

# Compliance Directorate

## Work Instruction: Responding to Complainants

This Standard Operating Procedure is issued under the authority of the Director, Compliance. It is to guide the Compliance Directorate's activities, and for the reference of the staff of other ACNC directorates.

### Context

Where the ACNC receives a concern about a registered charity via [charityconcern@acnc.gov.au](mailto:charityconcern@acnc.gov.au), an automated response will be sent to the complainant automatically.

NB: Concerns/referrals received from State Government stakeholder's will require a personal response acknowledging our receipt of their referral beyond the auto response.

Where the concern is received via [advice@acnc.gov.au](mailto:advice@acnc.gov.au), the Advice Correspondence team will respond using the approved standardised wording (though addressing specific issues as appropriate). This response will be saved to the relevant Work Item created to record the concern.

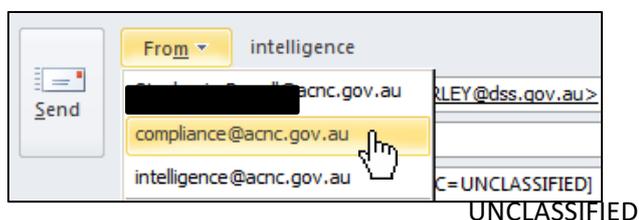
Where a concern is sent directly to Compliance (ie, via the Compliance or Intelligence inboxes), or via hard copy (ie, via post, or "white mail"), Compliance will send an acknowledgement to the complainant, as follows here.

### Procedure

#### A. Concern sent directly to Compliance

1. In **Dynamics**, create a case to capture the complaint.
  - a. Where the matter has come from a member of the public, upload this material to the Dynamics case.
  - b. Where the matter has come from another government agency (and likely includes sensitive information), reference the referral received but save all documentation to the compliance case folder.
2. Click "reply" to the complainant's email and refer to the [example blurbs](#) in [Templates](#) for the content of the body of your email.

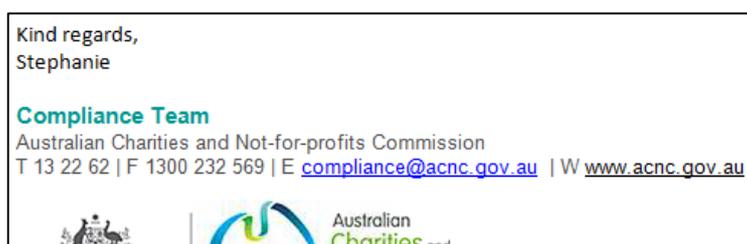
**Note:** if the concern was sent to [intelligence@acnc.gov.au](mailto:intelligence@acnc.gov.au), change the mailbox you're replying from to Compliance.



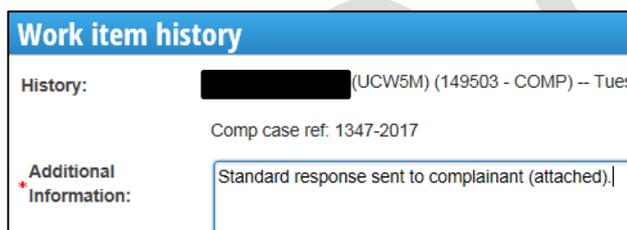
3. Consider the complainant and adjust the text of your response as appropriate.

For example, if the complainant is a current Responsible Person of the charity, the ACNC is not bound by the secrecy provisions that apply to the general public. Refer to the quick reference blurb: **Response to a complainant who is an RP** in the [example blurbs](#) template for an example of an appropriate amendment to the standard response.

4. Update your signature to one suitable for external correspondence. That is, be aware of the contact information you are providing to the complainant.



5. Save your sent email to the corresponding Work Item folder in [Intelligence](#).
6. Upload both the complaint and your response to the Work Item in the **Staff Portal** and add a note in "Additional Information" on the WI to record your action.



**Helpful note:**

Follow the usual file naming conventions used by Compliance:

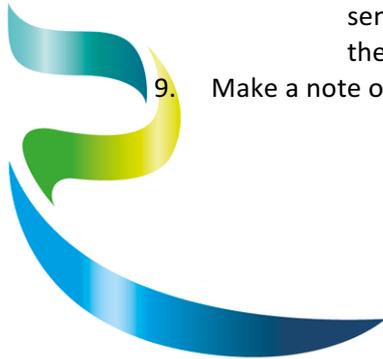
**[yyyymmdd]\_Complaint\_[charity name]**  
**[yyyymmdd]\_Response to complainant\_[charity name]**

7. Update the Work Item's **Due date** to today, and **status** to "Completed".

Scroll down and click **Save and Close**.

**B. Concern received via "white mail"**

8. In Dynamics, [create a Work Item](#) to capture the complaint.
  - a. Where the matter has come from a member of the public, upload this material to the Dynamics case.
  - b. Where the matter has come from another government agency (and likely includes sensitive information), reference the referral received but save all documentation to the compliance case folder.
9. Make a note of the CAS number.



