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Australian Government

Inspector-General of the Australian Defence Force

**REDRESS OF GRIEVANCE
GUIDANCE**

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Purpose

1. This document is a resource for staff working in the Directorate of Military Redress and Review (DMRR) in the Office of the Inspector General of the Australian Defence Force (IGADF). All team members are encouraged to refer to this document both on commencement and throughout their employment in DMRR. This document will be periodically reviewed and updated to maintain alignment with processes and procedures. Recommendations for additions and amendments should be made to the Director.
2. This document contains guidance on the redress of grievance (ROG) process. This document is not IGADF or Defence policy; other relevant documents (for example the Defence Regulation 2016 and the Complaints and Alternative Resolutions Manual) are to be referred to for legislative and policy guidance.

Legislation, policy and delegations

3. Part 7 of the Defence Regulation 2016 (the Regulation) provides the legislative framework for the ROG process.
4. Chapter 6 of the Complaints and Alternative Resolutions Manual (CARM) is sourced from the Regulation and provides information and instruction on the complaint process to members, Commanders (Commanding Officers) and any other person involved with the ROG process.
5. Delegations to make decisions and take other actions in relation to ROGs are defined by the IGADF Instrument of Authorisation. Always check to ensure you are referencing the current instrument.

Trauma-informed approaches to complaint handling

6. Trauma-informed approaches are an essential part of all IGADF complaint handling processes. These approaches ensure that individuals who have experienced trauma feel safe, respected, and supported throughout the process. A trauma-informed approach recognizes the potential impact of trauma on a person's behaviour, communication, and emotional state. Key principles include safety (creating an environment where the complainant feels physically and emotionally secure), trustworthiness and transparency (being clear about processes and decisions), choice (providing options and respecting autonomy), collaboration (working with the complainant to identify solutions), and empowerment (focusing on strengths and supporting recovery). Staff must avoid practices that may re-traumatize individuals and respond with empathy, patience, and flexibility at every stage of complaint handling. Trauma-informed and trauma-responsive principles apply to every aspect of implementing the guidance in this manual, ensuring that all actions, decisions, and interactions uphold these values.

