

# AFP National Guideline on complaint management and resolution of grievances

## 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) (the Act).

## 2. Guideline authority

This guideline was issued by Commander Professional Standards using power under section 37(1) of the Act as delegated by the Commissioner under section 69C of the Act.

## 3. Roles and responsibilities

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

AFP appointees in supervisory positions are responsible for ensuring their staff are aware of the AFP's Code of Conduct.

Additional roles and responsibilities relevant to this guideline are defined in section 26 of this guideline e.g. case manager.

## Part A – Complaint management methodology and processes

## 4. Introduction

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

enables the AFP to mitigate the risks associated with allegations and/or breaches of the AFP professional standards and inappropriate workplace behaviours. This guideline achieves this by detailing the obligations for AFP appointees to manage and resolve complaints and grievances at the appropriate level, whether under Part V of the Act or through informal resolution.

A **complaint**, pursuant to Part V of the Act, means the giving of information that raises an AFP conduct or practices issue pursuant to section 40SA of the Act.

A complaint is not considered to be:

- minor disagreements and conflict between individuals or groups of individuals within the workplace (workplace conflict)
- management of underperformance
- an issue about the practices or procedures of the AFP pursuant to sections [40RI AFP practices issues](#) and [40RJ Exclusion of certain employment action](#) of the Act.

A **grievance** is any issue/dispute/problem that does not constitute a complaint under Part V of the Act and is managed in accordance with this guideline and related governance. A grievance may arise between AFP appointees and/or between an AFP appointee and the AFP.

An AFP appointee has mandatory reporting obligations as outlined in AFP governance and the AFP professional standards framework. To facilitate this, there are a number of reporting requirements which form an important part of the professional standards of the AFP. These allow AFP appointees to report integrity concerns, suspicious behaviour and security issues and to protect themselves from allegations of misconduct; however these matters may not constitute a complaint for the purposes of this National Guideline. [Annex A \(PDF, 485KB\)](#) to this guideline provides a decision tree to assist AFP appointees to consider other forms of reporting and to determine the applicable process.

## 5. Complaints or grievances reporting and management process

[Annex B \(PDF, 485KB\)](#) to this guideline summarises the complaints and grievances management process.

The approach to dealing with complaints or grievances places an emphasis on the role of supervisors to resolve matters within the workplace. This philosophy is complemented by the AFP's commitment to the principle of continual learning and development.

## 5.1 Reporting suspected AFP conduct issues, practices issues and grievances

Pursuant to sections 10 and 17 of [CO2](#), an AFP appointee who becomes aware of a potential 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.

Any complaint that is not resolved informally must be recorded on the relevant IT system. Once recorded, the Workplace Issues and Complaints Resolution team (Resolution team) assesses, reviews and categorises the matter according to the content and seriousness, having regard to the Act and the Australian Federal Police [Categories of Conduct Determination](#) as varied from time to time.

Any practice issue that is not resolved informally must be recorded on the relevant IT system and referred to the PRS Operations Committee (PRS OC) for consideration.

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A confidant who receives information about a complaint or practice issue must act in accordance with the [AFP National Guideline on the Confidant Network](#).

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The Resolution team may deal with a complaint or grievance pursuant to section 9 of this guideline or, where appropriate, refer the matter to:

- line areas including, but not limited to, People Strategies (PS), Work Health Safety and Rehabilitation, Confidant Network and Safe Reporting and/or the owning line area (pursuant to section 8 for managerial resolution) and/or
- a Resolution team investigator for investigation or
- Professional Standards (PRS) where the matter is categorised as a Category 3 or corruption matter to be managed in accordance with section 13 of this guideline.

Certain Category 1 complaints issues may be managed in accordance with [section 40SC\(2\) of the Act](#) and section 9 of this guideline. Category 2 complaints and Category 1 complaints not suitable for management under section 40SC are managed in accordance with Part V of the Act.

Category 3 complaints and corruption matters are managed in accordance with [Part V of the Act](#). Matters that an Agency Head considers 'serious and/or systemic' must be reported to the National Anti-Corruption Commission (NACC). Any corruption matters accepted for investigation can be investigated by either PRS and/or the NACC.

