

# External Complaints and Grievances Resolution Policy

## 1. Purpose

This policy guides employees of Alpine Resorts Victoria (ARV) and the ARV Board in managing Complaints from parties external to ARV.

The intention of this policy is to establish a culture of responsiveness and continuous improvement across ARV, and to demonstrate integrity and openness with stakeholders and the public.

This policy does not cover internal organisational Complaints, which are managed according to the ARV Internal Complaints and Grievances Resolution Policy

## 2. Scope

ARV is committed to ensuring that its policy with respect to handling Complaints is clear and transparent. This policy provides a framework for managing Complaints from external stakeholders and their outcomes. It is intended to provide guidance and support to all staff, volunteers, contractors, and stakeholders in a Complaint process.

## 3. Policy Statements

### Receiving Complaints

ARV will accept and consider responding to Complaints made in person, in writing, by email, via telephone, made through an online portal on ARV's website, referred by another organisation or received by the ARV Board.

Complainants are encouraged to provide contact details so that they can be provided with information on the management of their Complaint.

People are however, entitled to complain anonymously. As far as possible, anonymous, Complaints will be managed in the same way as identifiable Complaints.

ARV will not accept and consider responding to Complaints or "rumours" that are delivered "second-hand" to the persons affected by the Complaints. Staff who are made aware of "rumours" or second-hand Complaints should encourage the person/s involved to formalise their concern in writing or in a face-to-face meeting.

Complaints made on social media platforms are not considered as formal Complaint items. Whilst ARV will monitor commentary on social media platforms and on occasions will respond, negative social media

commentary is not considered as a formal Complaint item and therefore does not initiate a Complaint management response in accordance with this policy.

## **Notifiable Complaints**

ARV has legislative obligations to notify external agencies when Complaints relate to certain aspects of its service provision.

Complaints involving or potentially involving criminal activity should be directed to ARV's legal counsel and/or the Victoria Police after consideration by an appropriate member of the Executive Leadership Team (ELT) and reported to the General manager, Corporate Services.

If a staff member is unsure whether the matter is a Notifiable Complaint, it is good practice to refer the matter to a General Manager.

## **Recording and Transparency**

ARV will ensure transparency about how to make a Complaint. This includes staff who have contact with stakeholders or the public being aware of the process for making a Complaint and a prominent contact link being included on the website.

A Complaint can be made to any staff member. All staff who deal with members of the public should be trained to be able to:

- accept a Complaint in a respectful manner.
- register or re-direct the Complaint appropriately to ensure that it is documented in the ARV Complaint Register through the Intranet portal.
- provide advice on what action can be taken to resolve a Complaint or escalate when necessary.

All staff are responsible for ensuring Complaints received by them are escalated to management to ensure that they are documented in the ARV Complaints Register.

Staff should aim to record the following information for each Complaint:

- the Complainant's details (where Complainant has not elected to be anonymous)
- how the Complaint was received
- a description of the Complaint
- the Complainant's desired outcome (if known)
- the staff member/Manager/General Manager responsible for handling the Complaint
- relevant demographic information that could help improve services (where relevant).

The staff member managing the Complaint is responsible for ensuring information relating to the Complaint is updated to reflect any changes in circumstances or new developments. This includes:

- any action taken, including contact with the stakeholder, response times and the outcome
- when the Complaint was finalised

The ARV Strategic Engagement and Communications Supervisor has responsibility for ensuring that the Complaints register is kept up to date and Complaints are reported to the ARV Executive Team monthly.

Keeping accurate records will assist us in responding promptly and accurately to Complaints and allow ARV to analyse and report on trends. Specifically, we will be looking to see whether issues are systemic or recurring to allow us to improve our processes and reduce future Complaints.

When gathering information to respond to a Complaint, ARV will only:

- use the information to deal with the Complaint or to address systemic issues arising from the Complaint
- disclose it in a de-identified format when disclosing.

## 6. Complaint Management Process

ARV takes a four-tiered approach to handling Complaints:

- |         |                                                                                                                                                                                           |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Level 1 | Frontline resolution: staff receive the Complaint and resolve it immediately, if possible.                                                                                                |
| Level 2 | Investigation: if staff cannot resolve the Complaint, they will refer it to the most appropriate Manager/General Manager for investigation.                                               |
| Level 3 | Internal review: if the Complainant is not satisfied with the outcome of the investigation, they can request an internal review.                                                          |
| Level 4 | External review: if the Complainant is not satisfied with the process or outcome of the internal review, they are informed of any external avenues where they can pursue their Complaint. |

### Level 1 Frontline resolution

1. Staff receive the Complaint and try to resolve the matter immediately where possible.
2. The Complaint item should be recorded in the ARV Complaints Register through the Intranet portal.
3. ARV will acknowledge a Complainant by mail or email within ten working days or by phone in one working day. If possible, we will clarify the Complaint and the outcome the stakeholder is seeking.
4. Where possible, we will advise the Complainant of the process timeframe for progressing and/or completing the enquiry where relevant.
5. If ARV is not the right organisation to respond to the Complaint, staff will advise the Complainant of an organisation that may be able to help.

### Level 2 Investigation

1. When a Complaint cannot be resolved by front line staff, the Complaint will be escalated to the most appropriate Manager/General Manager.
2. If the Complaint is in relation to staff or contractor conduct it will go directly to that person's manager and People and Culture Coordinator. If the Complaint is in relation to a policy or the quality or timeliness of service delivery, it will go to the relevant service manager, policy owner or their delegate.
3. The Manager/General Manager handling the Complaint will contact the Complainant to acknowledge the Complaint and provide a timeframe for progressing and/or completing the enquiry where relevant.
4. ARV will aim to resolve all Complaints within 28 days.
5. If it takes longer than 28 days to resolve a Complaint, the Manager/General Manager handling the Complaint will contact the Complainant prior to this time and provide an explanation and revised timeframe.
6. Complaints that are not resolved within 28 days may be escalated to the CEO if necessary to ensure that a resolution is expedited.
7. The responsible Manager/General Manager for handling the Complaint will write to the Complainant to advise them of the outcome. The outcome correspondence will contain reasons for the decision made and the contact information for the responsible Manager/General Manager.
8. The Manager/General Manager handling the Complaint may contact the Complainant directly to discuss the outcome of their Complaint prior to sending the outcome letter/email.
9. If the Complainant is not satisfied with the response or the way in which their Feedback or Complaint has been handled, they can ask for their Complaint to be referred for an internal review.

### Level 3 Internal Review

If the Complainant is dissatisfied with the process or outcome of the investigation, they can request an internal review.

The internal review will be completed by the Corporate Services, General Manager.

If the Complaint is in relation to the actions of the CEO, the Board Chair or member of the Board delegated by the Chair will be engaged to conduct a review.

The Corporate Services General Manager will undertake a review of the Complaint and gather information and expert advice where necessary.

An outcome letter signed by the person responsible for the internal review will be provided to the Complainant at the conclusion of every internal review.

The outcome letter will advise the Complainant of any avenues of external review available in relation to the matter, such as the Victorian Ombudsman.

#### **Level 4 External Review**

If a Complainant is not satisfied with ARV's final response, they can contact the Ombudsman's Office ([www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)) and/or other external agencies to request an independent review.

#### **Outcomes and closure**

ARV's arrangements for enabling people to make Complaints are visible, accessible, and valued and supported by Management. Complaints are responded to promptly and handled objectively, fairly, and confidentially, with outcomes and opportunities for review explained to the Complainant.

ARV has clear accountabilities for Complaint handling and Complaints are used to improve ARV's performance. Accountability is in the form of the outcome of a Complaint item being noted in the comments and Complaints register.

Level 3 and 4 Complaint outcomes are to be communicated to the relevant Board subcommittee (unless subject to confidentiality constraints via an external investigation), with closure of the Complaint item noted in the meeting minutes and where possible linked into organisational risk categories.

A Complaint is considered Closed when interaction between the ARV or organisation handling the Complaint and the stakeholder/s making the Complaint has ceased; or

1. All reasonable action has been taken, including (where appropriate) a letter of response from the ARV or the organisation to the person making the Complaint; and
2. It is anticipated that no further action will take place in relation to the Complaint.

Information can be requested on ARV's Complaints management, which is to be completed through a Freedom of Information Request ([www.oaic.gov.au/freedom-of-information](http://www.oaic.gov.au/freedom-of-information)).

#### **Remedies**

Where ARV has found to have made an error, steps will be taken to redress the situation, possibly including an apology or other agreed remedy.

Where a remedy is required for consideration, this will be managed by the relevant General Manager and/or CEO.

#### **Conflict of Interest**

It is important for the Complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process.

Should a conflict of interest arise during a grievance or Complaint that involves the Manager or General Manager responsible for the service, other Management will be nominated as an alternative mediator.

ARV may also engage or refer to the resources of an independent Complaint resolution service to assist with the mediation of a dispute.

### **Unreasonable Complainant Conduct**

Most Complainants act reasonably and responsibly in their dealings with ARV. However, in a small number of cases some Complainants, despite our best efforts to help them, behave in ways that are inappropriate and unacceptable. When a Complainant behaves in this way, we consider their conduct to be unreasonable.

Unreasonable behaviour is that which, because of its nature, raises substantial health, safety, resource or equity issues for our organisation, our staff, other services users, and/or the Complainant themselves.

Categories of Unreasonable Complainant Conduct can be grouped into five categories:

1. unreasonable persistence
2. unreasonable demands
3. unreasonable lack of cooperation
4. unreasonable arguments
5. unreasonable behaviour.

### **Dealing with unreasonable behaviour is based on the understanding that:**

- Every Complainant deserves to be treated with respect.
- Every Complainant, regardless of how much time and effort is taken up in responding to their Complaint, should have their Complaint properly and appropriately dealt with.
- A Complainant whose conduct is unreasonable may still have a legitimate Complaint.
- The substance of a Complaint dictates the level of resources allocated to it, not the Complainants' wishes, demands or behaviour.

### **Managing unreasonable behaviour should try to ensure:**

- The Complainant's expectations are clear and realistic, something which can be determined when contact is made after receiving a Complaint.
- We maintain firm and clear communication, either in writing and/or verbally.
- A stakeholder understands what ARV can do in relation to their Complaint.
- We provide clear reasons for our decisions and document these decisions.
- We avoid unnecessary delays.
- We provide clear guidance and procedures for staff to deal with Complaints.

### **Discretion to refuse a Complaint.**

ARV have discretion to refuse to deal with a Complaint which is categorised as unreasonable behaviour or otherwise subject to legislative requirements. It is the responsibility of the manager or General Manager dealing with this type of Complaint to explain the following to the Complainant:

- The relevant legislative requirement
- The contact details for the manager/office/Department undertaking the review.
- The contact details of the Ombudsman in the case of an unreasonable Complaint.

The decision to refuse management action of a Complaint is to be documented in an email to the Corporate Services General Manager, and, if the Complaint relates to the CEO, it is to be documented to the Chair of the Board.

## 4. Definitions

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Closed Complaint</b>     | <p>A Complaint is considered closed when interaction between ARV and the person making the Complaint has ceased; or</p> <ol style="list-style-type: none"><li>1. All reasonable action has been taken, including (where appropriate) a letter of response from ARV to the person making the Complaint; and</li><li>2. It is anticipated that no further action will take place in relation to the Complaint.</li></ol> |
| <b>Complaint</b>            | <p>An expression of dissatisfaction or constructive Feedback made to or about ARV, related to its services, staff, infrastructure, or management. A Complaint may also be made about the Complaints management process of ARV.</p>                                                                                                                                                                                     |
| <b>Complainant</b>          | <p>The individual/s, entity or organisation making the Complaint.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>Feedback</b>             | <p>Opinions, comments and expressions of interest or concern made directly or indirectly, explicitly, or implicitly to or about ARV, its services, staff, or handling of a Complaint.</p>                                                                                                                                                                                                                              |
| <b>Frontline</b>            | <p>First point of contact between the public and ARV.</p>                                                                                                                                                                                                                                                                                                                                                              |
| <b>Notifiable Complaint</b> | <p>A Complaint that alleges a breach of National or Victorian law or regulations.</p>                                                                                                                                                                                                                                                                                                                                  |

## 5. Key legislation, regulations, and standards

- *Charter of Human Rights and Responsibilities Act 2020*
- *Freedom of Information Act 1982*
- *Privacy and data protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Child Wellbeing Act 2005*

## 6. Related documents

Privacy Policy

Code of Conduct

Grievance and Dispute Resolution

Social Media

Victorian Ombudsman, Council, and Complaints- A good Practice Guide 2nd Edition 2021.

## 7. Regular review of this policy

The Board will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc.

Complaints provide ARV with opportunities for learning and improvement. We encourage regular and ongoing Feedback from staff and the community about our Complaints management process.