

# Complaint Handling Guide

## Scope of this Guide

This Guide focuses on the handling of content complaints or general complaints as defined in the ABC's [Complaint Handling Process](#).

## Editorial standards

Excerpts of the key editorial standards relevant to this Guide are set out below. Other editorial standards may also be relevant.

**3.1** Acknowledge and correct or clarify, in an appropriate manner as soon as reasonably practicable:

- a) significant material errors that are readily apparent or have been demonstrated; or
- b) information that is likely to significantly and materially mislead.

## Introduction

Good complaint handling is a necessary part of self-regulation.

Listening to and responding to complaints – and taking action when warranted – is important for both accountability and continuous quality improvement. Good complaint handling is one way that we can acknowledge problems when they do occur, and do so in a way that builds trust.

The ABC's [Complaint Handling Process](#) provides a framework for handling complaints. All staff who have contact with audiences or who contribute to the complaints process should be familiar with them. The purpose of this Guide is to provide an overview of the key principles which underpin the ABC Complaint Handling Process and offer practical tips for handling both content and general complaints. The effective and efficient resolution of reasonable complaints is the overriding objective of ABC complaint handling.

Our approach to complaints should be **proportionate**, **respectful** and **timely**, and focused on **resolving** matters where possible.

## Proportionate

As a statutory corporation that relies on public funds, the ABC must aim to ensure that the time and resources used in dealing with audience complaints are proportionate to the circumstances. Not every complaint warrants a detailed response. Many audience members simply want to feel that they have been respectfully heard, understood and acknowledged. In some cases, proportionate handling will require no more than an automated acknowledgement that the audience member's message has been received.

While we express ourselves differently when talking about how proportionality applies to content and general complaints, the fundamental principle is the same: the ABC applies a common-sense approach which takes action when warranted, engages where there is value in doing so, and notes criticisms of our performance when there is nothing more of substance we can offer.

## Content and general complaints

The ABC makes an important distinction between content complaints and general complaints. All staff who engage with audiences must understand this difference.

### *What is a content complaint?*

A content complaint is a written complaint about specific ABC content broadcast or published by the ABC concerning the editorial standards set out in our [Editorial Policies](#) or [Code of Practice](#). The complaint does not need to refer to the editorial standards or use the language of those standards to be considered a content complaint.

The standards cover areas including: accuracy, impartiality and diversity of perspectives, harmful or offensive content (including coarse language, violence, sexual content, etc), stereotypes or discriminatory content, television program classification, warnings about strong content, misleading participants or audiences, intrusion of privacy, and commercial references. This list is not exhaustive, and staff should consult the editorial standards directly to determine if a matter is covered.

### *What is a general complaint?*

A general complaint is a written complaint about a matter of personal taste or preference, ABC staff or the ABC generally.

### *What if I'm not sure whether the complaint is a content complaint or a general complaint?*

The ABC's editorial standards are broad-ranging and it's not unusual for there to be some uncertainty about where a complaint sits.

A complaint is a content complaint if it:

- expresses dissatisfaction about one or more specific items of ABC content or a specific ABC service; and
- explicitly or implicitly demonstrates an expectation of a response and action by the ABC; and
- relates to the ABC's editorial standards as expressed in the ABC [Editorial Policies](#) or ABC [Code of Practice](#).

A complaint is not a content complaint if it:

- has not provided sufficient contact details to allow a response to be sent; or
- does not refer to a specific item of ABC content or ABC service – for example, a complaint that a particular presenter is biased without any examples provided; or
- clearly demonstrates that no response or action is required (for example, complainants using web-forms may be asked to indicate whether they wish to receive a response); or
- refers to content that has not yet been broadcast or published; or
- relates to a personal preference rather than the editorial standards (for example, a preference for coarse language to be avoided, or a preference for a particular political party to receive less coverage); or
- relates solely to the ABC's values and standards of workplace behaviour rather than the editorial standards (noting that there can be areas of overlap); or
- relates solely to compliance with the law rather than the editorial standards (noting that there can be areas of overlap).

Anonymous complaints, or complaints made three (3) months from the date the content was first made available will generally not be responded to.

## Dealing with content complaints

*What do I do if I receive a content complaint directly?*

If the complaint makes a valid point and you can act immediately to address the issue, you should do so.

You can refer the content complaint to the Ombudsman's Office for assessment or deal with it directly. If you're not sure what to do, first consult your manager. If still in doubt, seek advice from the Ombudsman's Office. If you are referring a content complaint to the Ombudsman's Office, pass on copies of any relevant emails or other materials about the complaint including details of any action you have taken. If you've changed a piece of content, be sure to keep a copy of the original.

