

# Complaints and Appeals Policy

## Applies to

- ABA Employees
- ABA Volunteers and Trainees - Breastfeeding Counsellors, Community Educators and other volunteers
- All enrolled students
- ABA Board of Directors
- Contractors working for ABA
- Members of the public

## Definitions

Word or Phrase	Definition
Executive Officer	Means the paid executive lead person as determined by the Board from time to time, as appointed under Rule 13.3 of the Constitution
Employee	A person employed for salary or wages.
Managers	All positions with “Manager” in their designation. It also includes Branch Presidents, paid employees and unpaid volunteers with managerial or leadership roles.
ABA qualified volunteers	Those who have a Certificate IV in Breastfeeding Education, or equivalent qualification, and have been appointed to volunteer roles as either an ABA breastfeeding counsellor or community educator. They undertake these roles on a voluntary basis without remuneration and agree to abide by the ABA Code of Ethics, Code of Conduct and Constitution.
Trainees	Those who are enrolled in ABA’s volunteer traineeship for roles of breastfeeding counsellor or community educator. They undertake these roles on a voluntary basis without remuneration and agree to abide by the ABA Code of Ethics, Code of Conduct and Constitution.
Enrolled students	Learners enrolled in one or more of ABA’s courses, including trainees.
Other volunteers	Informal or non-qualified volunteers who assist in a voluntary capacity with ABA tasks or roles. This can be at any level from group, region, branch or national.
Members	Those defined as members of the Association under the Constitution.
Others	Includes clients who utilise ABA’s services, customers who purchase an ABA product, visitors to ABA premises, group meetings, conferences, seminars and workshops, or those who interact with ABA in a public event or via an online platform administered by ABA.
Workplace	Wherever ABA work is conducted. This includes, but is not limited to, regular locations of paid employees, community settings for events and activities, training related situations and where-ever volunteers undertake their ABA tasks.
RTO	A Registered Training Organisation

Appeal	Is where an enrolled student, employee, volunteer or ABA stakeholder or another interested party disputes a decision arising from a complaint, an assessment decision, or another decision made by the RTO.
Natural Justice	Is concerned with ensuring procedural fairness. It involves: <ul style="list-style-type: none"> <li>• Decisions and processes free from bias</li> <li>• All parties having the right to be heard</li> <li>• All parties having a right to know how and of what, they are involved/accused</li> <li>• Investigating a matter appropriately before a decision is made</li> <li>• All parties being told the decision and the reasons for the decision.</li> </ul>

## Scope

A complaint or appeal may include, but is not limited to the following:

Type	Description
Complaints made by	<ul style="list-style-type: none"> <li>• Members of the public</li> <li>• ABA members</li> <li>• ABA employees</li> <li>• ABA volunteers</li> <li>• ABA clients/customers</li> <li>• Other ABA stakeholders</li> </ul>
Complaints in relation to	<ul style="list-style-type: none"> <li>• Training and education services both internal and external delivery</li> <li>• Customer service and administration</li> <li>• Conflict resolution</li> <li>• Equity and access, discrimination, harassment and bullying</li> <li>• Potential breaches of the Code of Conduct, Code of Ethics or Constitution</li> </ul>
Appeals against	<ul style="list-style-type: none"> <li>• Assessment decisions</li> <li>• Administrative decisions</li> </ul>

## Introduction

The *Complaints and Appeals Policy and Procedure* addresses any form of complaint or appeal that may arise at any level of the Association in relation to customer service, training (including assessment), human resources, conflict resolution or any other matter. It covers Association group, regional, branch and national levels.

In general, non-formal attempts shall be made to resolve initial disputes or concerns. This may include advice, discussions, and general mediation in relation to the complainant's concerns. Any volunteer or employee can be involved in this informal process to resolve issues. Once a formal complaint or appeal has been made this policy and procedure must be followed.

## Objectives

- To strive for employee, contractor, volunteer, enrolled student, client satisfaction and to address complaints or appeals made to ABA with professionalism and courtesy and aim to resolve issues

- To assist employees, contractors, volunteers, and enrolled students raise and resolve workplace or training and assessment grievances in a fair and equitable manner
- To process and finalise all complaints and appeals in a timely manner - no later than 60 calendar days
- To address all matters in an impartial, fair, open and transparent manner in accordance with the principles of natural justice and equity
- To work within Federal, State and Territory laws
- To comply with our responsibilities as a Registered Training Organisation