Any dispute that relates to a matter arising from the applicable Enterprise Agreement (EA) or the [National Employment Standards](#) must be resolved in accordance with the dispute resolution procedures specified in the applicable EA.

## 5.2 Conflicts of interest

AFP appointees involved in the assessment, review or investigation of a complaint or grievance must make and record a conflict of interest declaration at the time of their first contact with the matter. 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 them from conducting an assessment, investigation or review. A PRS Coordinator or Superintendent, a team leader from the Resolution team, or the Coordinator Workplace Relations reviews the nature and details of the conflict and makes 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.

## 6. Conduct which must be recorded

Once a complaint has been lodged, the Resolution team must record it on the appropriate IT system and assesses the matter in accordance with the Australian Federal Police [Categories of Conduct Determination](#) (Cth) as varied from time to time.

Category 1 conduct issues must be recorded on the relevant IT system if not resolved within ten business days of receiving the complaint, as per section 9 of this guideline.

All matters that relate to an AFP practice issue which cannot be resolved informally in accordance with section 40SC of the Act, must be recorded on the relevant IT system and referred to the PRS OC for consideration and decision. If the practice issue is accepted by the PRS OC it must be entered on the practice issue registry and managed as directed by the PRS OC.

An AFP appointee may make an anonymous complaint on behalf themselves or on behalf of another AFP appointee. Reporting obligations of [CO2](#) may also be fulfilled by reporting through the AFP Confidant Network and Safe Reporting or, for corruption issues, directly to the NACC. AFP appointees should note, however, that making an anonymous complaint may limit the extent to which a complaint can be investigated or otherwise dealt with.

The obligation to report AFP 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. 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.

Self-reporting and Integrity reports in general must occur in accordance with the [AFP National Guideline on integrity reporting](#) and/or the [AFP National Guideline on personnel security](#).

## 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) – 10 business days
- Category 1 – 42 calendar days
- Category 2 – 66 calendar days
- Category 3 – 256 calendar days
- Corruption issues: Benchmarks do not apply.

For the purpose of determining compliance with benchmarks:

- A Category 1 complaint suitable for informal resolution commences when:

- the complaint recipient receives the complaint  
or
- for complaints given directly to the Resolution team, when the matter is allocated to the business area for resolution.
- All other Category 1 or Category 2 complaints commence when the complaint is assigned to a Resolution team investigator for action.
- The benchmark for a Category 3 complaint commences when a status of 'PRS Investigation' is applied to the complaint within the relevant IT system.

With the exception of complaints handled pursuant to section 9 of this guideline, the complaint is finalised when the AFP appointee(s) subject to the matter and the complainant (if any / if known) has been, where possible, notified in writing of the final outcome. In limited circumstances, outcome letters may not be provided to an AFP appointee subject to a complaint; this will be considered on a case-by-case basis.

Where the complainant is unable to be contacted, the investigator and/or case manager 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). Where appropriate contact details are available, the investigator or case manager must then write to the complainant advising that unless contact is made, the matter will be considered finalised within 7 calendar days from the date of said communication.

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

## 7.1 Timeframe benchmarks

The 'clock' may be stopped in certain circumstances for Category 1 or 2 matters, such as the:

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

Where all available avenues of inquiry have been completed by the investigator and/or case manager, a 'stop clock' request can be forwarded via email to the [Resolution team](#) and must articulate specific reasons for the clock to be stopped. A timeframe/date for the clock to be restarted must also be proposed.

Where an investigator is on unscheduled leave or undefined, unplanned periods of absence, reallocating the complaint to a new investigator may occur.

'Stop clock' requests must be approved by authorised AFP appointees, as outlined in [Attachment 1 of CO2](#).

The clock cannot be stopped for informally resolved category 1 matters.

## 8. Managerial approach – Category 1 and 2 conduct issues

The managerial approach places an emphasis on managing 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 a complaint or grievance. Section 40TH(4) of the Act provides protection for AFP appointees whereby information provided by an AFP appointee during the course of conciliation is not admissible against the AFP appointee in any criminal or civil proceedings.

The Head of Unit, Manager People Strategies (MPS), Commander Professional Standards (CPRS) or Coordinator Workplace Relations may 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. The outcome of these matters must be referred back to the Resolution team for quality assurance and compliance purposes.

