

## COMPLAINT AND DISPUTE MANAGEMENT POLICY

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Responsible persons	Board, Executive Officer and all MYAN NSW people

### 1. VISION

MYAN NSW welcomes constructive feedback and will endeavour to review it carefully and act upon any matters arising from it. Further, it is committed to minimising the occurrence of complaints and disputes and to ensuring that when they occur, they are managed in a fair, effective, responsive and efficient way.

### 2. RESPONSIBILITY

The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

WHO	COMMITMENT	HOW
Board and EO	Promote a culture that values complaints and their effective resolution	Provide adequate support and direction to those responsible for handling complaints Regularly review reports about complaint trends and issues arising from complaints Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly Encourage staff to make recommendations for system improvements Support recommendations for improvements arising from the analysis of complaint data
People responsible for complaint handling (might	Demonstrate exemplary complaint handling	Treat all people with respect, including people who make complaints Assist people to make a complaint, if needed Comply with our policy and associated procedures

include Chair, EO or the Chair's delegate)	practices	Provide regular feedback to management and/or the governing body on issues arising from complaints Provide suggestions to management on ways to improve our complaints management system Implement changes arising from individual complaints and from the analysis of complaint data as directed by management
All Board Members, staff and volunteers	Understand and comply with our complaint handling practices	Treat all people with respect, including people who make complaints Be aware of our complaint handling policies and procedures Assist people who wish to make complaints access our complaints process Be alert to complaints and assist staff handling complaints resolve matters promptly

The responsibilities outlined in the above table complement those reflected in MYAN NSW's Codes of Conduct for Board Members, staff and volunteers.

### 3. DEFINITIONS<sup>1</sup>

**Complaint:** An expression of dissatisfaction made to or about MYAN NSW, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. The complaint might be made directly or indirectly (for example on social media).

**Grievance:** a clear, formal written statement by an individual staff member about another staff member or a work-related problem.

**Dispute:** an unresolved complaint or serious disagreement either within or outside MYAN NSW.

**Feedback:** opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about MYAN NSW, about its services or complaint handling system where a response is not explicitly or implicitly expected or legally required.

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<sup>1</sup> Informed by AS/NZ 10002:2014: *Customer satisfaction—Guidelines for complaints handling in organisations*; Joint Standards Australia/Standards New Zealand Committee.

#### **4. COMPLAINTS HANDLING**

When concerns are raised about anything that MYAN NSW does or about any of its people, either from within or without, a three step process will be followed:



A detailed explanation of what each step entails is contained in **Appendix 1**.

#### **5. RESPONDING TO GRIEVANCES**

Where a member of staff has lodged a written complaint about another member of staff or about any directions they have been given, the matter should be directed to the Chair of the Board. The Chair will deal with the matter personally or delegate to another Board Member. If the grievance is against the Chair, the matter should be directed to the Deputy Chair or another Office Bearer. The emphasis should be on finding an outcome satisfactory to all parties. Where this is not possible, it should be treated as a dispute (see below).

The following principles will guide the way in which MYAN NSW responds to grievances:

- Grievances should be treated seriously, expeditiously, sensitively and as close as possible to their source, having due regard to procedural fairness, confidentiality and potential for victimisation.
- Concerns should be raised as early as possible after the incident about which the complaint being made has occurred.
- Complainants should not instigate grievances that are frivolous or malicious.
- All parties are required to participate in the grievance resolution process in good faith.
- Grievances and information arising from the handling of any grievance must be treated confidentially.

The principles of natural justice will be observed throughout. This means that before a decision is taken about any staff member, the person has the right to be informed about the nature and content of the grievance, to be heard by an unbiased decision maker and to have a witness present.

#### **6. DISPUTE RESOLUTION**

Where it is not possible to find a satisfactory resolution to a complaint or grievance, or in cases where there is a significant and (potentially) disruptive disagreement between MYAN NSW people, the following should guide actions.

The parties to the dispute must notify the Chair and meet to discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

If the parties are unable to resolve the dispute at such a meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

The mediator must be:

- a person chosen by agreement between the parties; or
- in the absence of agreement, a person appointed by the Board.

The mediator:

- may be a Board Member or former Member;
- may be an external party with mediation expertise;
- must not be biased, or reasonably be perceived to be biased; and
- must not have a personal interest in the dispute.

The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

The mediator, in conducting the mediation, must:

- give the parties to the mediation process every opportunity to be heard; and
- allow due consideration by all parties of any written statement submitted by any party; and
- ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

The mediator must not determine the dispute.

The mediation must be confidential and without prejudice.

If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute otherwise through an appeal to the Board or at law.