## Principles

### General

- ABA will adopt a balanced and just view of any issue and consider all the available facts in a timely manner
- All parties are fully informed of their rights and responsibilities throughout the complaints and appeals process, and adequate, fair and equal representation for all ABA parties will be assured
- The Association shall make the *Complaints and Appeals Policy and Procedure* and forms available on the ABA website and in other relevant internal documents
- Processes will involve only those individuals essential to addressing the complaint or appeal
- ABA respects, and is willing to work with, existing state, industry and government authorities that provide mediation
- Records of investigations and outcomes of complaints and appeals are treated with the highest level of privacy and confidentiality

### Review of Outcomes

- ABA treats complaints as an opportunity for improvement
- ABA will periodically review the outcomes of complaints and appeals and modify procedures or practices to eliminate, reduce or mitigate the likelihood of reoccurrence

### Workplace Dispute Principles

- ABA is committed to providing a safe, harmonious and productive work environment including that for volunteers, where grievances are dealt with sensitively and promptly
- Grievances and disputes where possible should be addressed directly with those concerned in the first instance. If it remains unresolved then the relevant first line manager should be consulted. If informal discussion is unable to resolve the concerns, then it will be investigated as per the *Complaints and Appeals Policy and Procedures* until a resolution is reached

### Training and Assessment Principles

- ABA recognises that learners have the right to appeal against academic or administrative decisions taken by ABA
- Any appeal regarding an assessment will be treated seriously, investigated thoroughly and dealt with according to its merits

### Training external appeals

ABA recognises that learners have the right to appeal against academic or administrative decisions. For complaints and appeals relating to training and assessment services:

- The complainant or appellant may request mediation or review by an independent third-party
- The mediator or reviewer will be a person appointed by ABA and cannot be a party to the dispute

- Use of external services will be at the complainant's/appellant's cost, unless authorised by the Executive Officer

## Administration

- Formal complaints and appeals shall be made using the *Complaints and Appeals Form* or *Training Complaints and Appeals Form* on the ABA website
- Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant
  - Contact details of complainant or person submitting complaint on their behalf
  - Nature and details of complaint
  - Date of the event which led to the complaint if relevant
  - Attachments (if applicable)
  - Outcomes sought
- An acknowledgement is automatically sent to the submitter of the form, the complainant and to ABA National Office
- Under certain circumstances, complaints and appeals can also be made via email, phone call or in person. Complaints and appeals must be recorded by the person who received a complaint or appeal. The same procedures must be followed under these circumstances.
- As soon as a complaint or appeal is received, National Office staff determine the person responsible for the resolution process using the table below. In instances where the person of first level responsibility is involved in the dispute then next level person will take responsibility.
- National Office staff must document action taken against lodgement received according to current National Office guidelines
- A written complaint or appeal will be acknowledged, formally reviewed and finalised as soon as practicable but not later than sixty (60) calendar days of receipt and a written response will be sent to the complainant within the timeframe with:
  - Actions taken to date
  - Result if complaint resolved
  - Any further action to be taken
  - Options if the complainant is not satisfied with the outcome.
- ABA will inform complainants/appellants in writing, including reasons, when a complaint or appeal will take longer than 60 calendar days to finalise. Under this circumstance, ABA will regular update the complainant or appellant on the progress of the matter
- Resolved outcomes shall be given to all relevant parties in writing, these may include reply to complaint, apology, and corrective action, i.e. changes to policy, compromise and etc., to eliminate or mitigate the likelihood of reoccurrence. The *Complaints and Appeals Resolution Form* on the ABA website should be used and forward to relevant people within two weeks of resolution.
- If a party to a complaint is dissatisfied with the outcome, an appeal may be lodged in writing with the Appeals Committee within 21 days.
- Adequate records, include but not limited to the complaints or appeals and corrective action on outcomes, must be kept at all stages of the process and securely stored to ensure confidentiality

- For complaints and appeals relating to training, all communications and documentation must be forwarded to Training Administration. Training Administration will securely store documentation of complaints and appeals for 5 years.
- Final outcome should be reported as resolved to person/staff receiving initial complaint or appeal if the process has moved beyond them and if relevant National Office or Training Administration staff should sign off issue as resolved

