



AUSTRALIAN RESPIRATORY COUNCIL COMPLAINTS HANDLING POLICY ¹

1. Introduction

The Australian Respiratory Council (ARC) is committed to providing a fair and transparent complaints handling process.

The purpose of this Policy is to:

- 1.1 provide guidance for all who may be required to receive and/or address public complaints
- 1.2 promote clear, honest and open communication
- 1.3 provide a timely and effective mechanism for staff, partners and others to express their concerns or make complaints when they occur so that options for a resolution can be identified as soon as possible
- 1.4 define what complaints can be handled under this Policy
- 1.5 ensure concerns and complaints are handled impartially, justly, confidentially and with the appropriate sensitivity
- 1.6 define the responsibilities and rights of staff, partners and others in resolving concerns and complaints

2. DEFINITION

A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.

3. PRINCIPLES

3.1 Valuing feedback from the public

Feedback, including complaints helps ARC to improve its services. Responding to a complaint is also an essential part of providing a quality service.

¹ Information has been sourced from Ombudsman New South Wales Fact Sheets and Resources

3.2 Making it easy for the public to provide feedback

ARC's supporters, donors, partners and the general public have a right to know they can complain and how to go about it. The complaint can be, without any limitation, about a project, program, director, staff member, volunteer, distribution of funds raised, fundraising activity, partner or promotional activity in Australia or overseas. Complaints can be made by the person or agency involved, or by a nominated representative or advocate. If a complaint is lodged on behalf of a complainant it can only be undertaken with consent/approval from the complainant.

3.3 Resolving Complaints at the earliest opportunity

Correcting a problem early not only increases a complainant's satisfaction it makes the most effective use of limited resources.

ARC's supporters, donors, partners and the general public will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.

3.4 Treating all complaints fairly and impartially

ARC personnel have an obligation to:

- be fair and impartial
- deal with the complaint in a transparent manner
- provide the complainant with an opportunity to participate in the process
- treat a complainant in a respectful manner

If ARC personnel do not agree with the behaviour of a complainant, the focus must be on resolving the substance of the complaint. It is never acceptable for ARC personnel to take retaliatory action against a complainant in relation to the making of a complaint. ARC personnel also have rights in regards to the management of complaints. (Refer to Point 9.)

3.5 Communicating effectively with complainants

Effective communication with complainants throughout the process can minimise complaints escalating further. All complaints should be acknowledged and complainants kept informed about the progress of their matter, particularly when delays occur.

3.6 Having clear roles and responsibilities for responding to complaints

The Executive Director must provide guidance to staff and continually review progress being made in the handling of a complaint in order for the complaint process to be efficient and effective. The best results are achieved when every member of the team understands their own role and responsibilities. A staff member may receive a complaint and needs to know the extent of their authority to resolve the complaint on the spot. Other staff may be given responsibility to report on, review or analyse complaints by the Executive Director or the Board.

3.7 Having regard to confidentiality and recording

The privacy and confidentiality of all parties will be respected to the extent that is practicable and appropriate. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.

3.8 Acknowledgement of a conflict of interest

Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.

4. SCOPE

This Policy applies to all directors, staff, members, volunteers and supporters of ARC. This policy applies to complaints relating to ARC and its services, this includes, for example complaints about:

- decisions made by Directors, staff, volunteers and partners
- the conduct of Directors, staff, volunteers and partners of ARC, including the quality of service provided
- practices, policies and procedures of ARC

Complaints from employees of ARC or their representative are to be dealt with in accordance with ARC's Grievance Resolution Policy and/or Whistleblower Policy whichever is more appropriate.

5. RESPONSIBILITIES

5.1 The Executive Director is responsible for:

- a) providing leadership in demonstrating a commitment to the resolution of complaints made to ARC
- b) ensuring there is an effective, timely, impartial, and just system for

dealing with complaints

- c) making final decisions relating to complaints within the ARC, in collaboration with the Board
- d) providing independent, impartial and confidential information to complainants about the procedure for dealing with complaints including listening to the issues and helping the person clarify the facts
- e) conducting internal reviews of complaints in both process and content
- f) identifying systemic issues arising from complaints and making recommendations to the Board

5.2 ARC personnel are responsible for:

- a) exercising primary responsibility for receiving and resolving complaints and any conflict at the initial level in a timely and fair manner
- b) advising people of their right to make a complaint where appropriate
- c) providing advice and assistance to people who have a complaint

5.3 Complainants are responsible for:

- a) providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter
- b) engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns
- c) responding to ARC requests for information in a timely manner
- d) respecting those individuals involved in the complaint handling process

6. EDUCATING THE ORGANISATION ON THE COMPLAINT POLICY AND TRAINING RELEVANT PERSONNEL

ARC's complaints policy is provided to all Directors as a part of the Directors and Officers Package, to all staff and volunteers as a part of the Staff Manual and is provided to all partners and contract service providers as a part of the relevant MOU and/or contract. All directors, staff, volunteers and partners are required to formally acknowledge their understanding of and commitment to this policy during the orientation period. All directors, staff, volunteers and partners will be provided with any changes and/or updates to the policy as they occur.

7. PUBLICISING THE POLICY

The complaints policy is provided on ARC's website under Governance Documents or can be obtained by contacting ARC by phone or email.

8. WHERE AND HOW COMPLAINTS MAY BE MADE

ARC welcomes feedback whether in the form of complaints, compliments, or suggestions from individuals, groups or organisations with which we have interacted in some way. We are able to receive information orally in person or by telephone and in writing by post or email.

All complaints can be made to the Executive Director by:

Telephone: 02 9223 3144

Fax: 02 9223 3044

Email: arc@thearc.org.au

9. RIGHTS OF STAFF INVOLVED IN COMPLAINT HANDLING

ARC staff are entitled at all times to be treated with respect and courtesy when handling complaints.

Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward staff, the Executive Director may decline to further consider the complaint until the person becomes calm.

10. ARC MAY DECLINE COMPLAINTS

ARC may decline to deal with a complaint at any time where the Executive Director forms the view that:

- a) the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency
- b) the subject matter of the complaint may be more appropriately dealt with by an external agency

All complaints, including those that appear to be frivolous, vexatious, not made in good faith, misconceived, lacking in substance and lacking in currency requires that due

process takes place.²

11. REFERRAL OF COMPLAINTS

In general ARC will consult with the complainant to identify how the complainant wishes the complaint to be handled and the outcomes the complainant is seeking without reference of the matter to third parties.

Where the complaint amounts to serious misconduct (e.g. serious risk to the health and safety of staff, to a criminal offence, or where mandatory reporting is legislated), ARC has an obligation to deal with the matter under the relevant rules and to refer the matter to the Police or other agency for investigation.

12. COMPLAINTS PROCEDURE

The appendices of this document set out procedures for the management of Tier 1 (Basic), Tier 2 (Internal Review or investigation) and Tier 3 (External Review) complaints.

13. RECORDS

With regard to all complaints accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint. This allows a complaint to be reviewed efficiently. It also means that ARC has reliable data about complaints that it can use to improve services and procedures.

If the complaint is of a serious nature ie misconduct:-

- a) only authorised people who are directly involved in the complaint, or in helping to resolve it, are to have access to information about the complaint
- b) all records must be marked "Confidential"
- c) all documentation of complaints of a serious nature will be held by the Executive Director. Complaint documentation is to be kept separate from personnel files, and these should be annotated only where a person has had a penalty imposed as result of disciplinary action as an outcome under this Policy

² Ombudsman NSW Public Sector Agencies Fact Sheet – Handling Complaints

14 TIME LIMITS

The time limits set out in this Policy must be complied with where reasonably practicable. It is recognised that time delays may be experienced where communication is required from outside sources. In exceptional circumstances, where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the complainant will be kept informed of the progress.

No action or determination made under the procedures is invalidated simply because a time limit is exceeded.

A reference to days means working days, that is, days on which ARC ordinarily opens for business, unless otherwise stated.

15 DECISION-MAKING

The overriding intent of the Complaints Policy and its associated procedures is to ensure that complaints are dealt with in a fair and impartial manner and that complaints are resolved in a timely and effective way.

