

External Complaints Policy

Version 002

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1. Purpose

This Policy aims to:

- Detail Mental Health First Aid® Australia's (MHFA™) approach to providing a fair, consistent, timely and structured process for the resolution of concerns or complaints raised by external parties.
- Recognise the important role of feedback from external parties in delivering high quality products and services and in promoting healthy, safe, productive, and high-quality training environments.

2. Scope and Application

This Policy applies broadly to all external complaints in relation to MHFA's services, products, and actions, with the exception of those specifically exempted below.

This policy specifically does not apply to the following matters, which are either subject to other processes, or sit outside the authority of MHFA;

- Complaints in respect of the business activities of Trainers and Instructors (including financial transactions and employment arrangements) - these are outside the authority of MHFA.
- Complaints in respect of the internal business operations of organisations that utilise MHFA programs - these are outside the authority of MHFA.
- Employee grievances (refer to the Grievance Policy)
- Complaints relating to harassment, bullying or discrimination by an employee of MHFA (refer to the Equity & Diversity Policy)
- Complaints about fraud or corrupt conduct (refer to the Whistleblower Policy)
- Complaints about privacy breaches (refer to the Privacy Policy).
- Complaints about matters where there is a process of review or appeal or objection prescribed by legislation.
- Complaints about matters that are subject to police investigation or legal proceedings at the time of the complaint.

3. Policy Statement

This policy covers:

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3.1 Principles

MHFA aims to resolve all complaints in a fair, impartial and timely fashion. MHFA takes all complaints seriously and will make all reasonable efforts to ensure that complainants do not suffer any disadvantage or recrimination because they make a complaint.

Complaints that fall within the scope of this policy will be considered in the context of the following principles;

- **Accessibility** - Individuals can easily find out how to complain to MHFA.
- **Transparency** - It is clear how to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
- **Commitment** - MHFA recognises people's right to complain and is committed to fairly resolve the complaints that it receives.
- **Objectivity & Fairness** - Complainants and MHFA staff are treated with respect and courtesy and complaints are judged on merit and fact.
- **Confidentiality** - MHFA staff are informed on a 'need to know' basis and all information is handled in accordance with the MHFA Privacy Policy.
- **Accountability** - MHFA will provide explanations and reasons for decisions.
- **Continuous Improvement** - MHFA will analyse complaint information and identify where it can reasonably improve the way that it delivers its products and services.

3.2 Complainant Obligations and Rights

Anyone who makes a complaint is expected to observe the defined processes in this policy for their complaint (including those about confidentiality) and to behave in a courteous and reasonable manner towards MHFA staff who investigate or determine outcomes in relation to those complaints.

Unreasonable behaviour will not be tolerated by MHFA and any complaint resolution will be placed on hold until that behaviour ceases. Unreasonable behaviour is defined as any behaviour by a current or former complainant, which, because of its nature or frequency, raises material health, safety, resource or equity issues for the parties involved in the complaint (staff or external). Unreasonable behaviour may include; unreasonable persistence, unreasonable demands, unreasonable lack of cooperation or unreasonable arguments.

At all stages of the process a complainant has the right to be represented by a third person (such as a family member, friend or other professional support person).

Where the party lodging the complaint is under 18, parental consent and involvement will be required.

3.3 How to make a complaint

All complaints are to be made in writing by contacting Mental Health First Aid Australia via any of the below options:

Mail: Mental Health First Aid
Complaints Officer
Level 18, 150 Lonsdale St
MelbourneVIC 3000 AUSTRALIA

Email: complaints@mhfa.com.au

Only complaints received in writing via one of the above methods will be considered a 'complaint' under this policy.

3.4 Informal Complaints

All complaints are first received and reviewed as part of the informal complaint process. It is anticipated that most complaints can be resolved at this level.

An informal complaint may be submitted at any time within 12 months from the date of the event leading to the complaint.

Informal complaints will be:

- Recorded by the Complaints Officer in the confidential complaints register on receipt.
- Acknowledged by the Complaints Officer within 7 business days of receipt.
- Assigned to the most appropriate party or position within MHFA for resolution by the Complaints Officer.

- Resolved as quickly and informally as possible. MHFA aims to resolve informal complaints within 20 business days of receipt of the complaint. If this is not the case, the complainant will be advised accordingly.
- Closed by providing a written response to the complainant that outlines the outcome of the complaint (including reasons).
- The following information will be recorded by the Complaints Officer for each complaint:
 - The complainant's details
 - Date the complaint was received
 - Complaint category
 - Complainants desired outcome (if known)
 - MHFA team member responsible for resolving the complaint
 - Any actions taken, response times & outcome
 - Any recommendations for MHFA improvements

If the outcome of an informal complaint is not satisfactory to the complainant, they may lodge a formal complaint.