The Ombudsman's Office is an office of the ABC independent from the content-making divisions. Its role is to review and, where appropriate, investigate complaints alleging that ABC content has breached the ABC's editorial standards.

The Ombudsman's Office assesses each content complaint it receives to determine proportionate handling.

After assessment, content complaints will either be retained by Ombudsman's Office for investigation, referred to the relevant content division for direct handling, or determined that no further action is warranted.

- If a complaint is **investigated**, it will be investigated in accordance with the [Internal Content Complaint Handling Procedure](#). The Ombudsman's Office will often request comments from the responsible area. You may receive a

personalised email from an Ombudsman's Office investigator, or a system-generated email seeking your comments – this email will use the standard subject line: C12345-YY - Complainant name: Action required – COMMENTS REQUESTED. You will be provided with a copy of the complaint and you should provide comments on the editorial compliance issues raised within 5 business days.

These complaints should be considered high priority. Your reply to the Ombudsman's Office investigator should focus on the content's compliance with the relevant standard/s and address any specific questions that have been asked. The investigator may seek further information from you or your team and may also involve the editorial policy adviser for your division.

You are encouraged to consider whether a complaint can be resolved, in which case the Ombudsman's Office may not proceed to make a decision about whether the content complied with editorial standards. For more information see the section 'Focus on Resolution' below.

#### *Dealing with content complaints directly*

If a content complaint is referred to you for direct handling from the Ombudsman's Office, you will usually be advised of this via a system-generated email which will include brief guidance and a copy of the complaint – this email will use the standard subject line: C12345-YY - Complainant name: Action required – CONTENT COMPLAINT DIRECT RESPONSE.

It is good practice to aim to respond to all content complaints within 30 days unless you judge the issue to be so minor that a response would be disproportionate, or you assess the complaint as not being in good faith. Bear in mind that all complaints have the potential to escalate if not appropriately dealt with. This can include referrals to the Ombudsman's Office for internal review or the external regulator, the Australian Communications and Media Authority (ACMA).

When you respond to a content complaint directly you should follow the section 'Responding to Complainants' below.

In your response you should include this suggested wording:

*Should you be dissatisfied with this response you are able to request a review from the ABC's Ombudsman's Office within two (2) weeks from the date of this response by sending an email to [ombudsmansoffice@abc.net.au](mailto:ombudsmansoffice@abc.net.au) or by post to Ombudsman's Office, Australian Broadcasting Corporation, ABC Ultimo Centre, GPO Box 9994, Sydney NSW 2001. Alternatively, you may be able to pursue your complaint with the Australian Communications and Media Authority (ACMA) [www.acma.gov.au](http://www.acma.gov.au). ACMA, however does not deal with complaints about ABC digital services. You can find more details about how to request a review [here](#):*

## Dealing with general complaints

In most cases, general complaints can be dealt with directly by the relevant area of the ABC. Where these complaints are passed on to program areas from the Ombudsman's Office or Audience Support, this will usually be by way of a system-generated email which will include brief guidance and a copy of the complaint – this email will use the standard subject line: C12345-YY - Complainant name: Action required – DIRECT RESPONSE.

Divisional Directors are responsible for putting in place arrangements within their teams to ensure that general complaints are appropriately handled, applying the same common-sense, proportional approach above. Familiarise yourself with the arrangements in place for your team or division.

The ABC receives a huge variety of general complaints. When considering whether a general complaint should receive a response, ask yourself:

- Does the complaint raise a different type of policy or legal issue? The ABC has policies covering a wide range of subjects and complainants can have legitimate expectations of receiving a reply if they raise an issue of this nature. Consult with Legal or ABC People as necessary if the complaint has legal implications, or raises a workplace behaviour issue.
- Can something of substance be passed on to the complainant? For example, is it possible to explain why a program took a particular approach to an interview or subject, or a link to other content which might help to alleviate the complainant's concern?
- Is this an opportunity to reassure an audience member and build trust in the ABC as a public institution? A thoughtful critique made in good faith provides a valuable opportunity to reassure audience members that we are listening to their feedback and appreciate the time they have taken to provide it.

There is no expectation that every general complaint will receive a response, even in instances where the complainant has indicated in their complaint submission that a response is required. Similarly, there is no expectation that all responses provided will comprehensively engage with all of the issues raised. Take a common-sense approach, aware that there may be times when you are required to explain the decision you have made in relation to a particular complaint.

