

APPENDIX 5

COMPLAINT HANDLING BY RECOGNISED PROVIDERS: MODEL POLICY¹

1. Introduction

Purpose

Section 66 of *The Australian Mediator and Dispute Resolution Accreditation Standards* (AMDRAS) “Standards” requires all Recognised Providers to have and maintain an approved complaints-handling policy.

Appendix 5 of the AMDRAS Standards provides a Model Policy, for adoption by Recognised Providers.

MODEL POLICY

[INSERT NAME OF RECOGNISED PROVIDER] formally adopted the Model Policy on [INSERT DATE].

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

This policy provides guidance to our people who receive and manage complaints.

Scope

This policy applies to all officers, staff (paid and volunteer) and contractors (together, **our people** or **personnel**) receiving or managing complaints made to or about us, regarding our services, our people, Registered Practitioners accredited by us, or our management of complaints (under this policy, or otherwise).

This policy can be read alongside AS/NZ 10002 Guidelines for Complaints Management in Organisations which provides detailed guidance on managing customer complaints within organisations, and covers guiding principles, complaints management framework, planning and design, operation, and maintenance and improvement.

Organisational commitment

This organisation expects personnel at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the

¹ Adapted from *Model Policy: Complaint Handling by Charities and Not-For-Profits*, 2018 available at <https://www.acnc.gov.au/tools/templates/complaints-handling-model-policy-and-procedure>. It can be adapted to suit the purposes of particular organizations.

nature of the commitment expected from our people and the way that commitment should be implemented.

2. Roles and Responsibilities

| Who | Commitment | How |
|--|---|---|
| CEO, Chair and senior officers “the leadership team” | Promote a culture that values complaints and their effective resolution | <p>Provide adequate support and direction to those responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all personnel to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage personnel to make recommendations for system improvements.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint</p> <p>Report to the AMDRAS Board on our complaint handling in accordance with the AMDRAS data.</p> |
| Personnel whose duties include complaint handling | Demonstrate exemplary complaint handling practices | <p>Treat all people with respect, including people who make complaints.</p> <p>Assist people to make a complaint, if needed.</p> <p>Comply with our policy and associated procedures.</p> <p>Provide regular feedback to management and/or the governing body on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve our complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p> |
| All personnel | Understand and comply with our complaint handling practices. | <p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of our complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access our complaints process.</p> <p>Be alert to complaints and assist personnel handling complaints resolve matters promptly.</p> |

3. Terms and Definitions

| Term | Meaning |
|--|--|
| AMDRAS (or “The AMDRAS”) | <p>The Australian Mediator and Dispute Resolution Accreditation Standards.</p> <p><i>Note. AMDRAS is a national accreditation scheme for dispute resolution practitioners and specialists. Amongst other things, it specifies minimum standards of training, assessment, and practice as expressed in these Standards.</i></p> |
| AMDRAS Board | <p>The Board of AMDRAS.</p> <p><i>Note. Formerly the board of the Mediator Standards Board Ltd. In that capacity it established the National Mediator Accreditation Standards (NMAS), now superseded by AMDRAS.</i></p> |
| AMDRAS Standards | The Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS) “Standards”. |
| Complaint | An expression of dissatisfaction made to or about us, our services, our people, Registered Practitioners accredited by us, or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. |
| Complaint handling / management system | All policies, procedures, practices, personnel, hardware and software used by us in the management of complaints. |
| Dispute | An unresolved complaint escalated either within or outside of our organisation. |
| Feedback | Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling system. |
| Policy | A statement of instruction that sets out how we should meet our obligations. |
| Procedure | A statement or instruction that sets out how our policies will be implemented and by whom. |
| Recognised Provider | A person or body who is either a Recognised Accreditation Provider (RAP) and/or a Recognised Training Provider (RTP). |
| Registered Practitioner | A practitioner accredited under AMDRAS and listed on the National Register. |
| Unreasonable Conduct by Complainant | Any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or |

| Term | Meaning |
|------|---|
| | equity issues for the people involved in the complaint process. |

4. Guiding principles

An effective complaint handling system must be modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration into organisational culture.

Overview

Step 1 Facilitate complaints

Step 2 Acknowledge & respond to complaints

Step 3 Manage and resolve complaints

Step 4 Learning, reporting and prevention

Step 1 - Facilitate complaints

1.1 People focus

We are committed to seeking and receiving feedback and complaints about:

- our services, people, systems, practices, procedures, products and complaint handling; and
- Registered Practitioners accredited by us.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process and how to access it
- listened to, treated with respect by our people and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

1.2 No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

1.3 Anonymous complaints

Complaints lodged without contact information, where it appears the complainant wants to retain anonymity, should be exempt from active involvement. We will only address the content of such complaints where sufficient information enables us to do so.