### Determining person responsible for resolution process

<b>Where the complaint has arisen</b>	<b>Person of immediate responsibility (level 1) In first instance complaint should be directed to:</b>	<b>Supervisor of person of immediate responsibility (level 2) If unable to be dealt with or resolved at first level.</b>
Members of Public - complaints regarding ABA volunteers/services	Relevant Manager (eg Helpline or Branch President or other service area)	Executive Officer or National President
National Office interactions	Office Manager	Executive Officer
Branch Office	Branch Office Manager	Branch President
Group members/volunteers	Group Leader	Regional Representative
Regional or Branch volunteers	Assistant Branch President	Branch President
Working group	Working group coordinator	Relevant Manager
Managers/Branch Presidents	Executive Officer	National President
<b>Training specific complaints</b>	<b>Person of immediate responsibility (level 1) In first instance complaint should be directed to:</b>	<b>Supervisor of person of immediate responsibility (level 2) If unable to be dealt with or resolved at first level.</b>
Assessment appeals	Assessor or Branch Training Manager (for that state or territory) or Health Professional Education coordinator	Assessment Manager or Senior Manager Training and Education
All other training complaints	Where appropriate with the person concerned or Branch Training Manager (for that state or territory) or Health Professional Education coordinator	Senior Manager Training and Education or Executive Officer

### Objectives

- To strive for staff/client/customer/consumer satisfaction and address complaints or appeals made to ABA with courtesy and an aim to resolve issues
- To provide an environment where volunteers, staff, students and others are encouraged to come forward with their complaints or appeals in the knowledge that the Association will take prompt and effective action to address the complaint or appeal

- To process and finalise all complaints and appeals as soon as practicable but not later than 60 calendar days
- To address all matters in an efficient, fair, impartial and transparent manner in accordance with the principles of natural justice and equity
- To work within existing state and territory laws at every stage of the complaint and appeal process and avoid the possibility of defamation or other legal action

## Principles

### *General*

- ABA will adopt a balanced and just view of the issue and consider all the available facts
- ABA will address the complaint or appeal in a timely and efficient manner
- All parties are fully informed of their rights and responsibilities throughout the complaints and appeals process, and adequate and equal representation for all parties will be ensured
- Involve the minimum number of people possible
- ABA respects, and is willing to work with existing state, industry and government authorities that provide mediation

### *Training and Assessment*

- ABA recognises that students have the right to appeal against academic or administrative decisions taken by the Association
- Any appeal regarding an assessment will be treated seriously, investigated thoroughly and dealt with according to its merits

## Policy statement

- The Association shall make the Complaints and Appeals policy, procedure and forms available on the ABA website and in other relevant internal documents
- Complaints and appeals shall be made using the relevant form on the ABA website
- Under certain circumstances, complaints and appeals can also be made via email, phone call or in person. Complaints and appeals must be recorded by the person who received a complaint or appeal. Same procedures must be followed under these circumstances.
- Complaints and appeals will be investigated by the appropriate supervisor or manager unless they are one of the parties involved in the dispute in which case the next level of manager should take responsibility
- All outcomes would be provided to complainants/appellants in writing including reasons in accordance with the procedures
- The Executive Officer is responsible for ensuring the systems are in place to implement this policy

## Related Documents

- Complaints and Appeals Procedures
- Complaints and Appeals form
- Training Complaints and Appeals form
- Complaints and Appeals Resolution Form
- Workplace Harassment and Bullying Policy
- Workplace Harassment and Bullying Procedures

## Approved by

ABA Board

## Revision history

Revision	Date	Description of modifications
P006.200902	22 Feb 2009	Replacing 126 7 (h) [July 2005] Grievance Policy approved board meeting 140.
Concurrently		Head Office Customer Complaints Policy.
Concurrently		Complaints and Appeals Policy and Procedures (training) – details 1-4.1.
1	November 2005	Original
2	February 2007	Revised to reflect changes in training structure.
3	June 2010	Revised to reflect changes in training structure.
4	January 2011	Revised to simplify processes.
4.1	September 2011	Reformatted. Added revision history.
5	11 October 2013	Combining of P006.200902, Head Office and Training Complaints Policy into one association wide-policy for all complaints. Separation of policy and procedure to separate documents. Consultation with CEO and Senior Manager Training & Education. Approved by Board via email vote.
5.1	January 2015	Reviewed and updated to include transitional changes to new standards for RTOs.
6	January 2016	Removed reference to Mothers Direct.
7	June 2016	Major review and update to meet requirements for Standards and RTOs 2015.
8	November 2017	Combined with Complaints and Appeals procedure (from website), Complaints and Appeals Policy and Grievances and Disputes Policy.
9	January 2019	Adjusted to clearly meet ASQA requirements as RTO, clarify definitions and also reduce repetition
9.1	April 2020	No changes required
9.2	November 2020	Reviewed to add clarity that potential breaches of CoE, CoC and Constitution are also covered under this policy and procedure. Replaced Chief Executive with Executive Officer as per Constitution update and made minor adjustments for typos.