## Responding to complainants

### Focus on Resolution

Good complaint handling aims to listen, address legitimate concerns and build trust. We should always consider whether something can and should be done to address an audience complaint – for example, correcting an error, reclassifying a television program, electing not to re-broadcast a promotion. Taking prompt and

appropriate action to address the cause of a complaint can satisfy audience members and improve content.

If the Ombudsman's Office has retained a complaint it prefers to finalise complaints as resolved where practicable and warranted. A complaint is considered resolved where in the opinion of the Ombudsman's Office appropriate action has been taken to suitably remedy the cause of the complaint and that any further action or allocation of resources would not be warranted.

It is not the case that every resolved complaint, if formally determined, would have resulted in a finding that editorial standards had been breached. Teams can act to improve content after receiving a complaint, notwithstanding that the original content would have been found to have complied with editorial standards if a formal decision needed to be made.

## Respectful

Many audience members have a deep and emotional attachment to the ABC and there is an expectation of high standards – both in our content and how the public should be treated when they engage with the ABC. Think about how you would like to be treated if you were the complainant.

First and foremost, when people contact the ABC they should be treated with courtesy and respect. When individuals take the time to write or call the ABC with their concerns and communicate them in a reasonable manner, they deserve to be treated with care and empathy. This also helps to ensure the complaint is not escalated.

Some tips for complaint handlers are set out below. This is not a checklist setting out steps to follow in each instance. Use your common-sense and remember that proportionality underpins all of the decisions we make when handling complaints.

Familiarise yourself with the ABC's [Complaint Handling Process](#) and the [Internal Content Complaint Handling Procedure](#). An audience member considering making a complaint has options other than formally complaining. Help audience members to understand these options and choose appropriately. Don't automatically recommend that an audience member engage the formal complaints process if other options are likely to better satisfy them. Would the matter be better dealt with by inviting the audience member to contribute a comment online or in social media?

Be organised. If you deal with complaints regularly, it can be a good idea to use a generic email address to send replies (e.g., a program email rather than your personal email). This can help to ensure that complaints and responses aren't inadvertently overlooked. There's no requirement that you sign responses to complaints using your full name – responses sent on behalf of the program or content team are often appropriate. Check with your manager if you're unsure about your team's approach.

Wherever possible, complaints are best dealt with by staff close to the matter. Local management of complaints can lead to quicker response and resolution and greater satisfaction for the complainant. Bear in mind though that it can be difficult for people to respond in an openminded way to complaints about their own behaviour or decisions. In such cases, consider whether information should be sought from the person most involved with the matter, but with the response being sent by a suitable manager.

The starting point, unless there is evidence to the contrary, is that complaints are made in good faith – they should be treated as legitimate and with consideration and empathy. Don't be rude, abusive or sarcastic. It reflects poorly on the ABC and is simply unnecessary. It's quite appropriate to respond to an offensive complaint by saying that the ABC welcomes complaints from audience members but expects these to be communicated in the same courteous terms that the audience member would expect to read in a response from the ABC. Don't respond to abusive complaints but consider whether you should notify the ABC's Security Manager. Any threats included in complaints should be brought to the attention of the ABC's Security Manager.

Do reflect on the issues raised in the complaint. Don't be defensive. Think about whether the person has a point which the ABC can and should acknowledge, even if we can't immediately fix the problem. Use complaints as a tool to promote continuous improvement. Ask yourself: could we do this better?

Consider sending an acknowledgement if you intend to reply substantively but won't be able to do so immediately.

Complainants are entitled to legitimate rights to privacy and confidentiality. To the extent permitted by law, the ABC does not disclose to external parties the identity of individual complainants unless the complaint is an organisation or the complaint is a matter of public record. Don't assume that because an audience member is prepared to send their complaint to the ABC, they would be equally comfortable having their critique and/or name disclosed on air.

Aim to personalise responses and tailor them to address the specifics of the complaint where possible. Simple complaints can be handled simply. Keep responses in proportion. Don't lose sight of the focus of the complaint. If you can't address all the points raised, it's a good idea to start your response with an explanation of what you can and can't address, giving brief reasons for the latter.

Be open and transparent, within reason. Giving reasons for decisions helps audience members to better understand the ABC's processes and builds trust. But it is appropriate that some material remain confidential to the ABC, such as disciplinary procedures with staff, matters which are commercial in confidence, detailed strategies for future content development, and so on. Use your judgement. If you're not sure what is appropriate, ask your manager. Remember that proportionality underpins all of the ABC's activities in responding to complaints.



