

COMPLAINT PROCESS

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PURPOSE

The purpose of this document is to give clear direction as to the responsibility and manner in which each employee and contractor is to conduct themselves if a complaint arises.

For the purpose of this document the term 'stakeholders' encompasses internal and external clients including but not limited to Apprentice/Trainee, employees, contractors, industry representatives.

POLICY

It is the policy of MT that all stakeholders will be treated in a fair and equitable manner at all times.

It is the policy of MT that all stakeholders will receive quality service at all times.

MT provides a process for advocacy, internal complaints and external independent mediation to resolve disputes and concerns.

A stakeholder and/or MT may nominate;

- an advocate to accompany, represent and support them

or

- an external independent mediation process

at any stage of the complaints process.

MT commits to a complaints process with the following guiding principles:

1. **Completely Confidential**

Only the parties directly involved in lodging or investigating or mediating a complaint will have access to information about the complaint.

Discussion of the matter by parties to the complaint with other MT stakeholders, or other parties either internal or external, apart from the investigative discussion, is not permitted and will breach Privacy Principles. Such discussion may also hamper the effectiveness of the process.

2. **Impartial**

All parties will be provided with equal opportunity for discussion and response. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.

MT reserves the right to seek expert advice as to the appropriate action to be taken in regards to the outcome of an investigation.

Stakeholders may have an advocate present throughout the process.

3. Free from Repercussions

No action will be taken against any individual or entity for lodging a bona fide complaint or assisting someone to lodge or manage a bona fide complaint.

MT will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a bona fide complaint.

MT reserves the right to take appropriate action against an individual or entity that lodges a Frivolous or Malicious complaint, or knowingly lodges a false complaint.

4. Timely & Transparent

All complaints will be dealt with as quickly and transparently as possible.

SCOPE

The scope of this policy encompasses all areas of operations and all stakeholders in regards to:

- Employment;
- Access Equity & Fairness;
- Privacy;
- Policy and procedure;
- Service provision;
- All regulatory and legislative compliance;

The scope of this policy does not incorporate review of decisions. Please refer to Appeal Process.

DEFINITION

Advocate	- Individual who accompanies a complainant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation.
Apprentices	- Individuals undertaking a course of learning with MT
Complaint	- A complaint arises when a stakeholder is not satisfied with an aspect of MT's services, behaviours or activities and requests action be taken to resolve the matter.
Complaint Event	- Actual instance of incident or thing that occurred for which the complaint is being lodged.
Complainant	- Person or entity that lodges a complaint.

Contractor	- Individual or entity engaged by MT under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor, OHS Specialist, Field Officer.
MT Representative	- For the purposes of the Complaint Process this will normally be the Operations Manager or their delegate.
Employee	- Person employed by MT on a full or part time or casual basis. Includes apprentice/trainees. Does not include Contractors.
Frivolous Complaint	- Fictitious complaint or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).
Legal Representation	- A lawyer or similar who is engaged by the complainant or MT to represent them in a formal and legal process which may be initiated if the complaint process including external mediation fails.
Malicious Complaint	- Fictitious complaint or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).
Mediation Event	- Meeting, intervention or other event specifically designed and arranged with the goal of a satisfactory outcome.
Non Employee Stakeholder	- Individual or Entity who is not legally employed by MT e.g. Host Employer, Contractor.
Parties to the Complaint	- All individuals and/or entities who are directly involved in lodging or investigating or mediating a complaint.
Stakeholder	- General term inclusive of any individual or entity with whom MT has a relationship including but not limited to employees, apprentice/trainees, contractors and host employers.
Trainee	- As per Apprentice.
Zero Tolerance	- MT will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. MT will take action against any individual or group of individuals proven to have breached these principles and to the extent of termination of employment or contract or removal of apprentice/trainees from hosting.

PROCEDURE***Non Employee Stakeholders***

A complaint by non employee stakeholders in relation to MT services requires the following the steps to be undertaken.

If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.

MT will provide assistance throughout the process.

