

Complaint Resolution Policy

Preamble

Members of Community Colleges Australia (CCA) uphold the CCA Code of Ethics as a condition for admission and continuing membership. Should an issue of concern or a complaint arise regarding the conduct of any member/s and/or CCA, the Complaint Resolution Policy provides a process to deal with the matter with graduated steps of further discussion and resolution at higher levels of authority as necessary.

Scope

The Complaint Resolution Policy applies to the handling of complaints received by CCA concerning the conduct of CCA members or CCA, including member organisations and/or their nominated representative/s, **except for**:

- Complaints being considered or managed by any external agency under State or Federal legislation
- Matters otherwise covered by a specific process, for example, an industrial instrument, including a member enterprise agreement or a contractor agreement, that prescribes dispute handling processes
- Complaints about steps taken under misconduct or performance management provisions against a staff member by a member organisation or CCA
- Any complaint which has been re-directed to another CCA process or procedure or is referred to the complaint handling processes of a member organisation if deemed appropriate in the first instance.

When a complaint involves alleged criminal conduct or an alleged breach of any Australian law, CCA may be required to notify the Police or other relevant government authority as appropriate. CCA may suspend any action or investigation pending an investigation by the Police or government authority.

Definitions

CCA member: any member organisation, or nominated representative/s, or members who may hold individual or other membership according to the CCA Constitution.

Complainant: individual/s or an organisational entity (via the authorised representative/s) who lodge a complaint.

Complaint: any type of alleged problem, concern or grievance raised about the conduct of CCA member/s and/or CCA which may be in breach of CCA's Code of Ethics or Constitution. General feedback and comments about administration, programs and services provided by members would not normally be viewed as a complaint for investigation.

Formal complaint: a written complaint or appeal sent to CCA by mail or email.

Formal complaint resolution: the process applied by CCA for receiving, reviewing, investigating and resolving formal (written) complaints.

Local resolution: a process of resolving a complaint or grievance directly between the parties concerned rather than through CCA.

Procedural fairness: the processes by which a result is reached and not the result itself. Procedural fairness, which may also be referred to as natural justice, requires that a respondent to a complaint is provided with:

- Sufficient details of the complaint to enable the respondent to formulate a response
- Information about the process by which the matter is to be resolved
- Opportunity to put their case and respond to the complaint.

In addition:

- Investigations must be impartial and conducted without bias
- All relevant submissions and evidence must be considered
- Irrelevant matters must not be taken into account
- The complaint must be dealt with in a timely manner.

Respondent: refers to the individual/s or an organisation and/or the nominated representative/s, against whom the complaint has been made.

Statement of General Principles

- Complaints must be fully described by the person/entity making/lodging a complaint
- Complaints are dealt with promptly, seriously, sensitively, confidentially, without bias and according to procedural fairness
- All parties are expected and encouraged to act in good faith and respect the rights of others while seeking to balance the interests of all parties
- The complainant has a responsibility to communicate clear reasons for and details of the complaint and to nominate a preferred resolution approach and desired result/outcome
- The views and needs of complainants and respondents are taken into account in the investigation
- The result/outcome sought should aim to minimise detrimental effects on ongoing relationships
- Processes are inclusive of cultural and gender perspectives
- Processes take into account the potential influence of power in relationships between individuals, entities and/or groups
- There is consistency with the provisions of any relevant legislative frameworks and industrial agreements while working to achieve a reasonable resolution
- Complaints are treated as a potential learning experience for all involved
- The experience gained from the complaint resolution process will be used to identify any changes necessary to improve practise and
- CCA complaint resolution services are free of charge.

Who Can Lodge a Complaint?

Any person, including members of the public, or any organisation, via an authorised representative, can make a complaint about the conduct of a CCA member or CCA.

Complaints Which Will Not Be Investigated

CCA is not required to investigate anonymous complaints, informal complaints (e.g. not in writing) or complaints which are frivolous, vexatious or not made in good faith. CCA members affected by such vexatious or frivolous complaints may choose to take independent legal action against the complainant in these circumstances.

CCA may elect not to investigate a complaint where an initial review determines the matter does not fall within scope of this policy, including the definition of a complaint, or where there is insufficient information and supporting documents to investigate the matter further.

Procedures

1. Local Resolution

In the first instance, complainants are encouraged to try to settle any complaint or grievance concerning the conduct of a CCA member, or CCA, directly and as soon as possible with the relevant organisation/individuals concerned, with the aim of appropriately attempting to clarify and resolve the matter locally where possible. In many cases a simple phone call or visit may address concerns held.

In extenuating circumstances local resolution may not be an option or appropriate, including for reasons of individual sensitivity, cultural or power relationships, or where there is a policy or statutory obligation for an investigation owing to the nature and/or seriousness of the complaint.

Local resolution, if applicable, should be attempted within twenty one (21) days of the alleged conduct occurring.

