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POLICY AND PROCEDURE NAME:

**Complaints and Appeals**

DATE ENDORSED:

7<sup>th</sup> November 2018

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## Preamble / Context

This Complaints and Appeals Policy and related Procedure is designed to ensure that MACE Incorporated (MACE) responds effectively to individual cases of dissatisfaction. This policy outlines MACE's approach to managing complaints and appeals and ensures that employees, volunteers, participants, learners, clients and other stakeholders are aware of the steps to take to have their dissatisfaction addressed appropriately.

## Policy Statement

MACE will ensure that all complaints and appeals are taken seriously and investigated thoroughly, confidentially, fairly and without bias.

MACE encourages all parties to approach a complaint or appeal with an open mind and to focus on resolving the issue through discussion and conciliation, initially informally where possible.

Anyone who has concerns about the quality of business operations or services provided by MACE is encouraged to follow the Complaints & Appeals Procedure outlined below. This includes concerns about the quality of service delivery, amenities and discrimination or harassment.

Nothing in this policy and related procedure overrides any State or National law or regulation.

This policy and procedure is publically available and accessible on the MACE website.

## Complaints

Complaints are the expression of dissatisfaction with the quality or any aspect of business operations and services, including nuisances, discrimination or similar against another person, inclusive of employees, volunteers, participants, learners, clients and other stakeholders.

## Appeals

An employee, volunteer, participant, learner, client or other stakeholder has the right to formally present the appeal, as well as in writing.

## Scope

This policy provides an avenue for complaints and appeals to be addressed in a fair, efficient and confidential manner for all MACE employees, volunteers, participants, learners, clients and other stakeholders.

## Purpose

The purpose of this policy is to:

- provide guidelines for complaints and appeals
- outline the procedures for complaints and appeals

## Procedure

1. A written record of all formal complaints and appeals including outcomes conducted under this policy will be retained by MACE for a period of seven years to allow all parties to the complaint or appeal appropriate access to their records. Refer MACE Complaints & Appeals Form.
2. All records relating to complaints and appeals will be treated as confidential and will be covered by MACE's Privacy Policy.
3. At any stage during the complaint or appeal process, the complainant is entitled to nominate a person of their choosing to accompany and support them.
4. Enrolment should be maintained during the complaint or appeal process, if applicable.

## Complaints

The most appropriate method to deal with an issue or concern will depend on the circumstances and the nature of the complaint. Some complaints can be resolved easily without formality or process. More serious or damaging complaints may be dealt with formally and with investigation methods applied. Employees, volunteers, participants, learners, clients and other stakeholders with a complaint are encouraged to raise the matter directly with a MACE representative, and attempt an informal resolution in the first instance.

If a complaint or appeal can be resolved informally and to the complainant's satisfaction, there is no obligation to escalate the matter to a formal complaint or appeal. It should be noted however, that in the case of serious misconduct by another employee, volunteer, participant, learner, client, stakeholder or MACE representative (such as a tutor) and at the discretion of the CEO, MACE may choose to escalate the complaint of its own accord.

Should the complaint remain unresolved after informal resolution has been attempted, then the complainant must lodge their complaint in writing to the CEO. The complainant has the right to present the complaint informally, or formally in writing. The CEO will arrange a meeting with the

complainant (and/or representative) where the complaint will be discussed and a resolution attempted. The outcome of the meeting will be documented in writing and signed by both the complainant and the CEO. Any substantiated complaint is to be rectified by MACE within twenty (20) days.

If a complainant is dissatisfied with the outcome of the complaint meeting, then they may write to the CEO stating that an appeal is being sought. This will commence the appeals process.

After having firstly accessed the internal complaints process, employees, volunteers, participants, learners, clients and other stakeholders may access an external complaints process at their own cost. Options available to employees, volunteers, participants, learners, clients and other stakeholders include:

- Consumer Affairs Victoria: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)
- Worksafe: [www.workcover.vic.gov.au/wps/wcm/connect/WorkSafe](http://www.workcover.vic.gov.au/wps/wcm/connect/WorkSafe)
- Dispute Settlement Centre of Victoria: [www.justice.vic.gov.au/disputeinfo](http://www.justice.vic.gov.au/disputeinfo)
- Fair Work Australia

## Appeals

The complainant has the right to appeal against decisions made by MACE. Appeals against decisions must be lodged within 14 days of the original decision being made.

When a complainant lodges a formal appeal, MACE will appoint an independent person or body to conduct the appeal and propose a final resolution.

Should the appellant remain dissatisfied with the outcome, and by providing a valid reason or additional evidence, they may access advice from an external body however the complainant will be responsible for any associated costs.

Appeals against any decisions of a non-academic matter will be referred to the Dispute Settlement Centre of Victoria (DSCV) [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au) and the DSCV appeals procedure will be followed. The appellant will be responsible for all associated costs.

The appeal must be documented in writing and signed and dated by the appellant or mediator, and by MACE senior management. The outcome of the appeal and reason/s for the decision must be documented in writing and provided to the appellant on the *Complaints & Appeals Outcome Notification* form.

Where an appeal is substantiated it must be rectified by MACE within twenty (20) days.

## Investigating Complaints

All formal Complaints/Appeals require an investigation so that all parties have a chance to present their point of view. The investigation may include private interviews with the complainant, witnesses to pertinent incidents, and the person alleged to have been the source of the behaviour or action leading to the complaint. Victimisation of any party will not be tolerated. Each situation will be

assessed on a case-by-case basis and with respect to the rights of the complainant. At the completion of the investigation, a formal *Complaints & Appeals Outcome Notification* will be provided to the complainant.

### Resolution of Complaints & Appeals

Resolution of complaints and appeals may range from an apology to person(s) affected; counselling or other corrective action as deemed appropriate for the nature of the complaint; or the implementation of new policies and procedures to address systemic issues. In cases involving misconduct by a MACE representative, disciplinary or legal action may be taken.

### Authorisation

*Chief Executive Officer*

MACE Incorporated

### Responsibility

It is the responsibility of the Chief Executive Officer (CEO) to ensure all employees, volunteers, participants, learners, clients and other stakeholders are aware of this Policy and its Procedures.

The CEO is responsible for ensuring that proper procedures are adhered to in development and consultation for this policy.

### Definitions

As identified in the chart below.

Item	Definition
Complainant	The person lodging the complaint or appeal.
Complaint	The informal or formal expression in regard to some aspect of the conduct of MACE's business operations or services.
Appeal	Appeals are defined as a request to reconsider a decision that has been made by MACE. They may be appeals against the outcome / decision of a complaint, and appeals against disciplinary action.
Harassment	Means behaviour that is not wanted and not asked for, and that a reasonable person would have anticipated would cause humiliation, offence or intimidation.

Discrimination	Means the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or gender.
Disciplinary Action	In employment law, disciplinary action is a process for dealing with job-related behaviour that does not meet expected and communicated performance standards. The primary purpose for discipline is to assist the employee, volunteer or other stakeholder to understand that a performance problem or opportunity for improvement exists.
Informal Approach	Refers to the complainant approaching the relevant MACE representative to state the nature of their issue or concern, express their feelings and ask for a resolution. The complainant may also approach the CEO and request advice/assistance in resolving the issue or concern.
Formal Approach	Refers to the complainant lodging a formal (written) complaint using the MACE official <i>Complaint &amp; Appeals Form</i> , requesting resolution. The complainant may also seek external advice and make a complaint directly to an appropriate government agency (e.g. Worksafe or Consumer Affairs).