## **7. ACCOUNTABILITY AND LEARNING**

### *Monitoring Responses to Complaints*

MYAN NSW will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis by management and the Board.

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

Both reports and their analysis will be provided to the Board for review at least annually.

### *Monitoring the Complaints Handling Process*

MYAN NSW is committed to improving the effectiveness and efficiency of its complaint handling process and will therefore:

- implement best practices in complaint handling;
- recognise and reward exemplary complaint handling by staff;
- regularly review the complaint management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

*Recording Feedback*

Feedback received by MYAN NSW is also a valuable source of information about the organisation and its services.

Feedback will be compiled by the Executive Officer and made available to the Board on request.

## **APPENDIX 1:**

### **COMPLAINTS HANDLING PROCEDURE**

This Appendix outlines the three stage process for handling complaints.

#### **STEP 1: Facilitate Complaints**

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

Anyone who indicates that they wish to make a complaint will be:

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

MYAN NSW 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.

MYAN NSW will 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.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, MYAN NSW 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 or another organisation).

#### **STEP2: Acknowledge and Respond to Complaints**

Wherever possible, complaints will be resolved as quickly as possible and at the point of first contact through the provision of an explanation and/or apology if this is warranted. If the complainant is satisfied with this, no further action need be taken. If it is not possible to resolve the complaint at this point, the following will be undertaken.

Details of the complaint will be recorded in a format consistent with PART 1 of the Complaints Record Form (**Appendix 2**).

At this time, an assessment will be made about the urgency and/or seriousness of the issues raised. If a matter:

- concerns an immediate risk to safety or security the response it should be dealt with immediately and the Executive Officer informed without delay;
- is deemed serious, or if it concerns the Executive Officer, the Chair of the Board (or the Vice Chair if the Chair is not available or closely involved) should be notified immediately. This person will decide on how the complaint is to be managed.

For other complaints, the complaint should be drawn to the attention of the Executive Officer who will determine how the complaint should be managed and by whom.

Further, in order to manage expectations, the complainant will be promptly advised about:

- receipt of the complaint;
- the steps that will be taken to investigate the complaint;
- the expected time frame;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

MYAN NSW will advise people promptly when it is not possible to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (e.g. the Ombudsman or the relevant funding body).

*Assessing Complaints:*

MYAN NSW will:

- ensure an appropriate person is delegated to investigate and resolve the complaint;
- address each complaint with integrity and in an equitable, objective and unbiased manner;
- ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about;
- manage responsibly any actual or perceived conflicts of interest.

Each complaint will be assessed on its merits and the complainant and/or their representative will be included in the process as far as possible.

Further, MYAN NSW will endeavour to resolve complaints promptly and with as little formality as possible. A flexible approach will be adopted to enhance accessibility for people making complaints and/or their representatives.

*Confidentiality*

MYAN NSW will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

**STEP 3: Resolve the Complaint and Analyse Data**

Details of steps taken to resolve the complaint and the findings from the investigation are to be recorded in a format consistent with the form included as **Appendix 2 (PART B)**.

Once the complaint has been investigated, the complainant will be advised about the findings. This will include information about the assessed merits of the complaint and details of any remedial action that will be taken. Where relevant, this will also include an apology from the person against whom the complaint was made and/or the Executive Officer and/or the Chair of the Board.

The complainant will then be offered the opportunity to respond to any issues raised in the report of the investigation.

If the matter is resolved to the satisfaction of the complainant, no further action involving the complainant should be required. If the complainant is not satisfied, the matter should be dealt with as a dispute (see **Section 6** of this Policy).

In all cases, consideration should be given by the investigator to ways to prevent the problem/issue from occurring again. This should be recorded in PART B the Complaints Form (**Appendix 2**) and relevant action taken under the supervision of the Executive Officer.

**APPENDIX 2:****COMPLAINTS RECORDING FORMAT****PART A: RECORD**

Name of Person Making Complaint:

Relationship with MYAN NSW:

Contact Details:

Name of Person Recording Complaint:

Date Complaint Made:

**DETAILS OF COMPLAINT**

*Attach any relevant correspondence.*

**LEVEL OR URGENCY/SERIOUSNESS:**    High    Medium    Low

**PART B: FOLLOW UP**

Name of Person Investigating Complaint

Role of Person Investigating Complaint

**DETAILS OF HOW INVESTIGATION UNDERTAKEN**

**INVESTIGATION FINDINGS****COMMUNICATION WITH COMPLAINANT****OUTCOMES****ACTIONS TO PREVENT RECURRENCE:**

Action	By Whom	By When

**ACTIONS COMPLETED**

Signed (Executive Officer):

Date: