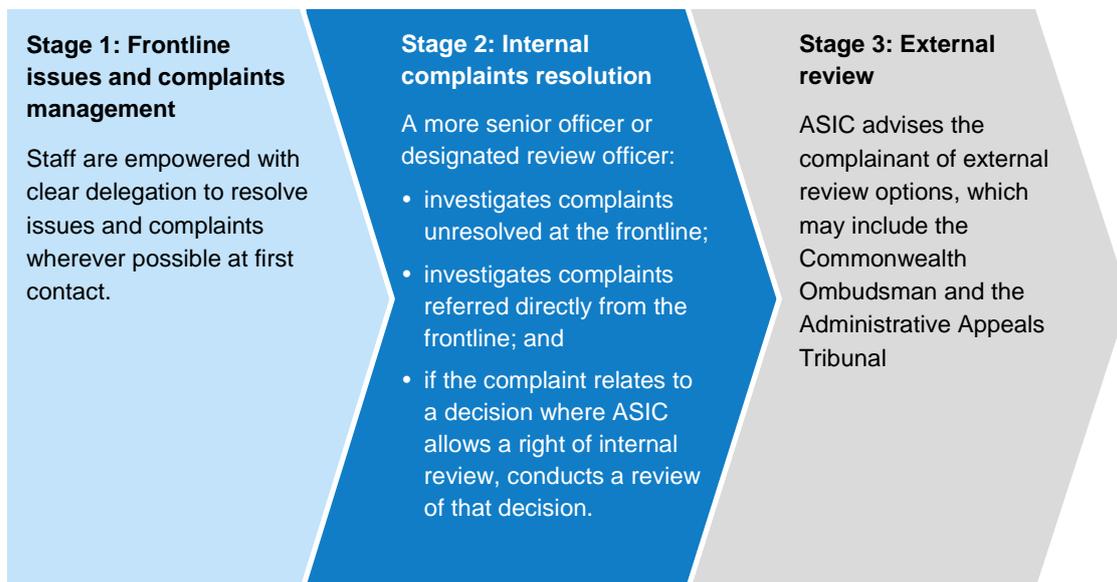
² For further information, see Information Sheet 153 *How ASIC deals with reports of misconduct* (INFO 153).

B ASIC's approach to complaint management

Stages of the complaint management process

- 9 ASIC handles most complaints in accordance with the model in Figure 1; however, certain complaint types are required by law to undergo a different process.³

Figure 1: Complaint management model



- 10 At stage 1, staff are encouraged and empowered to resolve issues wherever possible when a complainant first raises them.⁴
- 11 Complainants are encouraged to:
- try to resolve their issue with the ASIC officer that they have been dealing with (or using the telephone number ASIC has given them);
 - if they are not satisfied, talk to that officer's manager; and
 - if they are still not satisfied, consider lodging a formal complaint through ASIC's dedicated complaint channels.

³ ASIC will handle public interest disclosures in accordance with the *Public Interest Disclosure Act 2013*. For more information, see ASIC's [Public interest disclosures policy and procedures](#) (PDF 274 KB).

⁴ As set out in Section C, ASIC's formal complaint management and recording procedures only apply once the complaint reaches stage 2.

- 12 Once a complaint reaches stage 2, a complaint can be actioned through:
- (a) a complaint investigation; or
 - (b) an internal review of a decision or action, where ASIC allows a right of internal review.
- 13 In a complaint investigation, the focus is:
- (a) an assessment of the complaint to determine ASIC's compliance with ASIC's Service Charter, legislation and any applicable ASIC policies and procedures;
 - (b) determining what resolution (if any) may be appropriate, including whether further information should be provided to the complainant about ASIC's position; and
 - (c) determining whether there are any opportunities for services and system improvement.
- 14 Where ASIC has determined that an internal right of review exists for an ASIC decision or action, only people directly affected by the decision can request such a review. The relevant area of ASIC will inform those people of their rights of review.
- 15 In these circumstances, the reviewers:
- (a) are independent of, and no less senior than, the original officer;
 - (b) have the necessary expertise to review particular matters; and
 - (c) have access to all relevant material and the full cooperation of the agency at all levels.
- 16 Please note that paragraph 15 does not extend to requests for a review of an ASIC decision or action where the law imposes the right to such a review. ASIC will conduct these reviews in accordance with the applicable legislation.