## Timely

Where a response is to be provided, aim to reply within 30 days of receipt of the complaint.

The Ombudsman's office has a review function to provide dissatisfied complainants with an option to request internal review. Be aware that if you do not respond to content complaints or a complainant is dissatisfied with your response to a content complaint, they can request internal review from the Ombudsman's Office; the Ombudsman's Office will review your response to the complainant when considering if it will accept the complaint for internal review.

If a complaint relates to a Code of Practice matter, a complainant who is dissatisfied with the ABC's response, or who does not receive a response within 60 days, can refer the matter to the statutory regulator, the Australian Communications and Media Authority (ACMA). The Ombudsman's Office is ACMA's point of contact with the ABC in relation to such matters.

Teams that respond to complaints more than intermittently should consider establishing a basic tracking system (such as a spreadsheet) to record complainant details, complaint issues, status of response and any outcome or specific commitments given. This information assists with providing timely responses, and can also serve as an audit trail and a source for internal reporting and information.



# ABC Complaint Handling Process

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## 1. Background, principles and objectives

- 1.1 The ABC welcomes audience engagement in all its forms (inquiries, complaints, feedback and messages of support). The ABC publishes on a variety of platforms and in the reality of today's world, audiences have immediate avenues to provide feedback. While millions of Australians interact with the ABC annually for help and support and with queries and feedback, some 23,500 written complaints are received on average per year via the [ABC complaint form](#). These complaints vary from matters of personal taste and preference to accuracy and impartiality concerns.
- 1.2 The ABC sets itself particularly high standards as outlined in the [Editorial Policies](#). These give the ABC its distinctive character as a public broadcaster. They give practical shape to the requirements of the [ABC Act](#) especially with reference to maintaining independence and integrity and gathering and presenting news and information that is accurate and impartial according to the recognised principles of objective journalism.
- 1.3 Objective complaint handling standards, including fairness, accessibility, transparency, responsiveness and efficiency are the fundamental principles of this process.
- 1.4 Publicly espoused high standards are meaningless without a credible framework for enforcing them. This is especially relevant to the ABC which continuously holds to account, on the public's behalf, others charged with upholding the public interest in the government, commercial or community sectors.
- 1.5 The ABC needs to correct errors swiftly, be willing to clarify and explain decisions, acknowledge misjudgements and, where appropriate, apologise. Audience complaints form part of a public exchange with the ABC from which all parties can benefit.
- 1.6 The effective and efficient resolution of reasonable complaints is the overriding objective of the complaints handling process.

## 2. Types of complaints

What the complaint is about determines how it is handled.

### 2.1. *General complaints*

- (a) Written complaints that are about a matter of personal taste or preference, ABC staff or the ABC generally, are considered general

complaints. General complaints include complaints about the personal use of social media by ABC staff.

- (b) Complaints about ABC employees' personal use of social media can be made via the [ABC complaint form](#). However, these are matters of workplace conduct and dealt with by the relevant employee's manager in accordance with the [Personal Use of Social Media Guidelines](#) and the ABC's employee Code of Conduct.

## 2.2. *Content complaints*

- (a) Written complaints about specific ABC content broadcast or published by the ABC, concerning the ABC's [editorial standards](#) and/or the [Code of Practice](#) (**the Code**) are considered content complaints. The complaint does not need to refer to the ABC editorial standards or use the language of those standards to be considered a content complaint.

## 2.3 *Exceptions*

- (a) A complaint is not a comment, reply, direct message or other user-generated content posted to social media platforms, websites or other interactive services.

## 3. Summary of complaints process

- 3.1. The ABC always aims to resolve complaints as quickly as possible. Complaints should be in writing and may be submitted via the [ABC complaint form](#), by email, or by post to: ABC Audience Support, Australian Broadcasting Corporation, ABC Ultimo Centre, GPO Box 9994, Sydney NSW 2001. To help expedite and track complaints, we recommend using the [ABC complaint form](#). Complaints should be limited to 1500 words, and any attachments, such as screen shots, will be considered as supporting documents only.
- 3.2. If a complainant needs help in submitting a written complaint in accordance with these procedures (for example, language, literacy, additional needs), they may call the ABC during business hours on 139 994 and a written summary of the caller's complaint will be made and forwarded to the appropriate area for handling.
- 3.3. All written complaints received via the [ABC complaint form](#) will be responded to by an automatic email explaining likely next steps and will include a reference number.
- 3.4. Written complaints are initially categorised by ABC Audience Support as to whether they are a general complaint or a content complaint.