## 9. Resolving category 1 issues and grievances informally

A complaint lodged on the relevant IT system is not excluded from being managed through an informal resolution process, including via conciliation. This includes an issue that has been lodged and that has been determined to be a grievance.

Conciliation can constructively deal with honest mistakes, minor management matters, customer service issues or conduct that reveals a need for improvement in the performance of an AFP appointee particularly where inexperience or difficult situations impacted on the event/s. Conciliation may also acknowledge that the AFP may have contributed to the issues raised, through inadequate training, poor supervision or inappropriate practices and procedures.

For the avoidance of doubt, conciliation may also occur in relation to Category 2 misconduct matters, however this must be in accordance with 40TH of the Act.

Before attempting informal resolution, the complaint recipient or Resolution team, should be satisfied that the grievance or conduct issue is appropriate for this approach.

## 9.1 Resolving category 1 issues informally

A complaint recipient or the Resolution team may resolve a complaint that raises a Category 1 conduct issue pursuant to section 40SC of the Act.

In relation to Category 1 conduct issues, informal resolution may be considered, pursuant to section 40SC of the Act 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.

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 ten business days and, if not, for recording the complaint on the relevant IT system.



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 either:

- the complainant is satisfied with the explanation given or action taken
- 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 must 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 official contemporaneous notes. The complaint recipient should 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.

## 9.2 Resolving grievances informally

The Resolution team may manage a grievance through an informal resolution process.

An AFP appointee attempting to resolve a grievance may seek the assistance of another AFP appointee; however, the grievance recipient remains responsible for ensuring that the grievance is resolved and, if not, for recording the grievance on the relevant IT system.

The primary objective of informal resolution is to achieve a positive outcome for the aggrieved person, the workplace and the AFP.

A grievance is considered to have been finalised when either:

- the aggrieved person is satisfied with the outcome, explanation given or action taken
- the aggrieved person has been given an adequate explanation of the facts, the law or AFP practices and procedures or what other reasonable action has been taken; however, remains dissatisfied and further attempts at resolution are unlikely to be successful
- several reasonable documented attempts, on differing days and times, have been made to contact the aggrieved person via all contact methods provided and the aggrieved person has not responded – in such circumstances, where appropriate contact details are available, the grievance recipient must write to the aggrieved person providing an adequate explanation of the facts, the law or AFP practices and procedures and/or detailing the other action taken to address the issue.

A grievance recipient attempting to informally resolve a grievance must take official contemporaneous notes. The recipient should record the following:

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

## 10. Determination not to proceed

Grievances, as well as some complaints raised with the AFP may be determined to not require investigation, further investigation or other action. In those cases, AFP appointees authorised under [Attachment 1 of CO2](#) may decide to finalise the matter as requiring no action or with no further action to be taken.

### 10.1 Not a complaint or no further action

Complaints may be finalised using the following mechanisms:

## Not a complaint determination

AFP appointees authorised under [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:
  - the subject is not or has never been an AFP appointee; and/or
  - the complaint does not raise a conduct issue or practices issue related to the AFP in accordance with Part V of the Act.
- there is a legislative basis for the complaint, but no basis in fact:
  - the complaint relates to an AFP appointee's behaviour that is off-duty or private or lawful or reasonable in the circumstances and does not bring the reputation of the AFP into disrepute; or
  - 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)

The authorised AFP appointee must make a conflict of interest declaration prior to making a determination that a matter is not a complaint.

In circumstances where a matter is deemed 'Not a complaint', the Resolution team, as part of its initial assessment, will give consideration to dealing with the matter as a grievance.

## 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 pursuant to 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.

## 10.2. Discretion to finalise a grievance

After considering the circumstances of the grievance, and on a case by case basis, Coordinator Workplace Relations has the discretion under [Attachment 1 to CO2](#) to finalise a grievance and take no further action.

## 11. Withdrawn complaint or grievance

Where a complainant or an aggrieved person indicates a desire to withdraw a complaint or grievance, the request to withdraw should be provided in writing and articulate the reasons for the withdrawal. Written requests to withdraw a complaint or grievance should be sent to the Resolution team or relevant member of PRS. If the complainant or aggrieved person refuses or fails to provide the request in writing, after being requested to do so, the case manager or investigator must record this on the relevant IT system.