Visibility and access

- 17 Complainants may make complaints by telephone, fax, mail, email or online. ASIC will assist complainants with specific needs to make complaints, including the provision of an interpreter or hearing-impaired services.
- 18 While we accept anonymous complaints, we will be limited in the extent to which we can address these without the ability to obtain further information or make further inquiries of the complainant.
- 19 Information on the complaint management process appears on ASIC's website, and is available in print form. ASIC officers handling complaints over the telephone will explain the process and direct potential complainants to where they can access further information.

Responsiveness

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We will:

- (a) acknowledge complaints promptly;⁵
- (b) inform complainants of the progress of their complaint;
- (c) assess and finalise each complaint as quickly as possible;⁶ and
- (d) resolve complaints at the first point of contact wherever possible.

⁵ See ASIC's [Service Charter](#) for our service commitments for acknowledging complaints.

⁶ See ASIC's [Service Charter](#) for our service commitments for finalising complaints.

C Assessment and action

Categories of complaint

- 21 We will:
- (a) categorise and prioritise complaints in accordance with their urgency, seriousness and complexity;
 - (b) address each complaint in a sensitive, equitable, objective, unbiased and professional manner throughout the complaint management process; and
 - (c) where appropriate, refer complaints and/or complainants to external agencies on receipt of the complaint.
- 22 Complaints are categorised into four types:
- (a) non-regulatory (service);
 - (b) regulatory;
 - (c) conduct; and
 - (d) other.
- 23 The categorisation of each complaint determines how ASIC will handle the complaint.

Non-regulatory (service) complaints

- 24 ASIC administers Australia's public registers of companies, business names and professionals. In doing this, we register business names and companies, facilitate lodgements to update our registers, and provide public searching functions for all public registers.
- 25 To support this function, ASIC's Registry business unit provides telephone, email, and web-based information services to the Australian public and business community, primarily through our Customer Contact Centre.
- 26 We also host a website for the publication of notices, including insolvency and external administration related notices, required to be published under the *Corporations Act 2001* (Corporations Act) and Corporations Regulations 2001.
- 27 In the context of this work, members of the public at times may raise concerns about delivery of these services. In determining what is a complaint (compared to a request for service), ASIC officers will be mindful, among other things, of whether we have met our service charter commitments.

28 As described in Section B, in the first instance we will attempt resolution of non-regulatory complaints at the local level or at the first point of contact. However, if we are unable to resolve the complaint at this level, we will escalate it to a more senior officer for review.

Regulatory complaints

29 ASIC considers regulatory complaints to include complaints relating to decisions or actions made in the context of our regulatory role and responsibilities.

30 These decisions are made under the Corporations Act and the *Australian Securities and Investments Commission Act 2001*, and include decisions about applications for financial services and other licences, and decisions or actions taken in relation to ASIC's enforcement powers.

31 For some regulatory complaints there is an internal right of review within the business unit in which they arose. In other circumstances, complainants may need to direct their complaint to an external review body.

32 Whatever the available course of action, ASIC officers receiving regulatory complaints will explain to complainants their rights and direct them to the relevant escalation point(s).

Conduct complaints

33 Complaints about conduct involve any allegations of unacceptable conduct against an ASIC staff member. We divide conduct complaints into two categories—'serious' and 'less serious'.

34 Serious complaints relate to conduct that may materially affect ASIC's regulatory work, our reputation, or the safety or security of our information. This includes complaints involving allegations of abuse of office or powers, or alleged breaches of legislation.

35 Less serious complaints are those that are not considered to fall within the 'serious' category. They include (but are not limited to) rudeness, poor or inappropriate service, and discourtesy.

36 ASIC's Professional Standards Unit investigates complaints that fall into the serious category and oversees the handling of less serious complaints. Further information on conduct complaints can be found in Information Sheet 107 *Guidelines for managing allegations of misconduct against ASIC officers* (INFO 107).

Other complaints

- 37 There are some complaint types that do not fit within the categories above or, under the requirements of the law, must be handled outside ASIC's usual complaint management procedures. These include complaints about breaches of privacy and public interest disclosures.

Privacy

- 38 ASIC collects only the personal information that is reasonably necessary for, or directly related to, one or more of our functions or activities under the legislation we administer.
- 39 The Commission Counsel handles complaints about breaches of the Australian Privacy Principles.