- 3.5. General complaints will be noted and may be referred to the relevant division for information and/or action.
- 3.6. Content complaints are generally referred to the Ombudsman's Office for assessment.
- 3.7. The Ombudsman's Office may retain a content complaint for investigation, may refer the complaint to a relevant ABC division or may determine no further action is warranted.
- 3.8. The Ombudsman's office has established a review function to provide dissatisfied complainants with an option to request internal review.
- 3.9. A complainant may be able to have a content complaint reviewed externally by the Australian Communications and Media Authority (ACMA).

#### **4. How and when we respond to complaints**

- 4.1 The ABC receives many complaints and applies a proportionate approach to complaint handling. This recognises that not all complaints warrant a detailed response and that some complaints will be noted but will not receive a response.
- 4.2 We aim to respond to more simple content complaints either on first contact or within 30 days. However, more complex, significant content complaints may take longer to finalise.
- 4.3 The ABC will not respond to complaints that are offensive, abusive, frivolous, vexatious or not made in good faith.
- 4.4 Anonymous complaints, or complaints made three (3) months from the date the content was first made available will generally not be responded to.
- 4.5 The ABC is committed to respecting the confidentiality of complainants. However, where the complainant is an organisation, or a complainant's identity is a matter of public record, the ABC may identify the complainant publicly.

#### **5. Assessing content complaints – The Ombudsman's Office**

- 5.1 The ABC Ombudsman's Office is responsible for assessing most content complaints. The Ombudsman's Office is an office of the ABC independent from the content-making divisions. The Ombudsman's Office is led by the ABC Ombudsman who reports to the ABC Board.

5.2 The Ombudsman's Office has the discretion to accept or reject a content complaint for investigation. Reasons that a content complaint may not be accepted for investigation include:

- (a) the complaint is not serious enough
- (b) the complaint does not meet the definition of a content complaint
- (c) the complaint is anonymous or made three (3) months from the date the content was first made available
- (d) the complaint is offensive, abusive, frivolous, vexatious or not made in good faith
- (e) the complaint is about content which is or becomes the subject of a legal claim
- (f) the Ombudsman's Office exercises its discretion to refer the complaint to a division of the ABC to be handled directly (see section 7 below)
- (g) the content that the complaint is about is no longer available (note that the ABC only keeps records of some content broadcast for 6 weeks).

## **6. Investigating content complaints – The Ombudsman's Office**

6.1 Where the Ombudsman's Office accepts a complaint for investigation, it may make one of the findings below:

- (a) Upheld: a breach of editorial standards or the Code
- (b) Not upheld: no breach of editorial standards or the Code
- (c) Resolved: that in the opinion of the Ombudsman's Office, appropriate action has been taken to suitably remedy the cause of complaint and that any further action or allocation of resources would not be warranted.

6.2 During an investigation, the Ombudsman's Office will review the content and consult as required with the relevant ABC division before making a preliminary finding about a complaint. Where a preliminary finding is that a complaint is upheld, the Ombudsman's Office may recommend a remedy, but may not mandate one.

6.3 To meet the fundamental principle of procedural fairness, the relevant ABC division will have an opportunity to respond to a preliminary finding. If the relevant ABC division disagrees with a preliminary finding, the Divisional Director may make a submission to the Managing Director and the ABC Ombudsman. The ABC Ombudsman will finalise the investigation, in consultation with the Managing Director, and reasons for the decision will be given to the Divisional Director.

## Finalising content complaints

- 6.4 The relevant ABC division is responsible for determining, implementing and recording any remedy arising from a complaint investigation.
- 6.5 The Ombudsman's Office will write to the complainant informing them of the finding/s of the investigation, any remedial action that the ABC division will be taking or has already taken and, if applicable, the complainant's option to refer the complaint to the ACMA.
- 6.6 Summaries of all [upheld](#) and [resolved](#) complaints are published on the ABC website.
- 6.7 The Ombudsman's Office will publish findings about significant content complaint investigations on the [ABC website](#).