A written statement from the complainant or aggrieved person requesting the withdrawal of a complaint or grievance does not preclude further investigation of the complaint or grievance. The relevant delegate or authorised AFP appointee must assess whether there is any merit in progressing the investigation.

## 12. Dealing with Category 1 and 2 conduct issues

Once a matter has been initially reviewed and categorised, it is allocated to a case manager within the Resolution team. The case manager may refer the matter to an investigator within the Resolution team or assign the matter to an investigator outside of the Resolution team as appropriate.

Most Category 1 and 2 matters may be suitable for investigation using the direct engagement investigation strategy (DEIS).

At the conclusion of the investigation, the investigator recommends finding(s) for the consideration of the delegate. Where the delegate proposes to endorse one or more established findings, the Resolution team must provide the subject appointee with an opportunity to submit a natural justice response (NJR). Any NJR submission must be considered by the delegate prior to finalising the finding(s).

AFP appointees are ordinarily provided with seven calendar days to comment on, or respond to, the recommended finding(s).

Where one or more established findings are endorsed, consideration must be given by the delegate to the application of sanction(s). Where sanction(s) are proposed to be applied, the Resolution team must ensure the subject appointee is provided with the opportunity to submit an NJR. Any NJR submission must be considered by the delegate prior to final determination of sanction(s).

AFP appointees are ordinarily provided with seven calendar days to comment on, or respond to, the proposed sanction.

Available sanctions are outlined in sections 40TI and 40TJ of the Act. 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.

## 13. Dealing with Category 3 conduct issues and corruption issues

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

Non-complex Category 3 conduct issues may be suitable for investigation using [DEIS](#).

Corruption and self-reported issues are managed and investigated by PRS and/or the NACC in accordance with Part V of the Act, [CO2](#) and the *National Anti-Corruption Commission Act 2022* (Cth) and as agreed between the AFP Commissioner and the Commissioner of the NACC.

The Head of the Unit or CPRS may allocate certain Category 3 conduct issues, such as allegations of serious sexual misconduct, and corruption issues to a person outside PRS, or arrange for an AFP member or special member to be instrumented into PRS for the purposes of conducting a Category 3 conduct and corruption issue investigation. Any person conducting the investigation must conduct it 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 PRS investigate a Category 3 conduct issue and/or corruption issue.

At the conclusion of the investigation, the PRS investigator recommends finding(s) for the consideration of the delegate. Where the delegate proposes to endorse one or more established findings, the PRS investigator must provide the subject appointee with an opportunity to submit a NJR. Any NJR submission must be considered by the delegate prior to finalising the finding(s).

AFP appointees are ordinarily provided with 14 calendar days to comment on, or respond to, the recommended finding(s).

The Head of the Unit may, where appropriate, approve the [suspension or redeployment \(DOCX, 140KB\)](#) of an AFP appointee who is the subject of an ongoing Category 3 conduct issue(s) and/or corruption issue(s).

Where an AFP appointee gives written notice of resignation during a Category 3 conduct issue 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 MPS to mark the AFP appointee's personnel records as 'not to be re-engaged'.

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

**Annex C (DOCX, 35KB)** details the Panels' arrangements and responsibilities.

### **Notice to the AFP appointee of proposed sanction**

Once the Panel delegate / SES Panel delegate has reached a preliminary view on the proposed sanction, PRS arranges for the AFP appointee to be notified of the proposed sanction and be provided with an opportunity to comment or respond (natural justice response).

AFP appointees are ordinarily provided with 14 calendar days to comment on, 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.

### **Communication of decision**

If the delegate decides to impose a sanction, PRS must make arrangements to communicate the decision to the AFP appointee.

PRS must also make arrangements for the decision to be communicated to the relevant SES Band 2 AC/NM or Commander/Manager required to implement the sanction. For SES Panel matters, CPRS must 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 may meet personally with the subject appointee for the purposes of sanction implementation.

