

## **Complaints Handling Process**

### **Policy No. 3**

#### **Introduction**

This Policy offers a mechanism to address concerns relating to Fairholme Disability Support Group's [the Group] and its members' conduct. Every effort shall be made to ensure that natural justice is safeguarded by allowing the Group against whom the complaint is made to respond to the complaint and to the findings of an investigation.

Outlined section is the procedure for having an issue addressed by the Group.

#### **Notes on the Complaints Handling Process**

- The Member making the complaint shall be referred to as the 'Complainant'.
- 'Fairholme Disability Support Group Inc' shall be referred to as 'the Group'.
- The 'Chair' shall mean the appointed Chair of the Group.
- The Management Committee shall handle all complaints received through this process.
- Anonymous complaints shall not be investigated.
- At any time during the Complaint Process, the Chair may appoint, as required, people with the necessary skill or expertise to provide assistance.
- The Management Committee shall appoint an Investigator [or Team] based upon skills, knowledge and competencies to efficiently and effectively handle the appeal.
- To protect the reputation of the Member of an alleged complaint all matters shall be treated as strictly confidential unless and until the complaint has been determined to be a notifiable breach by the Management Committee and the appeal process has been exhausted.

The investigation of the complaint shall take account of the following key principles from the Privacy Act:

- Information shall only be collected in so far as it is necessary and lawful;
  - Information shall only be used for the purposes for which it is collected unless consent is obtained from the person under investigation; and
  - Information shall only be disclosed with the agreement of the person under investigation or where necessary to enforce the provisions of the Constitution.
- The investigation of a complaint under the Constitution is not a process involving Australian Law. The complainant, and the Group or member against who the complaint is made, is not entitled to legal representation in the complaint handling process.

The Management Committee shall not investigate any complaint relating to alleged breaches of Australian law, such as laws pertaining to the provisions of legislation relating to Incorporated Associations, as there are other more appropriate mechanisms available to deal with such issues. The Complainant shall be advised to consider taking the matter to a more appropriate Government Agency.

- The Management Committee shall make every effort to ensure that the complaint received is responded to and investigated as promptly as possible. It is acknowledge that some complaints may require more time than others to be investigated. The Management Committee shall initiate action within 28 days from the date the complaint is received.
- Communication between the Management Committee and the complainant shall only take place through the Management Committee. The Investigator shall not directly contact the complainant.
- The Management Committee reserves the right to refer for consideration any issue raised through this process that it believes needs clarification and advice on process. Should the Management Committee decide to refer an issue no person shall be identified.
- • In accordance with the Group’s Code of Conduct Members of the Management Committee are advised on taking office that they are required to immediately inform of any potential conflict of interest that may arise including the receiving of a complaint and act accordingly.

### **How to Make a Complaint**

Any complaint against the Group [this includes any member] under the Group’s Constitution shall:

- Be in writing;
- Include all available evidence;
- Include the name and contact details of the complainant; and
- Specify which section of the Constitution is alleged to be in breach.

The Complainant shall be contacted and asked to provide any information not submitted.

Any complaint received that does not meet the above criteria shall not be investigated.

### **Complaints should be:**

- **marked “confidential”;**
- **and addressed to:**  
**Secretary**  
**Fairholme Disability Support Group Inc**

## **Complaints Handling Operating Procedures**

The following guidelines are issued to assist in ensuring that all actions that are initiated are undertaken taking into consideration the principles of fairness, equity and good conscience.

### **1. Complaint Received**

The complaint shall:

- Be in writing;
- Include the name and contact details of the Complainant;
- Specify which section of the Constitution is alleged to be in breach; and
- Include all available evidence and relevant material.

The Complainant shall be contacted and asked to provide any information not submitted. Any complaint received that does not meet the above criteria shall not be investigated.

### **2. Preliminary Response**

Receipt letter shall be sent to the Complainant.

