



## **AUSTRALIAN RESPIRATORY COUNCIL COMPLAINTS HANDLING POLICY**

### **1. Introduction**

The Australian Respiratory Council (ARC) is committed to providing a fair and transparent complaints handling process. The ARC recognises the value of listening to and responding to feedback and complaints, as a key component of ensuring that our work and activities meet quality standards and accountability to partners and people we work with and for.

This policy defines the key principles, minimum requirements, responsibilities and approach of ARC to fulfil our mandatory and ethical commitments to accountability, and managing feedback and complaints relating to our work from partners, donors funding recipients and the people we work with. Addressing and responding to feedback and complaints is a demonstration of ARC's commitment to empowerment of the communities we work with, keeping our staff safe and operating transparently with our stakeholders, partners and donors.

Complaints can be made by individuals or organisations in relation to any aspect of ARC's work and/or the workplace. Anyone has the right to raise a complaint and have that complaint addressed in a timely manner and receive an accurate and thoughtful response.

The ARC is a signatory to the Australian Council for International Development's Code of Conduct (ACFID Code of Conduct) and is committed to recognising the importance and value of responding to concerns and complaints and ensuring that feedback and complaints handling process is fair, effective, safe, confidential and accessible to stakeholders without prejudice.

The purpose of this Policy is to:

- 1.1 provide guidance for people 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.

The ARC Complaints Handling Policy is to be read in conjunction with the following related policies/position statements:

- Code of Conduct Policy
- Conflict of Interest Policy
- Whistle Blower Policy
- Financial Wrong Doing Policy
- Fundraising Policy
- Child Protection and Safeguarding Policy
- Prevention of Sexual Exploitation and Abuse Position Statement
- Ethical Communications Position Statement.

## **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. By analysing complaints, ARC can identify where programs, service delivery and activities need to improve.

### **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 make a complaint and the processes involved to do so. The complaint can be about a project, program, director, staff member, volunteer, fundraising activity, partner or activity undertaken 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.

Upon receipt of a complaint, the ARC will acknowledge receipt of the complaint within five working days and work to resolve the complaint within 30 working days. For more serious or complex situations more time may be needed to investigate the complaint. If a complaint takes longer to resolve than the thirty days, ARC will explain the delay and keep the complainant updated.

### **3.4 Treating all complaints fairly and impartially**

ARC personnel have an obligation to:

- be fair and impartial when addressing or dealing with complaints
- deal with the complaint in a transparent and dignified manner
- provide the complainant with an opportunity to participate in the process
- treat a complainant in a respectful manner using an approach that prioritises the rights, needs and empowerment of the complainant
- ensure that confidentiality is maintained throughout the process.

It is never acceptable for ARC personnel to take retaliatory action against a complainant. ARC personnel also have rights in regards to the management of complaints. (Refer to Section 9.)

### **3.5 Communicating effectively with complainants**

Effective communication with complainants throughout the process can minimise complaints unnecessarily escalating further. All complaints should be acknowledged and complainants kept informed about the progress of their matter, particularly when delays occur. Complaints will be responded to according to urgency or how serious they are. Where an individual's safety or security is at risk, the complaint will be addressed immediately and escalated appropriately.

Where responding to, or managing a complaint that is not within the remit of the organisation the complainant will be advised and referred appropriately.

### **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. Other staff may be given responsibility by the Executive Director or the Board, to report on, review or analyse complaints.

### **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. Confidentiality relating to the complaint will be safeguarded so far as reasonably practicable. The ARC recognises that people have the right to de-identify their complaint. The ARC will use all reasonable efforts to de-identify information not required for the purpose of the disclosure.

On occasion, it may be necessary for complainant information to be used for the purposes of investigating or reporting a complaint. In this circumstance ARC will advise the complainant of the need for disclosure prior to the release and use of identifying information.

Good record keeping is essential to effectively handle and manage complaints. 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 be involved 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 Whistle Blower Policy, as appropriate.

## **5. RESPONSIBILITIES**

### **5.1 The Executive Director is responsible for:**

- providing leadership in demonstrating a commitment to the resolution of complaints made to ARC
- ensuring there is an effective, timely, impartial, and just system for dealing with complaints
- 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
- conducting internal reviews of complaints in both process and content
- identifying systemic issues arising from complaints and making recommendations to the Board to resolve the issues
- In collaboration with the Board of Directors of ARC, making final decisions relating to complaints made about the organisation.