The process will be:

1. Within 10 working days of the complaint event advise MT verbally, by telephone, facsimile, email or by letter. Verbal advice (face to face or via telephone) will also need to be confirmed by lodgement in writing as well within the same 10 working day time period;
2. The Complainant will be allocated an MT representative (liaison).
3. In conjunction with MT representative complete the Complaint/Appeal Report Form;
4. Then dependent upon the severity of the complaint:
 - 4.1. In the first instance attempt to discuss and negotiate resolution with the person(s) concerned.
 - 4.2. If the outcome of the initial discussion is not satisfactory the stakeholder should immediately advise the MT representative and;
 - 4.2.1. Request mediation/intervention by the MT representative;
 - 4.2.2. The MT representative will:
 - arrange a mediation event within 5 working days of receiving the request from the complainant;
 - document the complaint in the Complaint/Appeal Register;
 - and manage the Complaint/Appeal Report Form which will be updated and co-signed throughout the process. This will include setting of timeframes and provision of copies of all documents and agreements to all parties throughout the process;
5. If resolution is not reached the complaint should be referred to the CEO within 5 days of the last mediation event for further action/determination;

6. The CEO will review the process undertaken prior to their intervention and:
 - 6.1. Call a further mediation event
or
 - 6.2. Where the issue relates to an internal policy or procedure which does not breach legislative, moral or ethical obligations make a decision based on the information at hand. The CEO's decision in this case will be final and binding.
or
 - 6.3. Where the issue relates to an issue that may be breach in regulatory or legislative compliance an external facilitator specialising in the relevant legislation and agreeable to all parties will be engaged.
or
 - 6.4. an external mediator agreeable to all parties should be engaged. MT utilises the services of

South Australian Dispute Resolution Association
Phone: 0404 766 990
Email: info@sadra.or.au
GPO Box 540, Adelaide 5001
7. Should the outcome of MT's process not be satisfactory to the complainant may contact:
 - DFEST Quality Branch (08) 8226 3065
 - Traineeship & Apprenticeship Services 1800 673 097 or Email dfest.tas@sa.gov.au
 - Office of Consumer & Business Affairs (08) 8204 9777
 - Safe Work SA 1300 365 255
 - Or other relevant regulatory body.
8. If all MT avenues of process are not successful the MT Representative should advise in writing;
 - 8.1. the complainant of their right to seek legal intervention;
 - 8.2. the CEO of the complainant's intention to seek legal action.
9. All issue, negotiation, outcome details and signed agreement(s) by all parties:
 - are recorded in writing;
 - a copy is provided to the complainant and all parties within seven (7) days of completion of each event;
 - a copy is filed in line with Privacy Principles.

Employees

In the event that an employee has a complaint the following process should be undertaken.

If the complainant finds, for whatever reason, that they are unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

1. Within 10 working days of the complaint event advise MT verbally, by telephone, facsimile, email or by letter. Verbal advice (face to face or via telephone) will also need to be confirmed by lodgement in writing as well within the same 10 working day time period;
2. The employee will be allocated an MT representative (liaison).
3. In the first instance, if the complaint relates to an interpersonal or behavioural issue, the complainant should attempt to discuss and negotiate a solution with the person concerned;
4. If a solution cannot be reached or the complainant is unable to discuss the situation with the alleged perpetrator the complainant should complete the Complaint/Appeal Report Form and report to their MT Representative immediately;
5. MT Representative will document the complaint in the Complaint/Appeal Register and manage the Complaint/Appeal Report Form which will be updated, co-signed and copies provided to all parties throughout the process;
6. MT Representative will arrange mediation/intervention event(s) inclusive all parties concerned;
7. If resolution is not reached within a reasonable period of time the complaint should be referred to the CEO within 5 days of the last mediation event.
8. CEO will within 5 days of receiving the details of the complaint:
 - 8.1. Call a further mediation event;
or
 - 8.2. Where the issue relates to an internal policy or procedure which does not breach legislative, moral or ethical obligations make a decision based on the information at hand. The CEO's decision in this case will be final and binding;
or
 - 8.3. Where the issue relates to an issue that may be breach in regulatory or legislative compliance an external facilitator specialising in the relevant legislation and agreeable to all parties will be engaged;
or
 - 8.4. an external mediator agreeable to all parties should be engaged. MT utilises the services of
South Australian Dispute Resolution Association
Phone: 0404 766 990

