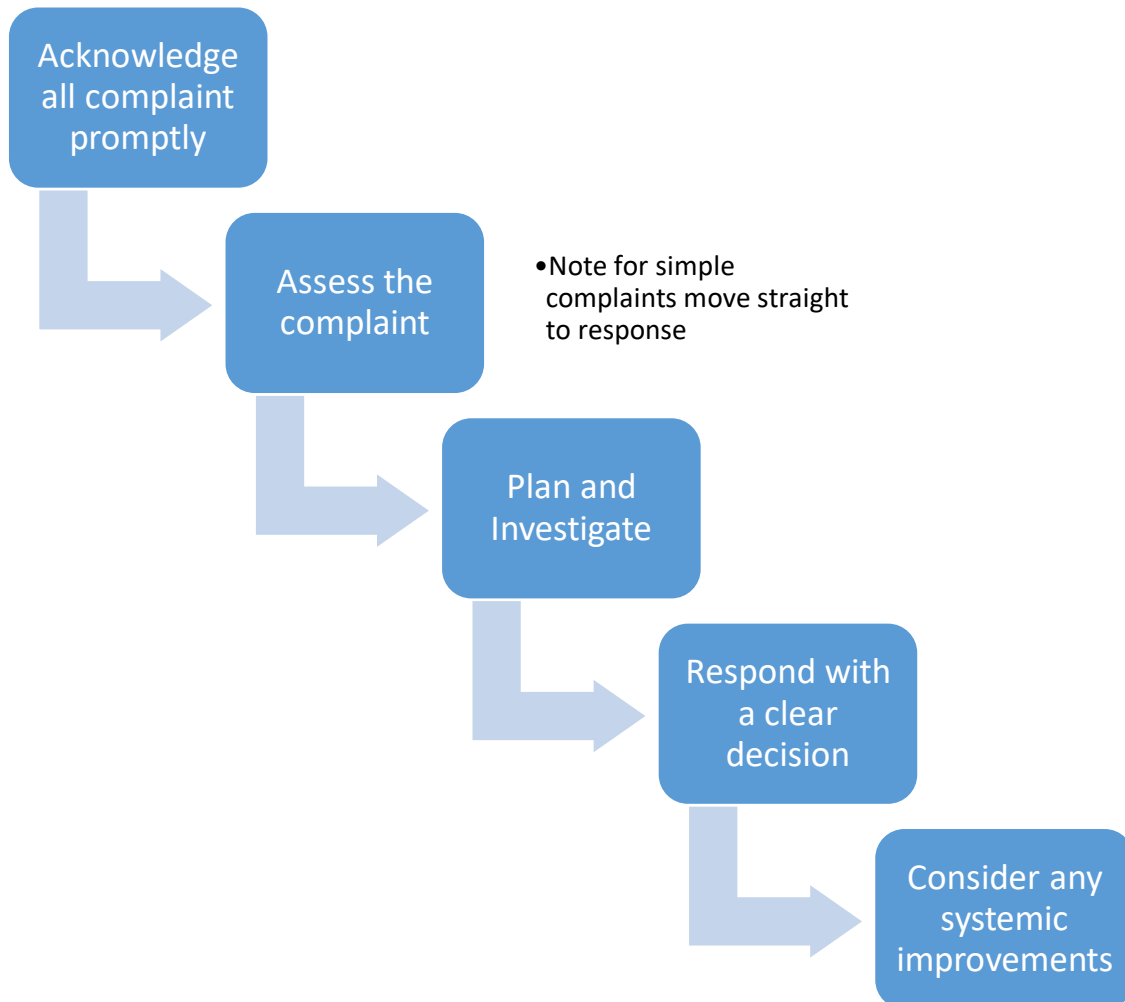


## Dispute resolution policy



## **Acknowledgement**

A complaint must be acknowledged quickly so as to reassure the client that their complaint is receiving attention. This acknowledgement can be an important tool in managing the complainant's expectations. The acknowledgement should outline the complaint process and provide contact details and preferably the name of a contact person. As far as possible, it should also note how long it is likely to take to resolve the complaint and when the complainant will next be contacted.

## **Assessment**

Early assessment of a complaint is essential for effective complaint handling. The assessment should be carried out by a person or team that specialises in this task.

It is good practice to ask the client how they would like to see their complaint resolved— what outcome they are seeking. Sometimes an agency can meet the client's expectations and sometimes not, but it is important to take account of those expectations.

## **Investigation**

Define what is to be investigated and list the steps involved in investigating the complaint and state whether further information is required, either from the complainant or from another person or organisation.

Determine an estimate of the time it will take to resolve the complaint.

Identify the remedy the complainant is seeking, whether the complainant's expectations are realistic or need to be managed, and other possible remedies. Note any special considerations that apply to the complaint—for example, if the complainant has asked for their identity to be withheld from others or if there is sensitive or confidential information that needs to be safeguarded.

The three principles of fair investigation are

- **Impartiality.** Each complaint should be approached with an open mind and the facts and contentions in support of a complaint should be weighed objectively.
- **Confidentiality.** A complaint should be investigated in private, and care should be taken when disclosing to others any identifying details of a complaint. (Noting that confidentiality is not necessarily automatic under the strata legislation.
- **Transparency.** A complainant should be told about the steps in the complaint process and be given an opportunity to comment on adverse information or before a complaint is dismissed.

In order that these principles are achieved the following rules should be noted

- A finding on a disputed factual matter must be based on evidence that is relevant and logically capable of supporting the finding—not on guesswork, preconceptions, suspicion or questionable assumptions.
- A written record should be kept of evidence that is provided orally.

- A complainant is not obliged to substantiate each fact or element in their complaint, although it is reasonable for the investigator to ask them to assist the investigation by providing documents they have or explaining things they know.
- The rules of evidence that apply in court proceedings do not apply to administrative investigation, and an investigator can use reliable information obtained from any source.
- To accord natural justice, a complainant should be given an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint.

## **Response**

When the investigation of a complaint is completed the complainant should be told the particulars of the investigation, including any findings or decision reached. Even when other aspects of the complaint are still being investigated the complainant will usually welcome an interim explanation of what has been finalised.

The explanation should be presented in a style the complainant can understand and should deal with each concern or grievance raised in the complaint.

Among the potential remedies are a better or fuller explanation, an apology, changing or reconsidering a decision, expediting action, removing a debt or penalty, and providing financial compensation. If some action is to be taken to redress a fault or a wrong suffered by the complainant, this should be described.

## **Systemic review**

Review all complaints as they may expose a need to improve the agency's processes or a need for better training or support for agency staff.