## 7. Content complaints by ABC Divisions directly

- 7.1. It is often the people with the most direct knowledge and involvement in creating content who are best equipped to respond to complainants. Empowering divisions of the ABC to respond directly to content complaints can serve to streamline processes and avoid duplication.
- 7.2. Where a division of the ABC responds directly to a content complaint, the complainant must be informed that if they are dissatisfied with the response, they have the option to refer the complaint to:
- (a) the ABC's Ombudsman's Office to seek a review of the response – a review will only be considered if the complainant refers the matter within two (2) weeks from the date of the response from the division, and
  - (b) the ACMA, if applicable.
- 7.3. Divisions of the ABC have the discretion to refer any content complaint to the Ombudsman's Office for review to be handled in accordance with sections 5 and 6 above.

## 8. Ombudsman's Office review – content complaints

- 8.1 The Ombudsman's office has established a review function to provide dissatisfied complainants with an option to request internal review. A review will only be considered if the complainant makes the request within two (2) weeks from the date of the response from the division. This review function is primarily for complainants who are dissatisfied with a response they have received from an ABC division.

8.2 If a complainant is dissatisfied with the outcome of an Ombudsman's Office investigation an internal review by the Ombudsman is discretionary and will only be possible if a complainant provides new relevant information for consideration, or exceptional circumstances apply.

### How to request a review

8.3 Complainants may request an Ombudsman's Office review by sending an email to [ombudsmansoffice@abc.net.au](mailto:ombudsmansoffice@abc.net.au) or by post to Ombudsman's Office, Australian Broadcasting Corporation, ABC Ultimo Centre, GPO Box 9994, Sydney NSW 2001.

8.4 The request for review should include the complaint reference number, the response from the division of the ABC and reasons why the complainant is not satisfied with the response.

8.5 The Ombudsman's Office has the discretion to accept or not accept a complainant's request for review. In exercising its discretion, the Ombudsman's Office may consider the response from the division, the nature of the complainant's ongoing concerns and any matter set out in section 5.2 above.

8.6 If a complaint is not accepted for review, the Ombudsman's Office will write to the complainant informing them of this decision.

8.7 Where the Ombudsman's Office accepts a request to review a complaint, it will investigate the complaint in accordance with the relevant provisions in section 6 above.

8.8 Summaries of all Ombudsman's Office review findings will be published on the [ABC website](#), subject to privacy considerations.

## 9 External Review Options

9.1 A complainant is entitled under section 150 of the *Broadcasting Services Act 1992* (Cth) to take their complaint about the Code of Practice to the ACMA if the ABC fails to respond within 60 days, or if the complainant considers the ABC's response inadequate.

9.2 The ACMA does not deal with complaints about ABC digital media services.

9.3 If a complainant refers a complaint to the ACMA, the Ombudsman's Office will facilitate any ABC response to the ACMA.

9.4 Depending on what the complaint is about, a complainant may be able to refer a complaint to the **Australian Human Rights Commission**, the **Commonwealth Ombudsman** or the **eSafety Commissioner**.

# Internal Content Complaint Handling Procedure

## Background

This procedure applies to content complaints assessed and/or investigated by the Ombudsman's Office, including internal reviews.

This procedure does not detail an exhaustive list of all considerations which inform Ombudsman's Office decision making. Investigations Officers are expected to use their experience, initiative and high-level skills of analysis and research, and to seek guidance from colleagues, their manager and the Ombudsman when necessary.

## Content complaints

As defined in the ABC Complaint Handling Process, content complaints are written complaints about specific ABC content broadcast or published by the ABC, concerning the ABC's [editorial standards](#) and/or the [Code of Practice](#) (the Code). The complaint does not need to refer to the ABC editorial standards or use the language of those standards to be considered a content complaint.

A content complaint is not a comment, reply, direct message or other user-generated content posted to social media platforms, websites or other interactive services.

A complaint is not a content complaint if it:

- a. does not refer to a specific item of ABC content
- b. refers to content that has not yet been broadcast or published
- c. relates to a personal preference rather than the editorial standards
- d. relates solely to the ABC's values and standards of workplace behaviour rather than the editorial standards (there can be areas of overlap)
- e. relates solely to compliance with the law rather than the editorial standards (there can be areas of overlap)
- f. demonstrates that no response or action is required.

Simple content complaints should be responded to within 30 days and more complex, significant content complaints within 60 days. Due to the complexity of some content complaints and the availability of staff, some complaints may take longer to finalise. Investigations Officers should update complainants of the progress of their complaint after 30 and 60 days.

## Assessing complaints

An Investigations Officer will assess complaints referred to the Ombudsman's Office to determine appropriate and/or proportionate handling in accordance with the Complaint Handling Process. This may include reviewing the substance of the complaint along with any relevant ABC content, deciding which, if any, editorial



standards apply, and consideration of any other material deemed relevant. As a result of the assessment process, content complaints may be accepted for investigation.