Email: info@sadra.or.au
GPO Box 540, Adelaide 5001

9. Should the outcome of MT's process not be satisfactory to the complainant may contact:
 - DFEST Quality Branch (08) 8226 3065
 - Traineeship & Apprenticeship Services 1800 673 097 or Email dfest.tas@sa.gov.au
 - Workplace Ombudsman – 1300 724 200
 - Union Representative
 - Other legislative authority as may be available related to the specific issue.
10. If all MT avenues of process are not successful the MT Representative should advise in writing;
 - 10.1. the complainant of their right to seek legal intervention;
 - 10.2. the CEO of the complainant's intention to seek legal action.
11. All issue, negotiation, outcome details and agreement(s) signed by all parties:
 - are recorded in writing;
 - a copy is provided to the complainant and all parties within seven (7) days of completion of each event;
 - a copy is filed in line with Privacy Principles.

HANDLING A COMPLAINT

On receiving a complaint, the person who received the complaint must determine if they are the appropriate person to resolve the matter. Where they consider it would be inappropriate for them to handle the matter, or if the matter is outside the scope of their responsibility, they will discuss this with the complainant within 24 hours of receiving the complaint. The person receiving the complaint is responsible for assisting the complainant to a more appropriate person. This may require escalation to the next level of responsibility.

Where the person receiving the complaint believes that they are the appropriate person to deal with the matter, they should arrange to discuss the complaint with the complainant at a time convenient to both parties, but as soon as practical after the matter is first raised. Action to resolve the complaint should commence as soon as possible.

IMPORTANT STEPS FOR INVESTIGATION & RESOLUTION

Complaints

Where possible, minor interpersonal issues and misunderstandings should be resolved quickly and with minimal formality. In such cases, the emphasis is on

ensuring that individual needs and expectations are met without significant deterioration to the relationship.

Progress To Resolution

The parties should be consulted throughout the period of the investigation, and no action is to be taken toward resolving their complaint without their prior knowledge and agreement. At a minimum, the parties will be given regular reports on the progress towards resolution of their complaint. Timeframe is to be agreed by all parties and dependent upon the issue of complaint.

The person investigating the complaint should establish with the parties the options for resolution they perceive as satisfactory. These are initial ideas and may change or be further developed after more detailed investigation.

If at any stage of the process it becomes apparent that the matter is more complex or serious than originally considered the matter should be referred to a more appropriate person.

Resolution

If the parties are satisfied with the proposed resolution, all agreed actions should be documented, implemented as soon as is reasonably possible and the complaint considered resolved.

Where resolution is not achieved, the matter should be escalated to the next level of responsibility.

The above process does not intended to preclude recourse to other avenues of resolution including Industrial Relations Commission for conciliation or arbitration purposes, or State Authorities, but rather to facilitate an agreeable and speedy resolution.

WITHDRAWING A COMPLAINT

An individual has the right to withdraw a complaint at any stage. However, where the complaint concerns:-

- proven misconduct on the part of any individual or entity;
- or
- where the failure to resolve the complaint would adversely affect other individuals or MT.

MT reserves the right to finalise the investigation of the original complaint and take the necessary recourse.

FRIVOLOUS OR MALICIOUS COMPLAINTS

A 'Frivolous or Malicious Complaint' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

MT maintains a Zero Tolerance policy in regards to frivolous or malicious complaints.

Complainants found to have made a 'Frivolous or Malicious Complaint' will face disciplinary action and dependent upon the complaint the consequences may include termination of employment or contract, removal of apprentices from hosting etc.

CONTINUOUS IMPROVEMENT

All complaint issues will be processed through MT Quality Assurance and Continuous Improvement process for evaluation and actioning of opportunities.

RESPONSIBILITIES

It is the overall responsibility of the CEO to ensure that MT operations mitigate capacity for complaint.

It is the responsibility of all MT personnel and all stakeholders to immediately report potential risks for complaint to the CEO.

It is the responsibility of the QA & Continuous Improvement Team to respond as a matter of priority to any issue identified as a potential 'complaint' and therefore an opportunity for improvement.

It is the responsibility of the Operations Manager to personally or through a delegate manage the complaint process as per this policy and in a fair and equitable manner ensuring that all communications and events are documented and disseminated to all relevant parties.

ACCESS

All MT stakeholders have the right to access the complaints process and be treated in a fair and equitable manner.

The Complainant has the right to access their personal records as per Records Management Policy.

An alleged perpetrator of a breach has the right to access their personal records as per Records Management Policy.