### **3. Chair to Conduct Initial Review of the Complaint**

The Chair shall in consultation with, as a minimum, one member of the Management Committee conduct an initial review of the complaint and makes a decision on whether:

- To dismiss the complaint;
  - decision to be sent to the Management Committee for ratification.
- To refer the Complainant to a more appropriate body;
  - decision to be sent to the Management Committee for ratification.
- The complaint is valid;
  - Management Committee appoints an Investigator [or Team] to review the complaint further

### **4. Investigator's Review of Complaint**

- 4.1 The Management Committee shall appoint an Investigator. If deemed necessary an investigation team may be appointed. All members of the investigation team shall have expertise related to the nature of the complaint.
- 4.2 The Group and/or member shall be informed in writing of the complaint and invited to respond in writing.
- 4.3 The Complainant shall be informed in writing of the decision to investigate further and any expected timeframes. The Complainant shall be notified in writing of any changes to expected timeframes.
- 4.4 The Investigator (or Team) shall review the complaint and any response submitted by the Group and/or member, prepares a draft report and makes a recommendation on whether to:
  - Dismiss the complaint;
  - Refer the Complainant to a more appropriate body; and
  - Find the Group and/or member in breach of the Constitution.
- 4.5 A copy of the draft report (without recommendations) shall be given to the Group and/or member for the opportunity to correct any matters of fact.

4.6 The Investigator reviews any response to the draft report made by the Group and/or member and prepares a final report (with recommendations) for the Management Committee.

4.7 The final report of the Investigator and the initial response of the Group and/or member to the draft are submitted to the Management Committee for a final determination

## **5. Determination by Management Committee**

5.1 The Management Committee considers the, complaint received, the report of the Investigator and any other complaint related information considered relevant. A determination is made (by simple majority of those present and eligible to vote) as to whether there is:

- No breach - complaint dismissed—goes to step 7
- Breach identified - go to step 5.2

Note: The Investigator of the complaint shall not participate in the Management Committee decision.

5.2 Where a breach is identified the Management Committee shall decide on action in response to the Constitution breach. The Management Committee's decision is final.

Actions could include (but are not limited to) one or more of the following:

- Resolution sought through a conciliation process;
- Information to significant others;
- Action targeted at addressing the particular complaint issue; and
- Other action as determined.

Within thirty days of the decision by the Management Committee that the Group and/or member is in breach of the Constitution, the following minimum action shall be undertaken:

A letter will be sent to Group members outlining the Management Committee's decision and any required action;

- The Complainant notified; and
- Government Agency responsible for Associations Incorporation notified.

## **6. Complaint Closed**

The Complainant, Group and/or member shall be informed of final determination in writing (receipt will be confirmed by mail, phone or e-mail).

## **7. Appeal Process**

The Complainant or the Group and/or member may submit an appeal.

The determination by the Investigator shall be final.

7.1 Appeals against a determination of the Management Committee shall be:

- In writing;
- Received within 30 days of the determination by the Management Committee; and
- Include the grounds on which the appeal is made.

An appeal shall only be made on the grounds of a significant breach of procedure provided it can be demonstrated that such a breach may have affected the outcome of the complaint.

Appeals against the outcome shall not be investigated.

7.2 The Investigator considers the appeal and prepares a draft report.

7.3 The draft report is given to the Chair for the opportunity to correct any matters of fact.

7.4 The Investigator considers any response to the draft report made by the Chair and makes a determination to:

- Dismiss the appeal.
  - Appeal and complaint closed
- Uphold the appeal

The Investigator shall determine whether the error in process had an impact on the outcome of the investigation or not:

- If yes, the Investigator may authorise the re-opening of the complaint.
- If not, the Investigator may close the appeal and recommend further action, which could include (but is not limited to) a change in the process.

7.5 The Group and/or member, Complainant and Management Committee shall be informed of the determination of the Investigator in writing.

## **APPEAL CLOSED**