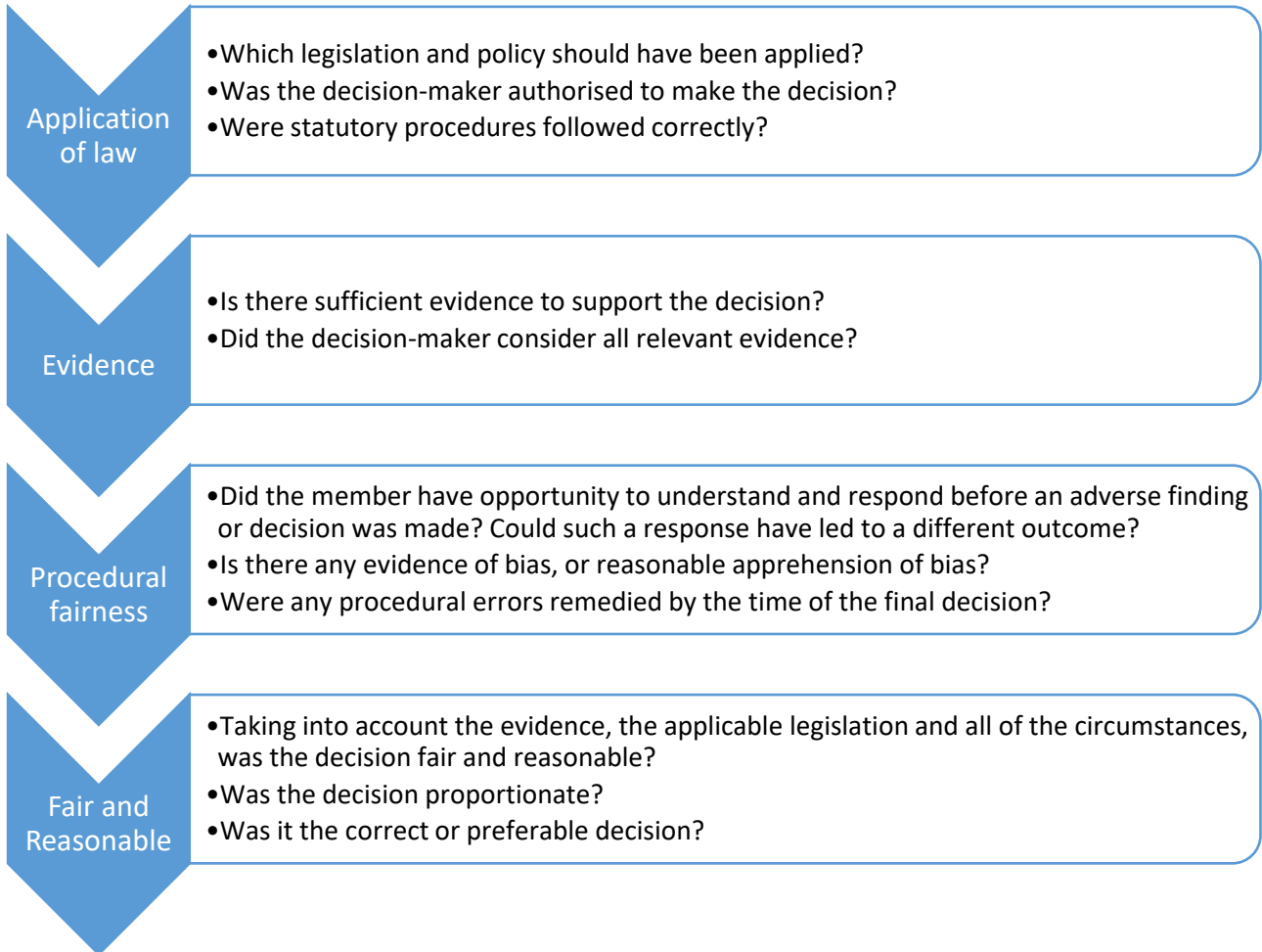
Merits Review

7. The Office of the IGADF conducts a merits review of ROG complaints. A legal or judicial review is limited to reviewing the legality of a decision – that is, was it properly made, at that point in time, within the legal limits of the decision maker's power. In contrast, a merits review reconsiders the facts (including new relevant information), law and policy aspects of the original decision and is concerned with all merits of the decision, including the fairness,

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reasonableness, and proper application of relevant legislation and policy, to arrive at the correct or preferable decision at the time of the review.

Checking for good decisions:



Unconscious bias

8. Unconscious bias can inadvertently influence thinking processes and impact judgement and behaviour.
9. Typical unconscious biases include:
 - Affinity bias – favouring complainants with whom we have the most in common
 - Confirmation bias – seeking out or interpreting information in a way that supports an existing hypothesis, belief or expectation
 - Bounded bias – not searching for information that could contradict a favoured outcome, or ignoring available contradictory information
 - Availability bias – relying on information that is readily available, rather than trying to gather more information relevant to the issue at hand
 - Anchoring bias – becoming fixated on one fact
 - Group Think – the natural desire for harmony can lead to making a decision that elicits the most support
10. There are a number of strategies that can be used to counter the risk of unconscious bias. These include:
 - Being aware of and challenging your own biases
 - Making considered decisions – do not rush, and take the time to consider all aspects of the complaint
 - Actively challenge your initial thoughts and develop and test alternatives
 - Give consideration to all relevant records and information, not just those that support your initial theory or would quickly close a complaint
 - Seek alternative views – all staff in the Office of the IGADF are appointed as Assistants IGADF, so you are able to discuss your cases with your colleagues to access diverse views and opinions
 - Use an independent peer or quality review process – this is why we have a separate review step before cases go to decision makers