## Part B – Review of grievances and complaints

### 15. Internal review for grievances and Category 1 and 2 conduct issues

Any AFP appointee who is subject to a finalised Category 1 or 2 conduct issue, 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 submitted via email to the Resolution team by the affected AFP appointee within 30 calendar days of receipt of the final finding. The request must articulate the grounds on which the review has been requested, such as:

- 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.

An aggrieved person, or grievance subject, may seek an internal review of a finalised grievance, however, the nature of the grievance will depend on what review mechanism, if any, is available. A review request must be submitted via email to the resolution team within 30 calendar days of notification of the grievance finalisation and must articulate the grounds on which the review has been requested.

#### 15.1 Internal review for Category 1 and 2 conduct issues

After a formal request for internal review has been received by the Resolution team, the delegate 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. The complaint reviewer will ordinarily be at or above the Executive Level (EL) (Band 9) unless advised otherwise by MPS or CPRS.

MPS, CPRS or Coordinator Workplace Relations must make a final decision, where they were not the original delegate, with reference to the review findings and notify the outcome to all relevant parties where appropriate.



A complaint may only be reviewed once by internal review.

## 15.2 Internal review for grievances

After a formal request for internal review of a grievance has been received by the Resolution team, the request will be assessed to determine options for review.

A grievance may only be reviewed once by internal review and is not eligible for external review.

## 16. External review of a complaint – 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, including AFP appointees, who are not satisfied with the outcome of any complaint may approach the Commonwealth Ombudsman with their concerns.

## Part C – Further information

### 17. Claims for compensation

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.

A complainant who has made a claim for compensation in accordance with the Commissioner's Financial Instructions must be advised that their claim for compensation will be referred to AFP Legal.

A complaint or grievance may still be finalised despite issues outstanding in relation to compensation; however, upon finalisation, the Head of Unit, CPRS or MPS must advise AFP Legal of the finding of the matter.

## 18. 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 an official record of the detainee's request. 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 discuss the complaint request with the detainee. If the detainee then wishes to proceed, the AFP appointee must submit the complaint via the relevant IT system, or otherwise as outlined in section 9 of this guideline.

## 19. 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 the Resolution team and/or PRS and managed in accordance with this guideline and Part V of the Act.

## 20. 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).

## 21. Mandatory training

All PRS and Resolution team investigators must have successfully completed the [AFP Workplace Investigations Training](#) on iAspire, and should successfully complete the Administrative Investigations training program prior to beginning any investigation. Approval to depart from these requirements may be obtained from the Head of Unit, CPRS or MPS if the investigator believes they have completed a relevant program or have relevant experience.

## 22. Category 1 and 2 complaints allocated prior to 1 March 2023

Existing Category 1 and 2 complaints that have been allocated to a CMT prior to 1 March 2023 will continue to be the responsibility of and managed by the CMT through to resolution. The PRS Complaints Coordination Team (CCT) will continue to undertake quality assurance on these matters.

For the avoidance of doubt, Category 1 and 2 matters received after 28 February 2023 will be the responsibility of and managed by Resolution team through to resolution.

## 23. Further advice

Queries about this guideline should be referred to [s 47E\(d\)](#) [afp.gov.au](#).

## 24. References

### Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Categories of Conduct Determination](#) (Cth)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [National Anti-Corruption Commission Act 2022](#) (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 \(DOCX, 140KB\)](#)

**Other**

- [Commonwealth Ombudsman Better Practice Complaint Handling Guide](#)

## 25. Shortened forms

<b>AFP</b>	Australian Federal Police
<b>DEIS</b>	Direct Engagement Investigation Strategy
<b>EL</b>	Executive Level
<b>CPRS</b>	Commander Professional Standards
<b>MPS</b>	Manager People Strategies
<b>NACC</b>	National Anti-Corruption Commission
<b>PRS</b>	Professional Standards
<b>Resolution team</b>	Workplace Issues and Complaints Resolution team
<b>SES</b>	Senior Executive Service

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AND PUBLISHED PURSUANT TO THE  
FREEDOM OF INFORMATION ACT 1982 (COMMONWEALTH)  
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## 26. Definitions

**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)
- 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 and Safe Reporting** 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 the Commissioner of police, a deputy commissioner of police or an AFP employee in respect of whom a declaration under section 40B of the *Australian Federal Police Act 1979* is in force (i.e. a police officer other than a protective service officer).