APPENDIX 1
AUSTRALIAN RESPIRATORY COUNCIL

COMPLAINTS POLICY

TIER 1 – COMPLAINT HANDLING AT BASIC LEVEL³

Wherever possible complaints are best resolved informally by the people involved.

If a complaint falls within the scope of this level, it should in the first instance be directed to the person responsible for the decision, policy, or procedure about which the complaint is being made, or their immediate supervisor.

Complaints at this stage may or may not be in writing.

Once a complaint is received the person handling the complaint should take action to ensure they fully understand the issue before endeavouring to resolve it directly or if they decide they are not the best person to deal with it, forward it to the most relevant person.

In all cases the complaint should be dealt with in a fair, prompt and professional manner. The complaint should be recorded and if appropriate resolved immediately. If not possible to resolve immediately the complainant should be notified of a timeframe within which a response (verbal or written) should be expected. It is appropriate to request if the complainant wishes to receive information verbally or in writing or both.

A response to a complaint in writing should normally be provided within 7 working days. If this is not possible the complainant should be notified.

The majority of complaints should be able to be resolved without progressing beyond this first tier of the process.

³ The Tier System was sourced from Department of Premier and Cabinet Complaint Handling Policy

APPENDIX 2
AUSTRALIAN RESPIRATORY COUNCIL

COMPLAINTS POLICY

TIER 2 – INTERNAL REVIEW OR INVESTIGATION

A complaint may be dealt with by way of a more formal review or investigation if it:

- a) is of a very serious nature
- b) has been referred by an ARC staff member who had been handling this at Tier 1 level or if they have suggested to the complainant that they submit the complaint for more formal review
- c) has already been dealt with at a Tier 1 level but the complainant is not satisfied with the process or outcome

In these cases it is preferred that complaints are made in writing. A complaint form is available to assist complainants. Regardless of how a complaint is made information needs to be provided/collected in relation to details of the complaint, the names of any employees who have already attempted to address the complaint and the complainant's desire outcome/remedy needs to be stated.

Tier 2 complaints including formal complaints received by ARC are to be directed/referred to the Executive Director who has a responsibility to:

- a) ensure the complaint is appropriately and promptly recorded and acknowledge receipt of the complaint
- b) review the information provided and make a decision to:
 - I. consult with and seek further information relating to the complaint from the complainant and/or other people involved
 - II. investigate the complaint directly or delegate the investigation to another appropriate person

In all cases of Tier 2 complaints the Director Officer is responsible for monitoring the progress of the internal review and ensuring the complainant receives a response/decision within 21 days or otherwise receives an explanation as to when a response will be provided.

APPENDIX 3
AUSTRALIAN RESPIRATORY COUNCIL

COMPLAINTS POLICY

TIER 3 – EXTERNAL REVIEW

External review actions may be instigated by the complainant or ARC in limited circumstances, it may be appropriate to escalate a complaint to an external agency such as ACFID⁴, FIA⁵, ACNC⁶ or NSW Ombudsman or Australian Tax Office or Office of Liquor Gaming & Racing. This escalation may be necessary at any stage of the tiered approach.

Where it is proposed to escalate a complaint outside ARC, the Executive Officer must seek approval from the President and/or Board of Directors.

A complainant also has the right to escalate his or her complaint, at any time to an external organisation.

⁴ Australian Council for International Development

⁵ Fundraising Institute of Australia

⁶ Australian Charities and Not-For-Profit Commission



AUSTRALIAN RESPIRATORY COUNCIL COMPLAINT FORM

PERSONAL INFORMATION

Title:	Mr/Mrs/Ms/Miss/Dr/other (please specify):		
First name:			
Surname:			
House/Unit No and Street:			
Suburb/Town:			
State:		Postcode:	
Area Code and Phone No:	Work:	Home:	Mobile:
Fax No:			

COMPLAINT SUMMARY

Please sign here

Date

Post form to ARC GPO Box 102, Sydney NSW 2001 or fax to 9223 3044 or email arc@thearc.org.au

Privacy Note: The information in your complaint, including your name and address, will be disclosed to relevant staff concerned during the course of investigating your complaint.

If you do not include your name and address details ARC will not be able to respond to your complaint.