2. Formal Complaint Resolution

Where local resolution is not an option, or is unsuccessful in attempting to settle a complaint or grievance concerning the conduct of a CCA member, or CCA, a formal complaint resolution process may be commenced by lodging a complaint in writing to CCA.

Formal complaints should be sent by mail or email within forty two (42) days of the alleged conduct occurring. CCA may, but does not have to, investigate complaints received where the interval for reporting extends past this time frame.

Formal complaints should include details of:

- The person making the complaint (including name and address)
- The relevant organisation and/or person/s that the complaint is about or is directed against
- What occurred, key date/s, location/s and reason for the complaint
- Action taken in an attempt to fix the problem or why no action was taken
- Copies of any supporting information e.g. correspondence, emails and/or meeting minutes
- The preferred resolution approach and desired result/outcome being sought.

CCA will acknowledge receipt of written complaints and the Chief Executive Officer (CEO) or delegate will conduct an initial review to determine if the matter can be investigated. This will involve assessing whether the concern or problem raised:

- Falls within scope of this policy including the definition of a complaint and
- Has sufficient information and supporting documents to investigate the matter further.

Where a complaint cannot be investigated, the complainant will be advised and the matter will be closed.

Where a complaint can be investigated, the matter will be referred for investigation. Depending on the circumstances of the concern or grievance raised, an investigation may require:

- Gathering information from the complainant, the respondent/s, any witnesses and/or other sources as appropriate
- Determining whether the complaint is substantiated or unsubstantiated and
- Recommending an appropriate course of action, which may include:
 - Taking no further action or
 - Taking action to censure, suspend or expel a member.

Where a sanction is proposed to censure, suspend or expel a member as a result of a substantiated complaint, the matter shall be subject to resolution by the CCA Board under the requirements of Clause 40 of the CCA Constitution. This process prescribes that:

- At least fourteen (14) days before the meeting of the CCA Board at which the resolution is to be considered, the member whose membership is to be considered shall be given written notice of:
 - Date, time and place of the meeting
 - Proposed resolution and
 - Nature and particulars of the allegations to be considered.
- At a meeting of Directors at which a resolution pursuant to Clause 40 is to be considered, and before any such resolution is passed, the member concerned must be provided with the opportunity to present orally or in writing any explanation or mitigating factors the member may think appropriate.
- A member, which is the subject of a resolution pursuant to Clause 40, may by notice in writing lodged with CCA not less than 24 hours before the time of the meeting at which the resolution is to be considered, elect to have the matter dealt with by CCA in general meeting:
 - Where such an election is made, a general meeting of CCA shall be called for the purpose
 - If at the general meeting such a resolution is passed by a majority of two thirds of members present and voting, the vote to be taken by ballot, the member shall be sanctioned in accordance with the resolution
 - Where the resolution duly passed approved expulsion of the member, the member shall be expelled forthwith.

The CEO or delegate may notify the complainant and respondent/s of the result of the formal complaint resolution process, the reasons for the decision and any action taken. The details provided in the notification will accord with any confidentiality constraints.

CCA will aim to process and finalise the formal complaint resolution process within four (4) months or receipt, however, this timeframe may vary according to the circumstances of the matter, including response times by complainants, respondents and/or witnesses, the complexity of the matter and any relevant legal issues which may necessitate a longer period for completion.

Where to Send Formal Complaints

Send complaints about CCA members to:	Send complaints about or involving CCA to:
The CEO, CCA	The Chair, CCA
Email: admin@cca.edu.au	Email: chair@cca.edu.au
Postal Address: Community Colleges Australia Private and Confidential – To Be Opened By Addressee Only PO Box 1839 Queen Victoria Building Post Office SYDNEY NSW 1230	

Confidentiality Constraints

Information identifying a complainant will be used to address the complaint and will be protected from disclosure unless express permission is granted by the complainant.

Confidentiality constraints may prevent CCA from informing complainants of the action taken against member organisations and/or individuals, including staff, where a matter is substantiated.

Accountability

CCA, via the CEO, is accountable for and reports to the CCA Board on the management of complaints received by CCA.

External Authorities

Depending on the nature of the complaint, a complainant may have access to further avenues of appeal through external authorities. A complainant may decide on referral to an external authority at any stage of the process. Depending on the circumstances, external authorities may include, for example, the Australian Charities and Not-for-profits Commission (ACNC), the Industrial Relations Commission of New South Wales, the Anti-Discrimination Board of New South Wales, the Fair Work Commission or other government agency. External authorities may expect that the matter has first been attempted to be addressed using internal processes before they become involved.

Related Policy

CCA Code of Ethics.

Monitoring and Review

This policy will be subject to a process of periodic review and may be amended or updated if required.

Version History

Version	Approved By	Approval Date	Date of Effect	Sections Modified
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