We may accept anonymous complaints if there is a compelling reason to do so, and will carry out a confidential investigation of the issues raised where there is enough information provided.

This will be in rare circumstances where principles of due process and natural justice ordinarily require transparency to those against whom a complaint has been made.

Where a complainant wishes to remain anonymous and/or asks that certain information remain confidential, prevent us from carrying out a complete and fair investigation, we will not close or progress the matter without first informing the complainant of this.

1.4 Accessibility

We will ensure that information about how and where complaints may be made to or about us is well publicised, including on our website (if available). We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish.

Anyone may represent a person wishing to make a complaint with their consent (e.g., advocate, family member, legal or community representative, member of Parliament, another organisation). In certain circumstances (e.g. mediation), this may require the person or organisation representing a complainant to agree to keep their involvement and details of the complaint and process confidential.

1.5 No charge

A complainant should not be charged a fee to complain. Costs of any investigation or dispute resolution process will not be charged to complainants without prior agreement.

Step 2- Respond to complaints

2.1 Early resolution

Where possible, complaints will be resolved at first contact with us.

2.2 Responsiveness

We will promptly acknowledge receipt of complaints, within 3 working days if possible.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- the possible necessity of employing an impartial person or organisation to assist in investigating and/or processing of the complaint;
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

2.3 Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any personnel whose conduct or service is being complained about.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

2.4 Responding flexibly

We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

2.5 Confidentiality

We will seek permission before disclosing confidential information provided by or on behalf of a complainant.

Personal and confidential information, including that which may identify individuals, will only be disclosed or used by us as required or permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

Step 3 - Manage the parties to a complaint

3.1 Complaints involving multiple agencies

Where a complaint involves multiple organisations or individuals, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy, confidentiality, safety and mandatory reporting considerations, communication and information sharing will also be organised to facilitate a timely response to the complaint.

If another organisation or person is charged with investigating and handling a complaint, this will be made clear to the person making the complaint and/or their representative.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our personnel but also the actions of our service providers.

3.2 Empowerment of staff

All personnel managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Our people are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

3.3 Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our people, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our people to do the same in accordance with this policy.

3.4 Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them (including to the AMDRAS Board under clause 83 of the AMDRAS Standards).

Step 4 – Learning, reporting and prevention

4.1 Continuous Improvement

Responding to and learning from complaints is an essential part of our commitment to quality improvement for our organisation and the professional development of the registered practitioners we support. For further information see clause 6 below.

4.2 Record Keeping and Reporting

We will maintain a record of complaints for the purpose of:

- identifying trends and opportunities to improve our people, services and complaints handling processes; and
- meeting our reporting obligations to the AMDRAS Board (including pursuant to clauses 66.2(c), 69(c)(iii) and 80 of the AMDRAS Standards).

4.3 Disciplinary Action

Any cancellation, suspension or placing of special conditions on the accreditation of a Registered Practitioner accredited by us will be reported to the AMDRAS Board pursuant to clause 69(c)(iii) of the AMDRAS Standards.

5. The four levels of complaint handling



Level 1

Subject to the nature and details of the matters raised, we may invite those with concerns regarding services delivered by a Registered Practitioner to speak with that Registered Practitioner (or their employer) in the first instance.

If this occurs, we will require written confirmation from both the person making the complaint and the Registered Practitioner that the concerns raised have been resolved to the satisfaction of the person making the complaint, or not.

Level 2

We aim to resolve complaints at the first level, the frontline. Wherever possible our people will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

We may recommend and facilitate a non-determinative dispute resolution process (e.g. mediation) at this stage.

Cost recovery or contribution from Registered Practitioners and complainants may be appropriate at this stage.

Level 3

Where this is not possible, we may decide to escalate the complaint to a more senior officer within our organisation. This third level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decisions already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Subject to the nature, details and/or progress of the complaint, we may refer the complaint and/or decisions already made for external investigation and/or review to a person or body with the necessary expertise and resources to perform such investigations and/or reviews.

Cost recovery from Registered Practitioners may be appropriate at this stage.

Level 4

Where a person making a complaint is dissatisfied with the process and/or the final outcome of our review of their complaint, they may seek an external review of our decision (including a review of the complaints-management process by the AMDRAS Board under clause 81 of the AMDRAS Standards). It is noted that the AMDRAS Board also has power under clause 80 of the AMDRAS Standards to independently audit complaints management processes by Recognised Providers.

6. Accountability and learning

6.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis by our people and where required the AMDRAS Board.

We will run regular reports on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and

- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to our senior management and to the AMDRAS Board for review, at least annually (see sections 55, 66.2, and 80 of the AMDRAS Standards).

6.2 Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

6.3 Continuous improvement

We are committed to improving the way our organisation operates, including the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by our people
- regularly review our complaint management system and complaint data, and

implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of our system.