Reasons that a complaint *may not be accepted for investigation* include:

- a. the complaint is not serious enough
- b. the complaint does not meet the definition of a content complaint
- c. the complaint is anonymous or made three (3) months from the date the content was first made available
- d. the complaint is offensive, abusive, frivolous, vexatious, or not made in good faith
- e. the complaint is about content which is or becomes the subject of legal claim
- f. the Ombudsman's Office exercises its discretion to refer the complaint to a division of the ABC to be handled directly
- g. the content that the complaint is about is no longer available (noting that the ABC only keeps records of some content broadcast for 6 weeks)

If a content complaint is anonymous or lodged more than three (3) months after the date the content was first made available, and the Investigations Officer considers the substance of the complaint particularly serious, the Investigations Officer should consider with the Ombudsman whether to investigate the complaint.

Complaints that are *not* accepted for investigation may be clarified or responded to in general terms by the Investigations Officer (for instance if a complaint appears to raise editorial issues but does not identify the specific content, or the issues raised can be addressed broadly ), referred to the relevant content division for handling or noted without response.

Content complaints may be *referred to the relevant content division for handling* if the Investigations Officer considers the content complaint would be more appropriately handled by the division responsible for the content. The Investigations Officer will usually refer the content complaint to the ABC division using a system generated email which will include brief guidance and a copy of the complaint. The standard subject line of the email should include: *C12345-YY - Complainant name: Action required – CONTENT COMPLAINT DIRECT RESPONSE.*

## Investigating content complaints

Investigations Officers will apply a proportionate approach to complaint handling to determine the scope of the investigation. This may include considering the type of content that is the subject of the complaint, the number of complaints about the same content and the resources that will be applied to the investigation, including whether the content complaint should be prioritised.

Once a content complaint has been accepted for investigation, an Investigations Officer should, as soon as practicable, notify the relevant content division/s of their

decision to investigate the content complaint and identify the relevant editorial standards being assessed. The Investigations Officer may seek comments about compliance with relevant editorial standards, along with any other material required for the investigation (for instance copies of content, transcripts, research or correspondence).

The Investigations Officer will usually send an email to the relevant content division's representative, their manager and the relevant editorial policy adviser and standards editor which will include a copy of the complaint, a request for comments and a preferred timeframe for the request, including if it is of high priority. The standard subject line of this email should include: *C12345-YY - Complainant name: Action required – COMMENTS REQUESTED*.

Content divisions should provide to the Investigations Officer the requested material as soon as practicable or within 5 business days of receiving the request, information that addresses compliance with the relevant editorial standards, along with copies of any requested material to assist with the investigation.

An Investigations Officer may request additional information or comment from the content division to consider editorial compliance during the investigation. An Investigations Officer should work with the content division to consider if there is any way of resolving the content complaint.

If an Investigations Officer considers that there may be a breach of editorial standards during the investigation, or if the matter is otherwise significant or controversial, the content complaint must be brought to the attention of the Ombudsman.

The Ombudsman may choose to bring an investigation to the attention of the Divisional Director or Managing Director.

### *Preliminary finding*

Investigations Officers are authorised to make the following findings about content complaints:

**Upheld:** a breach of the editorial standards or the Code

**Not upheld:** no breach of the editorial standards or the Code

**Resolved:** that in the opinion of the Ombudsman's Office, appropriate action has been taken to suitably remedy the cause of complaint and that any further action or allocation of resources would not be warranted.

When an Investigations Officer has considered all relevant information to form a preliminary view about compliance with editorial standards, this preliminary finding will be sent in writing to the relevant content division representative, their manager and the relevant editorial policy adviser and standards editor for their view. The preliminary finding will set out an Investigations Officer's analysis of the content that is the subject of the complaint as assessed against the relevant editorial standard/s.

If a preliminary view is that a complaint is likely to be upheld, the Investigation Officer may recommend a remedy to the content division but may not mandate one.

The content division's representative should respond promptly, preferably within 3 business days.

In the circumstances where the content division disagrees with a preliminary finding and it is clear the preliminary finding is not to be accepted, the Divisional Director may make a submission to the Managing Director (as Editor-in-Chief) and the Ombudsman. This submission should be made as soon as practicable, and preferably within 3 business days from when the preliminary finding is provided to the division. The Ombudsman will finalise the finding, in consultation with the Managing Director, and reasons for the decision will be given to the Divisional Director.

