

Sufficient direct interest



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The age of social media has brought many challenges for agencies, including increases in complaints from people who

are unhappy about government decisions, yet not directly affected.

Good assessment of complaints is vital to ensure resources are being allocated appropriately – ‘direct interest’ is one aspect that is often overlooked.

It is common for agencies to receive complaints from people who are not directly affected by the matter they are complaining about. If a communication is poorly assessed and subsequently actioned as a complaint despite there being no direct interest, it could:

- create a situation where the customer then has a direct interest – at least in terms of the agency’s handling of the complaint
- potentially waste resources
- encourage further similar communications.

All complaints should be assessed against criteria set out in agency policy. Most complaint management policies will mention the concept of an ‘affected person’ or a ‘person who is apparently directly affected’ to reflect the relevant legislation and outline what it means.

Who is considered to be ‘apparently directly affected’?

Apparently:

- as far as one knows or can see
- according to what seems to be true or what is likely, based on what you know

Directly affected:

- greater than the concerns of a bystander who has no interest in the outcome
- where a person's rights or interests would be affected if the administrative action stood or continued

Direct interest in administrative action includes persons whose rights or interests are, or could be, impacted in some way.

What to do?

When assessment of a communication indicates it may be a complaint from a person who is 'apparently directly affected', best practice would be to contact the person and:

- explain the concept of being 'apparently directly affected'
- advise them that it appears they do not meet the criteria to allow the matter to be dealt with through the CMS
- ask them for their comments regarding this.

A decision can then be made with more confidence that there is no other information that should have been considered. This can be done either in writing or via a phone call – whichever is more efficient. Then:

- assess and advise how the matter will be handled
- if suitable, take action to refer
- advise of external review rights
- record the assessment outcome and reasoning

This is a summary of the Complaint Handler's Network (CHN) discussion relating to 'direct interest' from March 2022.

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