### **5.2 ARC personnel are responsible for:**

- exercising primary responsibility for receiving and resolving complaints and any conflict at the initial level in a timely and fair manner
- advising people of their right to make a complaint where appropriate
- providing advice and referral to services for people to seek assistance for medical, social, legal matters or issues.

### **5.3 Complainants are responsible for:**

- 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. INTERNAL DISTRIBUTION OF ARC'S COMPLAINT HANDLING POLICY**

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 available on ARC's website under Governance Documents and/or can be obtained by contacting ARC by phone or email.

## **8. WHERE AND HOW COMPLAINTS MAY BE MADE**

The ARC welcomes feedback whether in the form of complaints, compliments, or suggestions from individuals, groups or organisations. Complaints can be made in person or by telephone and in writing by post or email.

All complaints can be made to the Executive Director by:

Telephone: + 61 2 9223 3166

Email: [arc@thearc.org.au](mailto: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.

## **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 laws and to refer the matter to the Police or other agency for investigation.

Complaints made about another organisation and/or their personnel will be referred to that organisation. It is then the responsibility of that organisation to resolve the complaint following their own complaints handling processes.

Where the complaint is about the Executive Director or Board of Directors the complaint is to be referred to the President of ARC.

## **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.

Where complaints of a serious nature relating to misconduct are made ARC will undertake and follow the stated investigation process, maintain a record of the complaint and report the outcome of the investigation to the Board of Directors.

In complaints 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.

### **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 and expected timelines.

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.

The outcomes of the review of the complaint will be provided to the person making the complaint and the respondent of the complaint. Other personnel will be informed of the outcome of the complaint on a need to know basis depending on the nature of the complaint. The President and Executive Director will make the decision about the remedial actions, recommendations and advice to be provided to Directors and other agencies or personnel.

Policy endorsed: June 2022

For review annually.

## **APPENDIX 1**

### **AUSTRALIAN RESPIRATORY COUNCIL**

## **COMPLAINTS POLICY**

### **TIER 1 – COMPLAINT HANDLING AT BASIC LEVEL<sup>1</sup>**

Wherever possible complaints are best resolved informally by the people involved. In the first instance, a complainant can be directed to the person responsible for the decision, policy, procedure or activity about which the complaint is being made. Obtaining further information about a matter may resolve an initial complaint when the matter can be discussed and/or information to clarify a situation can be provided.

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. Employees are to advise the Executive Director of any complaint received about the work of the organisation or any employee or personnel associated with the organisation.

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 it is 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.

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<sup>1</sup> 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 Executive Director 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 Australian Council for International Development, the Fundraising Institute of Australia, the Australian Charities and Not-For-Profit Commission, the Australian Tax Office or any other Regulatory agency. This escalation may be necessary at any stage of the tiered approach.

Where it is proposed to escalate a complaint outside ARC, the Executive Director 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.

In the circumstance where ARC does not resolve the complaint to the individual's satisfaction, escalation is available to one of the following national industry bodies:

- As ARC is a signatory organisation under the ACFID Code of Conduct. Unresolved complaints against ARC can be made to the ACFID Code of Conduct Committee. Contact details are available on ARC's website (<https://www.thearc.org.au/contact/>) or ACFID's website <https://acfid.asn.au/content/Complaints>
- If the unresolved complaint relates to fundraising activities, the complaint can be escalated to The Fundraising Institute of Australia. Contact details are available on the FIA website <https://fia.org.au/fiacode/Complaints/>.



## 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:	Phone:	Mobile:
Email:		

### COMPLAINT SUMMARY

\_\_\_\_\_  
Please sign here

\_\_\_\_\_  
Date

Post form to ARC, PO Box 942 Broadway NSW 2007 or email [arc@thearc.org.au](mailto:arc@thearc.org.au)

**Privacy Note:** The information in your complaint, and your identifying details will only be disclosed to relevant people concerned with investigating and resolving your complaint. We aim to maintain confidentiality in the investigation and resolving of complaints.

**We require that people making complaints provide their name, address, email and phone number to enable the organisation to obtain further information about the complaint.**