### *Finalising the complaint*

The relevant content division is responsible for determining, implementing and recording any remedy arising from an investigation. This may include publishing an editor's note, correction or clarification in consultation with the relevant editorial policy advisor.

The Investigations Officer will write to the complainant informing them of the outcome of the investigation, any remedial action that the content division will be taking or has already taken and, if applicable, the complainant's option to refer the complaint to the ACMA (if the complaint is covered by the [Code](#)).

### *Unable to satisfy a complainant despite reasonable efforts*

The Ombudsman's Office may consider terminating correspondence with a complainant about a content complaint in cases where any response has clearly been unable to satisfy a complainant, despite reasonable efforts having been made.

Content complaints about new issues should be assessed, considered and a response provided where appropriate.

## **Reviewing content complaints**

The Ombudsman's Office has established a review function to provide dissatisfied complainants with an option to request internal review. This review function is primarily for complainants who are dissatisfied with a response to a content complaint they have received from an ABC division. Internal review will only be considered if the complainant makes the request within 2 weeks from the date of the response from the ABC division. The Ombudsman has the discretion to accept or not accept a content complaint for internal review.

In exercising their discretion, the Ombudsman may consider the response from the content division or Investigations Officer, the nature of the complainant's ongoing

concerns and any of the reasons that a complaint may not be accepted for investigation as set out above.

An Investigations Officer or the Ombudsman will respond to the complainant if an internal review request has not been accepted informing them of this decision. If a content complaint is accepted for internal review, it will proceed in accordance with the process outlined under **Investigating content complaints**.

If a complainant is dissatisfied with the outcome of an Ombudsman's Office investigation an internal review by the Ombudsman is discretionary and will only be possible if a complainant provides new relevant information for consideration, or exceptional circumstances apply.

## **Content division responsibilities**

Content divisions give Investigations Officers a general invitation to liaise directly with staff and contractors about content complaints. Content divisions may nominate one or more representative(s) to coordinate complaints with the Ombudsman's Office, take responsibility for comments and responses, and arrange access for the Investigations Officers to relevant content makers.

Content division representatives are responsible for considering whether any appropriate action could be taken to suitably remedy the content complaint.

To meet the fundamental principle of procedural fairness, it is the responsibility of the content division to ensure that any staff member who may be adversely affected by the outcome of any investigation has the opportunity to be heard during the investigation and appropriately informed of the outcome.

### *Direct handling*

If content complaints are referred to content divisions for handling, or in the instance where the complainant sends a complaint to the content division directly, the content division can request that the Ombudsman's Office responds.

Content division representatives are responsible for ensuring that content complaints received are handled and recorded in accordance with this procedure and the ABC Complaint Handling Process. Content division representatives should be familiar with the [Complaint Handling Guide](#).

Content complaints should be responded to within 30 days unless the ABC division considers it would be disproportionate to do so. If content complaints are not responded to, they still have the potential to escalate.

Where the content division responds directly to a content complaint, the complainant must be informed that if they are dissatisfied with the response, they have the option to refer the complaint to:

- a. the ABC's Ombudsman's Office to seek a review of the response – a review will only be considered if the complainant makes the request within two (2) weeks from the date of the response from the division, and
- b. the ACMA, if the complaint is covered by the Code of Practice (noting that the ACMA does not deal with complaints about ABC digital media services).

Suggested wording is included below:

*Should you be dissatisfied with this response you are able to seek a review from the ABC's Ombudsman's Office within two (2) weeks from the date of this response by sending an email to [ombudsmansoffice@abc.net.au](mailto:ombudsmansoffice@abc.net.au) or by post to Ombudsman's Office, ABC Ultimo Centre, GPO Box 9994, Sydney 2001. Alternatively, you may be able to pursue your complaint with the Australian Communications and Media Authority (ACMA) [www.acma.gov.au](http://www.acma.gov.au). ACMA, however, does not deal with complaints about ABC digital services. You can find more details about how to request a review [here](#).*

## **Recording and reporting requirements – the Ombudsman's Office**

Investigation Officers should save relevant correspondence including the complaint, the response and information received about the investigation on the Ombudsman's Office database. The Investigations Officer will record the finding and close the content complaint.

Summaries of all upheld and resolved complaints are published on the ABC website. Summaries of all Ombudsman's Office review findings will be published on the ABC website, subject to privacy considerations. If the content complaint is significant, an Ombudsman's report may be published on the Ombudsman's Office website.

Findings about content complaints are reported to the ABC Board.