**AFP practices issue** are prescribed in sections [40RI](#) and [40RJ](#) of the Act.

**Case manager** means an AFP appointee who has oversight of an overall Category 1 or Category 2 complaint or grievance and provides a central point of contact to involved parties, as well as updates and communication to the involved parties.

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

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

**Commissioner of the NACC** means the Commissioner appointed under section 7 of the NACC Act.

**Complainant** has the same meaning as contained within [section 40SA](#) of the Act and, for the purposes of this national guideline, includes an AFP appointee who raises a grievance.

**Complaint** means the giving of information pursuant to [section 40SA](#) of the Act.

**Complaint management information** means information obtained when recording, investigating or managing a complaint.

**Complaint Management Team (CMT)** means a team, prior to 28 February 2023, responsible for managing AFP Category 1 and Category 2 conduct issues and associated practices issues relevant to their area of responsibility or otherwise assigned to it.

**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
- refer it to the area of responsibility for attempted resolution.

**Confidant Network and Safe Reporting team** forms part of the People and Culture Command function and refers to the network of AFP appointees established by the AFP National Guideline on the Confidant Network. It is a peer support network that provides information, options and support to appointees dealing with concerns around harmful, unethical or inappropriate behaviour in the work environment. This includes, but is not limited to, corruption, other breaches of AFP professional standards and matters relating to sexual assault, sexual harassment, bullying and harassment within or connected to the workplace.

**Conflict of interest** means a conflicting obligation, loyalty or other improper influence to which an individual is subject 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)

- 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)
- 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 8 of the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act).

**Corruption issue** has the same meaning as defined in section 9 of the NACC Act. Corruption issues are categorised as Category 4 in the relevant IT system.

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

**Grievance** means any issue/dispute/problem that does not constitute a complaint under Part V of the Act. A grievance may arise between AFP appointees and/or between an appointee and the AFP.

**Head of the Unit** means the position instrumented as the Head of the Unit constituted under section [40RE](#) of the Act and refers to head of PRS. Refer to [AFP Delegations and Authorisations Collection](#).

**Informal resolution includes** mediation, conciliation or the provision of further relevant information. Informal resolution provides significant flexibility to a complainant or aggrieved person and the Resolution team to identify an appropriate method for addressing a complaint or grievance.

**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.

**Minor misconduct** has the same meaning as under section [40RO](#) Category 2 conduct in the Act.

**National Anti-Corruption Commission (NACC)** means an independent Australian Government agency that detects, investigates and reports on serious or systemic corrupt conduct in the Australian Government public sector.

**National Manager People and Culture Command (NMPCC)** is the SES Band 2 responsible for the People and Culture Command and includes 'Assistant Commissioner' where the role is undertaken by a sworn officer.

**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. PRS has the same meaning as Professional Standards Investigation Unit (PRSIU) as prescribed in section [40RD](#) of the Act.

**PRS Investigator** is someone who undertakes an investigation into Category 3 and corruption complaints.

**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 delegate / Senior Executive Service (SES) Panel delegate** has the same meaning given in [CO2](#).

**Resolution team** means the team within the AFP responsible for the management of all incoming complaints, grievances and practice issues. It is also responsible for management/investigation of grievances and Category 1 and 2 complaints.

**Resolution team investigator** means someone who undertakes Category 1 and Category 2 complaints.

**Reviewer** means an AFP appointee, usually Executive Level (Band 9) or above, who has been assigned to review findings and outcomes relating to Category 1 or 2 conduct issues pursuant to section 15 of this guideline.

**Sanction** has the same meaning given in [CO2](#).



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

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

**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 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 does not generally amount to misconduct.

## Annexures

- [Annex A: Integrated Complaints Management Model – Decision Tree \(PDF, 485KB\)](#)
- [Annex B: Integrated Complaints Management Model – grievances and complaints process \(PDF, 486KB\)](#)
- [Annex C: Professional Standards Panel \(The Panel\) and SES Professional Standards Panel \(SES Panel\) \(PDF, 480KB\)](#)

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