Director Military Complaints expectations

- Prioritise independence and objectivity – be aware of unconscious bias
- You are trusted professionals expected to manage your own work and time, and to ask for help when needed
- Manage a workload in accordance with your working arrangement, i.e. full time case officers are expected to manage larger caseloads than reserve case officers
- Proof read your work before submitting it for review – check grammar, spelling, dates, formatting, names, readability and so on. Do not submit anything you wouldn't be prepared to sign yourself
- Use trauma informed language, and avoid offering opinion – stick to facts. We are not here to judge, we are here to manage complaints to ensure the fairest outcome for all parties
- Discuss cases with your colleagues – collaboration will provide different perspectives and result in better outcomes
- Timeliness – always remember there is a person waiting for the outcome of their complaint

Desk Officer Guidance

Jurisdiction

11. The Regulation provides what is, and is not, a ROG. The Director is the decision-maker for all jurisdiction matters.
12. A member may make a ROG complaint if the member considers a decision, act or omission in relation to their service is adverse or detrimental to them, and it is capable of being redressed by the CDF, the Secretary of Defence, or a person authorised or delegated to act on their behalf. If these two elements are not met, the complaint is not a valid ROG.
13. A member must not make a complaint about:
 - A decision, act or omission under Part 7 of the Regulation (you cannot ROG a ROG);
 - A decision, act or omission of the IGADF (you cannot ROG an IGADF Inquiry);
 - A decision, report, finding or recommendation of an inquiry under the *Defence (Inquiry) Regulations 1985* (you cannot ROG a Defence Inquiry);
 - A decision to give, or not to give, a particular assessment, grade or rating as the result of a performance appraisal (though they can complain about decisions or acts made subsequent to the assessment, grade or rating);
 - A liability arising under section 68 or 69 of the PGPA Act 2013 (liability for loss of Commonwealth money or property while in the person's custody or due to misconduct); and
 - An act that is part of the administrative process for making a decision, other than as part of a complaint about the decision (for example, a ROG about a Notice to Show Cause would be premature, because the final decision has not yet been made).
14. In the case of a decision to terminate a member's service, a complaint must be made within 21 days after the member was notified of the decision.
15. For all other complaints, the complaint must be made within 6 months after the member was notified or could reasonably have been expected to have known about the decision, act or omission concerned.
16. If the IGADF is satisfied exceptional circumstances exist that warrant an extension, a complaint *may* be accepted out of time. Delegation for determining exceptional circumstances sits with the Director.
17. Usually, DMRR will wait until the CO has considered the ROG before allocating the matter to a Case Officer for independent consideration by the Office of the IGADF.

AGSVA Security Assessment Complaint

18. A complaint made by a member regarding a security clearance assessment (not the Service's handling of a security clearance) is to be handled in accordance with 6.0.0.10(9)(e) of the Complaints and Alternative Resolutions Manual.

Early s46(1)(a) from outset

19. Following receipt of the AD844, a DESKO may consider the CO will satisfactorily resolve the complaint, and so close the complaint under s46(1)(a) of the Regulation. An early decision is procedural in nature and not a concluded view about the substance of the complaint.

Assume responsibility s44(3)

20. DMRR can choose to assume responsibility for finalisation of any complaint from the ROG CO at any point. This may be due to a potential for conflict of interest, the complexity or subject of the complaint, or for any other reason the Director deems relevant.

Withdrawal s47

21. A member may withdraw their complaint at any stage of the ROG process by informing their CO and the Office of the IGADF of their withdrawal in writing.

DESKO / Member engagement following CO decision

22. Once the CO has finalised their consideration of a ROG and informed the member of their decision as to whether the complaint had merit and what, if any, redress will be granted, the relevant Desk Officer must contact the member to confirm whether they are satisfied by the outcome. If they are, DMRR may close the ROG under s46.1.a. If the member remains aggrieved, this is an opportunity for them to explain why and to provide any additional information they wish DMRR to review as part of our subsequent independent consideration of their complaint.
23. Following member engagement after the CO decision, the case is allocated to the next available Case Officer. The Case Officer should then ensure that all elements of the member's complaint are addressed in our independent consideration, including any new elements raised following the CO decision.