Public interest disclosures

- 40 ASIC's Chairman, under s59 of the *Public Interest Disclosures Act 2013*, established agency procedures for dealing with public interest disclosures. See ASIC's [Public interest disclosures policy and procedures](#) (PDF 274 KB).
- 41 We have appointed authorised officers for handling public interest disclosures made to us. People wishing to make such a disclosure should email an authorised officer at pid@asic.gov.au. Alternatively, they may mail disclosures marked 'Confidential' to:

Commission Counsel, ASIC
GPO Box 9827
Sydney NSW 2000

Outcomes

- 42 ASIC will:
- (a) advise complainants of outcomes as soon as possible after a decision is made;
 - (b) inform complainants of the reasons for decisions wherever the law and our policy allow;⁷ and
 - (c) advise complainants of any available internal review options and/or any statutory external appeal options on inquiry and via the website.

⁷ See INFO 152 for further information about ASIC's ability to comment on certain matters.

Monitoring effectiveness and continuous improvement

- 43 ASIC is committed to continually improving our services and actively monitoring the quality and effectiveness of our complaint management framework.
- 44 We communicate any internal problem or opportunity for improvement revealed by a complaint to the area responsible for possible systemic improvement.
- 45 We regularly report internally on the complaint management framework to evaluate:
- (a) adherence to statutory, policy and reporting requirements;
 - (b) time taken to finalise complaints;
 - (c) complaint trends and outcomes; and
 - (d) any systemic issues.
- 46 We use the reports to identify opportunities to improve our programs and services.
- 47 We undertake quality assurance on the complaint management framework to evaluate our performance, and to provide information on:
- (a) process conformity to complaint management procedures; and
 - (b) process suitability to achieve complaint management objectives.
- 48 We actively seek feedback from complainants to determine the level of satisfaction with the complaint management process, through surveys and other means at regular intervals.

Roles and responsibilities

- 49 The Commission is responsible for ensuring that ASIC has a complaint management framework that:
- (a) deals effectively with complaints;
 - (b) uses complaint information to identify issues and drive improvements; and
 - (c) refers complainants to the appropriate external agency if they remain aggrieved at the conclusion of ASIC's complaint management process.
- 50 As part of the complaint management framework, we have a Complaints Officer who is responsible for:

- (a) implementing complaints policy and procedure;
 - (b) providing specialist complaints management and support to relevant service delivery areas and business units within ASIC;
 - (c) analysing complaints data, including identifying significant issues and trends from the conduct of complaints and internal reviews; and
 - (d) driving continuous improvement through the tracking and monitoring of recommendations arising through the conduct of complaints and internal reviews.
- 51 Other managers involved in the complaint management process, as applicable within their area of responsibility, are responsible for:
- (a) ensuring that the complaint management policy is implemented;
 - (b) liaising with the Complaints Officer;
 - (c) ensuring that the monitoring of the complaint management process is undertaken and recorded; and
 - (d) ensuring continuous improvement occurs as a result of feedback from complaints.
- 52 All ASIC staff are responsible for responding to complaints in accordance with the complaint management policy.

Resources and training

- 53 All ASIC officers handling complaints undertake continuous training and learning opportunities appropriate to their complaint handling responsibilities and incorporating best practice principles.
- 54 All ASIC staff undertake general awareness training and are aware of the importance of complaints to the organisation and ASIC's complaint management policy.
- 55 We will make available appropriate technological and other resources to ensure the maximum effectiveness of the complaint management framework.

Key terms

Term	Meaning in this document
complainant	A person who makes a complaint
complaint	An expression of dissatisfaction made to ASIC related to our services, decisions, actions or the actions of our officers, or the complaint management process itself, which ASIC has been unable to resolve in the first instance, where a response is expected
complaint management framework	The systems and internal procedures supporting the implementation of the complaint management policy
complaint management policy	The approach to managing complaints about ASIC's services, decisions, actions and officers, as set out in this document
Corporations Act	<i>Corporations Act 2001</i>
INFO 152 (for example)	An ASIC information sheet (in this example numbered 152)

Related information

Standards

Australian/New Zealand Standard AS/NZS 10002:2014 *Guidelines for complaint management in organizations* (previously Australian Standard AS ISO 10002–2006 *Customer satisfaction—Guidelines for complaints handling in organizations*)

Commonwealth Ombudsman

Better practice guide to complaint handling, April 2009

Better practice guide to managing unreasonable complainant conduct, June 2009

Australian Public Service Commission

APS Values, s10, *Public Service Act 1999*

Employment Principles, s10A, *Public Service Act 1999*

Code of Conduct, s13, *Public Service Act 1999*

ASIC information sheets

INFO 107 *Guidelines for managing allegations of misconduct against ASIC officers*

INFO 152 *Public comment*

INFO 153 *How ASIC deals with reports of misconduct*