

Appendix 5: Complaint Handling by Recognised Providers: Model Policy ¹

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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.

1. Introduction

Purpose

Section 68 of *The Australian Mediator and Dispute Resolution Accreditation System (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.

[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 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

AMDRAS (or “The AMDRAS”)

The Australian Mediator and Dispute Resolution System.

AMDRAS Board

The Board of AMDRAS.

Note: Formerly the board of the Mediator Standards Board Ltd. In that capacity it established the National Mediator Accreditation System (NMAS), now superseded by AMDRAS.

AMDRAS Standards

The Australian Mediator and Dispute Resolution System (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 authorised to provide training, accreditation and non-determinative dispute resolution services under AMDRAS. This includes Recognised Accreditation Providers and Recognised Training Providers, as defined in Part 2 of the AMDRAS Standards. They must provide the AMDRAS Board with evidence that they comply with this policy (or equivalent) on an ongoing basis: see clause 68.2 AMDRAS Standards.

Registered Practitioner

A practitioner accredited under AMDRAS and listed on the National Register of Dispute Resolution Practitioners. This includes Accredited Mediators, Advanced Mediators, Leading Mediators, and Specialist Practitioners, as defined in Part 2 of the AMDRAS Standards.

Unreasonable Conduct by Complainant

Any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

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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 should 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, which may 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 investigation 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.

Our systems and processes expanded on in clause 6 collect and act on feedback from staff about the complaints we receive.

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 68.2(c), 71(c)(iii) and 82 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 71(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 83 of the AMDRAS Standards). It is noted that the AMDRAS Board also has power under clause 82 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 56, 68, and 82 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.

MODEL PROCEDURE: Complaint handling by Recognised Providers

Introduction

When responding to complaints, personnel act in accordance with complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Personnel should also consider the AMDRAS and any relevant legislation and/or regulations when responding to complaints and feedback.

Communication

Information about our complaint process should be accessible, written in easy English and provided in a variety of formats. Our complaint management policy is accessible from:

- our website (remove if no website)
- our front counter or reception area (remove if no public office)
- in leaflets, newsletters or other relevant media generated by our organisation.

Information made publicly available about the complaints management system should include:

- where complaints can be made
- how complaints can be made
- when complaints can be made
- when acknowledgement of complaints can be expected
- what information should be provided by the complainant
- our process for handling complaints
- time periods associated with the various stages in the process
- where appropriate, possible options for redress
- the complainant's options for review, both internally and externally and
- how the complainant can obtain feedback on the status of their complaint

The five key stages in our complaint management system are set out below



1. Receive

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier/number to the complaint file.

The record of the complaint will document:

- Contact information of the person making a complaint and the date received
- Issues raised by the person making a complaint and the outcome/s they want

- Any other relevant information to properly respond to the matter, and
- Any additional support the person making a complaint requires.

The Organisation should track the progress of each complaint until its finalisation. Updates of the status of the complaint should be made available to the complainant upon request and at regular intervals, at least at the intervals following the pre-set deadlines.

Note: Organisations may wish to consider recording complaints resolved at first point of contact, the frontline. Such record keeping will arguably add to the pool of data organisations regularly analyse to identify system issues and track more accurately the complaint handling activities of staff.

2. Acknowledge

We will acknowledge receipt of each complaint promptly, and preferably within 3 working days. When appropriate we may offer an explanation or apology.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

Note: The suggested time frame may vary according to the size and capacity of your organisation.

3. Assess and investigate

3.1 Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed. When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- Impact on the individual, the general public or our organisation
- The risks involved if resolution of the complaint is delayed
- Personnel that should and should not be involved in managing the complaint, and
- Whether a resolution requires the involvement of other organisations

After the initial assessment, the person allocated should consider how to address the issues raised in the complaint. This could include working with the complainant to see if the issues can be appropriately addressed, informal inquiries or a formal investigation of the complaint.

The nature and scope of any enquiry or investigation will depend on the circumstances of each case, the issue complained about, the parties involved and the likely outcome.

3.2 Addressing the complaint

After assessing the complaint, we will consider how to manage it. We should handle all complaints in a manner intended to address the complaint appropriately as quickly as possible.

We may:

- Give the person making a complaint information or an explanation
- Gather information about the issue, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up-to-date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

4. Determine outcome and provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- What actions were taken in response to the complaint
- The outcome(s) of the complaint
- The reason/s for our decision
- The remedy or resolution/s that we have proposed or put in place, and
- Information about Any options for review that may be available to the complainant, such as an internal review, external review or appeal (including to the AMDRAS Board pursuant to clause 83 of the AMDRAS Standards).

If any adverse findings are made about a recognised practitioner or a particular staff member, we must consider whether privacy obligations impact on what information can be disclosed to the complainant.

5. Close the complaint: document and analyse data

5.1 Document

At the time of closing the complaint we will record the following We will keep records about:

- The nature and details of the complaint
- Steps taken to address the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- Any outstanding actions to be followed up, including analysing any underlying or root causes

This will assist in responding to any further reviews or appeals as well as supporting quality improvements.

5.2 Implementation of outcomes and reporting

We will ensure that outcomes are properly implemented, monitored and reported to senior management and where appropriate the AMDRAS Board.

5.3 Data Collection

We will ensure that all staff are aware of the policies for identifying, gathering, classifying, maintaining, storing, securing and disposing of complaint related records.

Information collection includes:

- The steps involved in recording the handling of each complaint and appropriately maintaining these records
- Maintaining records of the type of training and instruction that individuals involved in the complaint management system have received
- Specifying our criteria for responding to requests for records made by a complainant or their agent including what kind of information will be provided, to whom and in what format.
- Specifying how and when de-identified complaint data may be disclosed to the public or other organizations to whom the complaint refers such as the AMDRAS board in accordance with the AMDRAS.

5.4 Analysis and evaluation of complaints

We seek to identify possible systemic issues or breaches and when identified staff should report systemic issues or breaches internally and to the AMDRAS board when needed.