Case Officer Guidance

On allocation

Timeline/analysis

24. The first step for Case Officers on allocation of a case is to read through all of the material on the file and familiarise yourself with the matter. As you do this, you must complete a chronological timeline based on the available evidence using the template. The template allows you to include your initial analysis and thoughts, and links to relevant legislation, policy and procedures as you identify them. In this way, after you've read all of the material on the file you should have everything you need to form a view about the complaint and start drafting the outcome letter.
25. Setting out what happened chronologically and linking the supporting evidence allows you to identify any gaps in documentation which require a RFI. Completing the timeline is mandatory for each case; not only does it support the Case Officer's analysis of the complaint, it is a useful tool for the Reviewing Officers and Decision-makers when conducting their roles.
26. As you analyse the material related to the case, be mindful that you are not reviewing the CO's ROG decision, you are considering the merits of the member's complaint based on all of the available information. It is useful at this stage to identify:
 - What is the decision, act or omission the member is aggrieved by?
 - How many issues are they complaining about?
 - Are there other issues they have not raised?
 - What is the relevant legislation and policy?
 - Did the decision affect the member's rights, interests or obligations? If yes, was it procedurally fair?
 - What outcome is the member seeking?
27. It may be useful to look at previous similar cases to get a feel for how to proceed, or to see how legislation (including Determinations) has been interpreted by this office to ensure consistency. To locate previous cases of a similar subject matter, you can use the Master Spreadsheet to filter through open and closed cases of a similar subject matter. Keep in mind consideration of previous cases can only be used as a reference – even small differences in facts, or legislative and policy changes, can result in an entirely different outcome for each new matter. You must independently consider the individual circumstances relevant to each individual complaint.
28. Consider all aspects of the complaint both pre and post decision that can impact on our considerations and ultimately our findings and recommendations. Make sure you consider and address (if necessary) the member's response to the CO's ROG decision – additional concerns or grievances are often raised at this point, and these need to be considered along with the concerns raised in the AD841.

Complexity matrix

29. Once you have finished your timeline and initial analysis of the complaint, you must update the complexity matrix. You must ensure that you update the complexity matrix within 1 week of allocation. Anything later than this will not allow the Director adequate time to

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consider plan for complex cases. Any change in complexity rating must be discussed with your Senior Case Officer and the Director.

Drafting outcome letters

Content

30. Outcome letters must be drafted using the template, and must follow the IGADF Formatting Guide. The template has been created to make this as easy, and require as little manual intervention, as possible.
31. Address all elements of the complaint, and all of the member's reasons for their grievance, even if it is only a one line acknowledgement of a particular concern. If the reasons for grievance have any relevance to the decision/act/omission complained of, they will be addressed by proper consideration of the complaint. If the member's reasons for grievance are not relevant they can and must be addressed separately, with an explanation as to why it was not relevant to the complaint. The complainant needs to understand how and why the ROG decision-maker made their decision, and be satisfied that every aspect of their complaint has been considered.
32. The outcome letter should be written to explain the member's complaint and IGADF's consideration and findings to a disinterested third party with no prior knowledge of the complaint or subject matter. It should be a standalone document, and not require extensive knowledge of the circumstances to understand. This is often referred to as 'writing for the Ombudsman' because, if the member remains dissatisfied, whoever they show the outcome letter to should be able to understand the circumstances, findings and reasons. This is most often the Ombudsman's office as the next complaint avenue, but it can also be Ministers or legal advisers. Failure to properly articulate the complaint, findings and reasons in correspondence is the primary reason why complaints escalate.
33. More important, however, is writing for your audience. This goes back to the purpose of the Redress of Grievance scheme. Members of the ADF cannot join a Union, and cannot claim unfair dismissal through the Fair Work Commission. A Redress of Grievance complaint provides members with a complaint avenue. It is important that the member understands our consideration of their complaint, and how we came to our findings and recommendations. If the member does not understand how we came to our findings and recommendations, it means we have not written our correspondence with the reader in mind. Even if the member is not satisfied with our outcome, it is important they understand how and why it was reached.
34. Under 45.4 of the Regulation, we must notify the member of who has been informed of our findings and received a copy of the outcome letter – this is included in the template. Always include the following as recipients of a copy of the outcome letter:
 - The member's current CO
 - The CO who considered the ROG (if different)
 - The original decision-maker
 - Any person or position identified as having a stake in implementing any recommendations
 - Any other person identified as being affected by the outcome of the complaint.

