

## QUAL05 - Complaints & Appeals Policy & Procedures

### POLICY

Any person may make a complaint or appeal a decision regarding any aspect of our services, programs, procedures or policy and BGT will attempt to resolve the complaint as quickly and fairly as possible.

### SCOPE

This policy applies to everyone who works at BGT (Board Members, managers, employees contractors, volunteers, host employers and program participants).

### DEFINITIONS

|                                      |   |
|--------------------------------------|---|
| <b>Complaint</b>                     | A statement that something is unsatisfactory or unacceptable.   |
| <b>Appeal</b>                        | A process that is used to dispute the outcome of a formal decision.   |
| <b>Open Disclosure</b>               | The process of open communication with a complainant to respond effectively to their concerns               |
| <b>Procedural Fairness</b>           | The reasonable expectation by a person to be treated fairly when concerns are dealt with under this policy. |
| <b>Complaints Resolution Officer</b> | A person designated to handle complaints and appeals  |

### PRINCIPLES

BGT will provide services that are fair and reasonable and provide an avenue for resolving disputes.

Early feedback on issues of concern is encouraged so we can continuously improve our services.

We encourage any clients that have a complaint to raise it with us in the first instance.

Parties to a dispute must genuinely attempt to resolve the issue. Discussions will be solution focused rather than attempting to assign fault to a party. All parties involved are expected to maintain reasonable confidentiality with respect to the issue.

Formal complaints and appeals will be dealt with in a timely, confidential and sensitive manner using a transparent and participative process.

Where a complaint/appeal cannot be resolved through discussion and conciliation, BGT will seek assistance from an external and independent agent to mediate between the parties.

All parties will be kept informed of actions and outcomes at each stage of the process.

Complainants will be treated with respect and shall not be subject of any reprisal as a result of the findings.

## **RESPONSIBILITY**

It is the responsibility of each member of staff to comply with the requirements of this policy and associated procedures at all times.

It is the responsibility of Management to ensure that staff are aware of and abide by this policy and to monitor employee compliance at all times.

At BGT the CEO is appointed as the Complaints Resolution Officer.

Failure to comply with this policy may result in disciplinary action, including dismissal, or prosecution, if in breach of any section of the relevant Acts.

## **PROCEDURES**

### **Registering a Compliant/Appeal**

All complaints/appeals should be made in writing by the complainant at the earliest possible opportunity (no more than five working days of the incident date).

Complaints should be addressed to the Complaints Resolution Officer at the following address:

CEO

25-39 Barkly Street, Ballarat

Phone: 03 5333 8600

Email: [admin@bgt.org.au](mailto:admin@bgt.org.au)

The Board will be notified of the complaint at the next Board meeting or if deemed appropriate due to its nature, the CEO should notify the Board Chair immediately.

The Complaint Resolution Officer may delegate responsibility for investigation and resolution of the complaint as required.

Issues involving the Chief Executive Officer should be forwarded to the Board Chair.

Issues involving a Board Member should be forwarded to the Board Chair.

Issues involving the Board Chair should be in the first instance forwarded to the Chief Executive Officer and then onto the Board Executive in the absence of the Board Chair.

## **Investigating Complaints**

All complaints will be investigated using a transparent and participative process.

Support through the Employee Assistance Program can be provided to the complainant if required by request to the Complaint Resolution Officer.

Complaints will be acknowledged within 24 hours of the initial complaint.

The Complaint Resolution Officer or delegated representative will review all evidence and make a decision.

The decision must be endorsed by the CEO.

The decision will be provided as soon as possible but within 30 working days of the initial complaint unless there is a clear reason for extending this timescale

When a decision has been made, the complainant will be notified in writing of the findings of the investigation and the reasons why a particular resolution was reached.

## **Right of Appeal**

The complainant has the right of appeal if not satisfied with the decision within 5 days of the decision.

The appeal will be heard by an independent party if necessary or if unable to be resolved by BGT Management and Staff.

The complainant will be advised in writing of the outcome of their appeal within 10 working days of the receipt of an appeal.

## **Independent Complaint Handling**

We encourage any clients that have a complaint to raise it with us in the first instance. However, BGT understands that at times individuals may wish to take a complaint or appeal to an independent body. This can be done by contacting the appropriate service below.

### **Victorian Ombudsman**

The Ombudsman can enquire into and investigate complaints made regarding the actions of a registered community service. This can include such services as residential care units, home-based care, family support and specialist services.

Phone: 03 9613 6222

Website: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

### **Disability Services Commissioner**

The Disability Services Commissioner can respond to complaints about Victorian disability services including disability services provided by the Department of Human Services.

For enquiries or complaints:

Phone: 1800 677 342 (Free call from land lines)

Website: [www.odsc.vic.gov.au](http://www.odsc.vic.gov.au)

### **Privacy Commissioner**

Members of the public may make a complaint to the Privacy Commissioner if they believe that a Victorian Government agency, a local council or an agency providing services for the State has breached their privacy.

Phone: 1300 666 444

Website: [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)

### **Commission for Children and Young People**

This service provides support for young people and children in out-of-home care. They can refer complaints to the department of health and human services.

Phone: 1300 782 978

Website: [www.kids.vic.gov.au](http://www.kids.vic.gov.au)

### **Department of Health & Human Services**

Phone: 1300 650 172

Website: [www.dhs.gov.au](http://www.dhs.gov.au)

### **Victoria Registration & Quality Authority**

VRQA encourages students and parents to make complaints directly to BGT. Further complaints can be passed on to the VRQA.

VRQA can look into complaints or issues that students or parents may have with any of our RTO services that BGT provides. This can be done by accessing their complaints policy and procedure on their website and filling in an online complaints form.

Website: [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

### **Consumer Affairs Victoria**

Consumer Affairs can help with any issues regarding refunds, fees or charges.

Helpline: 1300 558 181

Website: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

### **Fair Work Ombudsman**

Fair Work Ombudsman can provide advice on staff entitlements and other workplace issues.

Phone: 13 13 94

Website: [www.fairwork.gov.au](http://www.fairwork.gov.au)

## **Documenting Complaints/Appeals**

All complaints & appeals and their outcomes will be recorded in the in the Complaints and Grievances Register.

Complaints/Appeals will be discussed at monthly Management meetings for continuous improvement purposes.

Where opportunities for improvement exist, strategies will be implemented and recorded in the BGT Continuous Improvement Register.

#### **RELEVANT LEGISLATION**

- Charter of Human Rights and Responsibilities Act 2016 (State)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Act 2006
- Mental Health Act 2014
- Disability Act 2006
- Privacy Act 1988 (Cth)

#### **ASSOCIATED DOCUMENTS**

- Feedback Form
- QUAL04 Feedback Policy
- RTO Complaints Policy

#### **DOCUMENT HISTORY**

| <b>Revision date</b> | <b>Department</b> | <b>Description of change</b>                      |
|----------------------|-------------------|---|
| 31 May 2019          | Business Services | Review of policy in line with exemplar documents. |

Adapted in part from the Ballarat Health Services policy - *Workplace Issue Resolution Policy*.

## Attachment: Complaint Process Flowchart