10. Scan the letter received and upload to the complaint case (or case folder if from a government agency).
11. Access the appropriate template: [White mail complainant Response](#). The highlighted text indicates unique fields to be updated; be sure to include the Work Item number in the **Ref:** field at the top right of the letter.
12. **Send the letter via white mail.** Do not email the letter—we do not want the compliance email address to be provided to the complainant.

13. However, if you have access to the Charity Concern inbox and the complainant has provided their email address on their complaint documentation, the acknowledgement letter may be emailed via [charityconcern@acnc.gov.au](mailto:charityconcern@acnc.gov.au).

**Helpful note:**

*If emailing the acknowledgement, ensure the attached document is saved as a PDF—not an editable Word doc.*

Refer to steps 2 and 4 above for considerations re: emailing externally.

14. Save a copy of the letter as a PDF in the corresponding Work Item folder in [Intelligence](#), and upload to the complaint Work Item in the **Staff Portal**. Add a note in “Additional Information” on the WI to record your action.

Work item history	
History:	[REDACTED] UCW5M) (149168 - COMP) -- Wedne
	Compliance case reference: 1342-2017
* Additional Information:	White mail response sent to complainant (attached)

15. Update the Work Item’s **Due date** to today, and **status** to “Completed”.

Scroll down and click **Save and Close**.

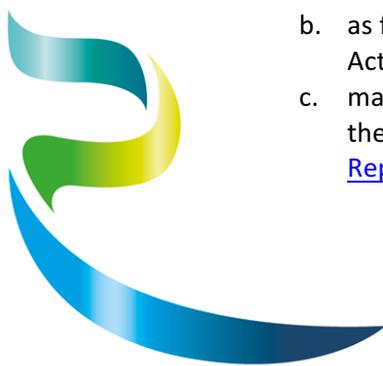
**C. Concern sent directly to Commissioner or received from parliamentarian or other prominent Australian**  
**Received via either “white mail” or email**

16. Follow steps per sections A and B above re: creating a case and uploading the complaint.

17. **Consider the complainant and the nature of their complaint.**

Your response will need to:

- a. be addressed to the complainant personally, noting the correct salutations to be used (refer to the **government links** section in Compliance’s [Quick Reference](#) in SharePoint);
- b. as far as is possible (that is, taking into account the secrecy provision of the ACNC Act), directly address key concerns; and
- c. make use of up-to-date statistics to show ACNC’s work in relation to the nature of the complaint (the ACNC’s [Charity Compliance Report 2015 and 2016](#) or [Annual Report](#) may be useful here).



18. Refer to the refer to the [example blurbs](#) in [Templates](#) for more considerations and an example response that you may find helpful.
19. If a response is required from the Commissioner, provide a summary of the complaint for the Commissioner and indicate what steps Compliance has taken or intends to take (for e.g. created a Compliance case for matter to be risk assessed). Attach a copy of the original complaint in an email along with the draft response to EL1 Manager for review and approval. Depending on the circumstances, the EL1 manager may send the response to the Compliance Director for review and approval.
20. Incorporate feedback and amendments, seek final approval, and then organise for the response to be sent to the complainant:
  - a. It is likely that the response will need to be sent from the Commissioner's office. If this is the case, send the final Word doc to Exec EA who will add Commissioner's signature and save as a PDF.
    - i. Ask Exec EA to bcc [compliance@acnc.gov.au](mailto:compliance@acnc.gov.au), or forward the final copy later, so that you have a copy of the final version.
  - b. If the response can be sent from Compliance, ensure appropriate signatures are added and then save as a PDF. Email from [compliance@acnc.gov.au](mailto:compliance@acnc.gov.au), updating your signature to one suitable for external correspondence.
21. Save the PDF version and sent email in the corresponding Work Item folder in [Intelligence](#), and upload to the complaint Work Item in the **Staff Portal**. Add a note in "Additional Information" on the WI to record your action.

Work item history	
History:	[REDACTED] (UCW5M) (149168 - COMP) – Wedne
	Compliance case reference: 1342-2017
<b>* Additional Information:</b>	White mail response sent to complainant (attached)

22. Update the Work Item's **Due date** to today, and **status** to "Completed".

Scroll down and click **Save and Close**.

## References

[CompSOP 2017/03 Create a Work Item in the Staff Portal](#)

[CompSOP 2017/02 Case Creation](#)



Written by:	██████████	Date:	04 April 2017
Amended by:	██████████	Date:	09 May 2017
Amendments:	Section C added.		
Amended by:	██████████	Date:	20 Dec 2017
Amendments:	Hyperlinks and some process updated per SharePoint		
Amended by:	██████	Date:	11 July 2018
Amendments:	Added in additional step at point 18		
Amendments:	Hyperlinks and some process updated per SharePoint		

DRAFT