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Language

35. To demonstrate the IGADF's independent consideration of a grievance, correspondence must be written impartially and without emotion. Documents must be clear and factual. Emotive writing can indicate bias or create a perception the IGADF lacks independence. Also take care not to use words or statements which could cause offence or be interpreted as insulting or belittling. When drafting outcome letters you can be direct without insult.
36. At all times, it is preferable to use the language of the relevant legislation – termination, vs involuntary separation.
37. Make sure you use simple language that avoids legalese, with shorter sentences and clear headings. Aim for a Flesch Reading Ease score of 60-70, a Flesch-Kincaid Grade Level of 8-10, and around 15 words per sentence (on average).
 - To check the readability of your work, enable readability statistics in Word by going to File > Options > Proofing and under "When correcting spelling and grammar in Word", check the box for "Show readability statistics"
 - Once readability statistics are enabled, click on "Spelling & Grammar" on the Review tab. The readability statistics window will show various readability scores.
38. There are some words which should be avoided:
 - **Claim, assert** and **allege**: these words can have negative connotations that we don't believe what is being said. Use more neutral terms like stated, reported, wrote, etc.
 - **Grounds**: this is a very legalistic term and often (inappropriately) treats the reasons for grievance as the focus.
 - **Review**: although we undertake a merits review, it is better to use the words of the legislation – IGADF must **consider** each complaint.
 - **Yourself/myself**: do not write in third person when you/me is more appropriate. If the sentence makes sense using you/me, that is the correct way to say it.
 - **Pursuant**: another legalistic term – just say **under**.
 - **Determination**: this is often misused across Defence to refer to a decision. When deciding between two versions of events, a decision-maker cannot *determine* what occurred, they can only *decide* what they believe occurred. Determine has a definitive and binding meaning – in Defence administration, Determinations are statutory instruments that are made under an Act or Regulation. For example: *The CO's **decision** was made using the **Determination** as it **determined** the correct entitlement.*
 - **Leading qualifiers**: *I consider, I am of the view, I have found that* – these leading qualifiers are not necessary, and removing them has the added benefit of improving readability through shorter sentences.
39. Use meaningful headings, and structure paragraphs with the finding/conclusion/outcome first, followed by the explanation. This kind of structure follows reader logic by giving the important information up front, rather than writer logic which goes through all of the reasons or thinking process before reaching the conclusion. For example:

You were not eligible for the entitlement on 13 June 2020. This is because you did not meet the eligibility requirements of the Determination, because you did not have...

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Evidence

40. Be clear as to what occurred and when. For example: *On 7 June 2022 the member claimed they spoke to their supervisor...* The date is now directed to the date of the member's claim, and not the date of the conversation.
41. Take care to accurately represent the evidence. For example, you cannot say *you received x information on 20 Jan 24* when the only evidence you have to hand is a minute signed on that date. If you don't have evidence of when the minute was sent to the person, rather say *you were informed in a minute dated 20 Jan 24*.
42. Do not adopt what someone claims to have occurred. Source documents are always preferable to other people's statements. If an event is relevant, seek objective evidence. If objective evidence is not available, make it clear that something is second-hand information, for example *Captain Blogs stated that they spoke to you about x on [date], though was unable to provide a supporting meeting request, notes or record of conversation*.