## Related Documents

- Access and Equity Policy PP023.4
- Privacy Policy PP026.6
- Bullying and Harassment Policy PP025.6
- Records Management Policy PP016.4
- Enrolment Policy PP018.6
- Suspension, Expulsion and Withdrawal Policy PP067.3
- Legislation Policy PP063.4
- Complaints and Appeals Register
- Complaints and Appeals Form MA010.3
- Complaint / Appeal Acknowledgement Receipt Letter MA025.2
- Complaints and Appeals Outcome Notification MA042.1

## Process

### Informal Complaint/Appeal

*Note: Issues or complaints dealt with informally do not become part of the formal complaint process and will not be documented, recorded or reported on in most cases, however informal diary notes should be kept by all parties involved. Exceptions to this include where the MACE representative investigating the complaint determines that the issue or complaint is relevant to the wider operation of the business; in such instances, the matter may be recorded and reported on the Complaints and Appeals Register.*

1. Employees, volunteers, participants, learners, clients and other stakeholders who have a complaint or wish to voice an appeal, should raise the issue with a MACE representative as soon as possible.
2. The CEO will be informed of the complaint/appeal and will:
  - a. investigate the matter; or
  - b. assign the investigation to a suitable and unbiased MACE representative.
3. All parties to the complaint are encouraged to resolve the complaint through open discussion with the person who is the subject of the complaint, or with the person is responsible for acting on the issues/concerns raised in the complaint.
4. Parties to the complaint may have a person of their choosing assist and support them during discussions.
5. The parties to the complaint may choose to prepare and sign off on an agreed outcome.
6. If the complaint is not satisfactorily resolved, or the complainant is not satisfied with the outcome of this informal process, or finds it difficult to approach others informally, they may submit the issue in writing by completing and lodging a *Complaints & Appeals Form*.
7. Where a formal complaint is lodged as a result of the parties not reaching an agreeable and satisfactory outcome through the informal process, the formal complaint should be lodged within 20 days.
8. The *Complaints & Appeals Form* can be downloaded from MACE's website, or is available from reception.
9. Submission of a *Complaints & Appeals Form* changes the status of the complaint/appeal from informal to formal.

### Formal Complaints and / or Appeals

1. All formal complaints are to be lodged using the official *Complaints & Appeals Form* which can be downloaded from MACE's website, or is available from reception.
2. Upon receipt of a formal complaint or appeal, the complaint/appeal is to be recorded on the *Complaints & Appeals Register* and issued with a number.
3. The CEO is to be advised of the complaint/appeal.

4. The CEO will provide a written acknowledgment of receipt to the complainant within five (5) working days via an *Acknowledging Receipt of Complaint/Appeal Letter*. This letter will include the Complaints & Appeals Register Number.
5. A confidential file will be opened and maintained until resolution of the complaint is achieved.
6. The CEO will:
  - a. investigate the matter within ten (10) working days of receiving the complaint; or
  - b. assign a suitable and unbiased MACE employee who will investigate the matter within ten (10) working days of the complaint being received by MACE.
7. Any parties to a complaint may have a person of their choosing assist and support them during discussions.
8. Where relevant, any person nominated in the complaint will be provided with written details of the allegation against him/her and will have the opportunity to respond before resolution is attempted.
9. A complainant may withdraw their complaint at any stage or, choose to have the complaint resolved informally. Withdrawal of the complaint must be made in writing.
10. Complainants may at any time obtain advice from external organisations or authorities. Options available include Consumer Affairs Victoria, Worksafe, Dispute Settlement Centre of Victoria, Fair Work Australia, legal advice, union advice etc.
11. Relevant parties will be interviewed by the CEO or MACE representative investigating the complaint; confidentiality will be maintained at all times.
12. The CEO or MACE employee investigating the complaint will recommend action for resolution to any parties to the complaint.
13. Agreement on resolution of the complaint will be documented as part of the investigation process.
14. A formal *Complaints & Appeals Outcome Notification* will be sent to the complainant upon the conclusion of the investigation and resolution process.
15. Where the matter of the complaint is not able to be resolved to the satisfaction of the complainant, the CEO will provide a written report and recommendations to a representative of the Board of Management.
16. The Board's representative will seek a resolution of the complaint with the complainant.
17. If the complainant is not satisfied with the outcomes of the complaint, they may appeal to the full Board of MACE in writing within 20 days.
18. The Board's determination will be final within MACE's processes.
19. If the complainant is not satisfied with the determination of the Board, they may pursue the matter further with other external bodies.