Consultation

43. Desk Officers are able to assist Case Officers to a limited degree, such as to bounce ideas, provide service-specific context, help clarify information or identify avenues to obtain further information. Desk Officers are not to be used for in-depth case discussions or guidance on the way forward – those discussions should occur with your Senior Case Officer or the Director.
44. Give your Senior Case Officer, the Deputy and the Director 24 hours notice before a case discussion so they can get across the facts and details of the case, or take on the risk that any answers to your questions will be generic in nature and may not fit with the nuances and circumstances of your particular case. Seek a group case conference through your Senior Case Officer for complex matters – subject matter experts may be included in case conferences if identified and required, with Director clearance.

Legal advice

45. Legal advice is provided to DMRR by IGADF General Counsel. Requests for legal advice must be made through the Director. Internal consultation with your Senior Case Officer or the Deputy must take place first, to ensure the matter warrants seeking legal advice.

Procedural fairness notices

46. If our consideration of a matter is likely to result in an adverse finding being made which may affect a person's rights, interests or obligations, they must be sent a procedural fairness notice which outlines the proposed finding and the facts and evidence relied upon. They should then be given 2 weeks to provide any response, which must be considered before a complaint is finalised. This timeframe can be extended upon request, or may be adjusted from the start due to relevant considerations such as the health and wellbeing of the person, the volume of material for them to consider, the amount of time we have spent considering the complaint, the complexity or seriousness of the findings, and so on.
47. Procedural fairness notices must not be sent without approval from the Director. If you think one is required, consult your Senior Case Officer in the first instance. Usually, it is best to finalise your draft outcome letter so that your findings and reasons are clear before seeking Director agreement that a procedural fairness notice is required. Once agreement is obtained, you can then draft a procedural fairness letter to the affected person – take care

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with what other people's personal information is included, balanced with ensuring there is sufficient information for them to understand and respond to the proposed finding.

48. A procedural fairness notice might be sent to the complainant, a respondent, or any other stakeholder or person involved in the matter. One is not needed if we are finding an error or incorrect decision was made, or if we are confirming a previously made adverse finding. A procedural fairness notice is only needed if a new adverse finding, not previously put to the person, is being made by the IGADF.

Findings and recommendations

49. If an analysis has been completed and a view formed, findings are always made. In most cases, findings should be quite high level, and the more detailed reasons are described in the body of the letter. For example:

Finding 1: the fact finding into your unacceptable behaviour complaint was flawed.

Finding 2: the decision that you had behaved unacceptably denied you procedural fairness.

Recommendation: the decision you had behaved unacceptably should be set aside and remade following a further fact finding exercise, conducted in a way that affords you procedural fairness.

50. In the above example, it is not necessary to make separate findings for each error found in the fact finding, nor separate findings for each way procedural fairness was denied. This is the type of information you should include in the consideration section of the outcome letter.

Reviewing Guidance

51. When Case Officer consideration of a ROG is complete and the accompanying outcome letter has been finalised, before it is considered by a Decision-maker it is normally reviewed by a Senior Case Officer. Casework initially completed by a Senior Case Officer should be reviewed by another Senior Case Officer or the Director before it is allocated to a Decision-maker.

Purpose

52. The review function is multipurpose. It provides for:
- Quality assurance
 - Consistency with template and IGADF Format Guide
 - Consistency of ROG decisions
 - Enhanced governance in decision-making through diversity of perspective
 - Readability

Reviewing analysis and outcome correspondence

Read key information to understand complaint

53. Before reviewing the outcome letter itself, make sure you read at least the AD841 and its attachments, and any further comments submitted by the member following the CO's ROG decision. This will ensure you have a baseline understanding of the complaint, why the member is aggrieved and what the complainant is seeking.
54. Read the Timeline and Analysis document to get an idea of the key events that occurred. This is a quick way to gain an understanding for the situation without going through every single document.

Undertake an initial triage level review of the outcome correspondence and Timeline and Analysis document

55. Initially, undertake a triage-level review of the Timeline and Analysis document and the outcome letter, rather than instantly jumping into a comprehensive review. This will save you time in the long run, as if there are gaps identified during your triage review, the outcome correspondence will need to be returned to the Case Officer with feedback on the gaps identified.
56. In a triage-level review, ensure that the member's complaint has been addressed. Make sure that the reasons for their complaint have also been considered and addressed.
57. Ensure the Timeline and Analysis has been sufficiently completed to provide a useful guide for the Decision-maker.
58. Members have an opportunity to advise us if they are unsatisfied with anything not covered in the Commanding Officer consideration of their ROG. It is good to have a look at this as well to see if there is anything additional that needs to be addressed.

Adherence with template and IGADF formatting guide and general readability/sense check

59. Providing clear, polished and consistent outcome correspondence to members is important for the reputation of our office.

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60. When reviewing the outcome letter, have the relevant template open on your second screen (if you have one) and ensure the outcome letter adheres to the template and is formatted correctly. While it is of course okay for the template to be amended to suit the specific complaint, for example including sub-headings, removing the background and such, inconsistent formatting is never ok and makes our work look sloppy and unprofessional.
61. While the Case Officer is responsible for doing this before submitting their outcome correspondence for review, it is important that Senior Case Officers check that the correct names, dates, locations, documents, legislation and so forth have been used. Getting this basic information wrong undermines our credibility as an Office trusted to comprehensively and accurately consider complaints from members of the ADF.
62. To maintain our independence from the chain of command, we do not adhere to the Defence Writing Manual. Rather, we adhere to the Australian Government Style Manual and the IGADF formatting Guide. When reviewing an outcome letter, make sure it complies with these documents.

Comprehensive review

63. Senior Case Officers should use their judgment as to whether it is necessary to comprehensively review the outcome letter to ensure we have accurately and appropriately considered the member's complaint, noting the Decision-maker will also do this. If the letter is well-written, logical and sets out a clear and convincing argument, it may be appropriate to forward it to the Director for allocation to a Decision-maker without conducting a comprehensive review yourself.
64. While you are undertaking the comprehensive review of the outcome letter, be sure to ask yourself throughout if the letter makes sense, and if it is readable. If it does not make sense to you, or you find you are having to read a sentence multiple times for it to make sense, it may need to be further explained and simplified.
65. Check the background – is there enough, is there too much, are relevant dates and events reflected?
66. This is also a good time to ensure the outcome letter has been written with the reader in mind. Put yourself in the shoes of the member and consider whether you would be content with receiving this outcome letter. It does not mean we have to grant the complainant the redress they are seeking. But it does mean we need to adequately consider their complaint through an explanation of why a decision/act/omission was correct/incorrect.
67. A final check should also be done against the AD841 and any additional correspondence from the member, to ensure that the outcome letter adequately addresses all of their complaint.

Feedback

68. Senior Case Officers are responsible for providing feedback to Case Officers on their outcome correspondence. If errors or mistakes are identified, Senior Case Officers are not to amend letters without providing feedback to the Case Officer. Doing so is a disservice to the Case Officers, as it takes away their opportunity to learn and address feedback in their future cases.
69. Feedback is normally provided through tracked changes and comments added in the letter. More in-depth feedback may be provided through a one-on-one discussion or case conference.

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70. The Case Officer is responsible for considering and addressing feedback from the Senior Case Officer. Case Officers should seek additional information/clarity from the Senior Case Officer if they don't understand the feedback provided.
71. If a Senior Case Officer notices that an individual Case Officer is making the same errors/oversights consistently, they must discuss this, with appropriate evidence, with the Director. Repeated errors/oversights may require targeted learning and development and/or performance discussions.

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