3.5 Formal Complaint

Any external party can make a formal complaint if they are dissatisfied with the outcome of any informal complaint already made. The basis of a formal complaint is expected to be on the grounds that it is unfair, unreasonable or does not conform to any MHFA policy that may be relevant to the complaint.

A formal complaint may also be instigated where MHFA believes the nature of an informal complaint is sufficient to warrant a more formal review.

A formal complaint must contain sufficient information for the complaint to be assessed. This must include:

- Brief description of what the complaint is about
- How the complaint arose
- Who is involved
- What (if any) steps have been taken to resolve the complaint
- Outline of the grounds that the complainant believes the original complaint decision should be reviewed
- What outcome the complainant is seeking
- Any supporting documentation

Formal Complaint Process

1. Acknowledge and appoint a Complaint Review Officer (CRO)

On receipt of a formal complaint, the Complaints Officer will:

- a. Notify the CEO immediately
- b. Record the complaint in the confidential complaints database
- c. Send an acknowledgement of receipt of the complaint within 7 business days
Within 7 business days of receipt of the complaint, appoint a Complaint Review Officer (CRO), to review the complaint.

2. Complaints Review Officer Review - To determine if an investigation is required

The Complaint Review Officer may determine that there are not sufficient grounds to reconsider the merits of the original decisions or conclusions and that no further action is warranted. Where the Complaint Review Officer determines that a complaint will not be investigated, they will notify the complainant of this decision and provide reasons in writing to the complainant, normally within 15 business days of receiving the complaint.

The Complaint Review Officer must also notify the Complaints Officer of this decision for record keeping purposes.

3. Complaint Review Officer Investigation

Where the Complaint Review Officer determines an investigation is required under this Policy, they will:

- a. Initiate the investigation, within 7 business days of being appointed as the Complaint Review Officer
- b. Examine the relevant documentation, interview relevant parties where necessary and seek clarification on the information supplied from the relevant parties where required. Both the complainant and respondent are entitled to a support person but not a legal representative to attend any meetings or interviews conducted during the formal process.
- c. At any stage during the investigation, the Complaint Review Officer can seek advice from appropriate areas within MHFA and from appropriate external organisations as required.
- d. Keep the complainant advised of the progress of the process whilst investigating the complaint (not outcomes).
- e. Provide the Complaints Officer with one of the following written recommendations:
 - I. That the complaint has been substantiated and recommendations on any action required;
 - II. That the complaint has not been substantiated. In most cases, no further action will be required.
 - III. Make recommendations about the development and/or refinement of MHFA systems and practices, whether or not the complaint has been substantiated.

4. Complaints Officer Decision

The Complaints Officer may choose at their discretion to accept the finding of the Complaint Review Officer or may take another course of action they deem appropriate. This may include dismissing or upholding the complaint.

The Complaints Officer must advise the CEO on the outcome for record keeping purposes.

5. Advise Outcome

The Complaint Review Officer or Complaints Officer where appropriate, will advise the complainant of the outcome of the investigation in writing, including the reasons for the decision.

3.6 External Avenues for lodging Complaints

A complainant may at any stage, refer their complaint to a relevant external agency. Where this occurs, MHFA may cease any internal process.

Where MHFA becomes aware that a complaint has been lodged externally, the complaint will be recorded by MHFA.

3.7 Withdrawal of a Complaint

An external party may withdraw a complaint at any stage of the informal or formal process, by advising their intent to withdraw their complaint in writing. MHFA will deem any withdrawn complaint to be resolved.

3.8 Conflict of Interest

Staff involved in complaint resolution must not have been involved in the action, decision or service of which the complaint is made, with the exception of the CEO or Complaints Officer in relation to organisational level decisions.

Where the complaint relates to the actions of the Complaints Officer, the CEO may appoint another member of the Senior Management Group to take on that role (Complaints Officer).

Where the complaint relates to the actions of the CEO, the complaint will be handled by the Chairperson of the Board.

All participants must be provided the opportunity to declare whether they have a conflict of interest, prior to providing any information related to a complaint. This declaration may be reviewed and subject to Complaints Officer or CEO discretion, the participant may be disqualified from participating in the complaint review.

A participant may also disqualify themselves from participating in complaint procedures should they consider that their involvement would or could create a conflict of interest in any way.

3.9 Complaint Remedies

Where a complaint is substantiated, MHFA will take steps to redress the situation. Possible remedies may include, but are not limited to:

- An apology
- An explanation of why the error occurred and steps taken to prevent it again
- A reversal of the decision
- A correction of MHFA records
- A change to policy, protocol or practice
- Disciplinary action against a staff member
- Instructors - improvement plans put in place and/or the removal of accreditation
- Full or partial refunds of monies paid
- Providing the means of redress as requested by the complainant.

3.10 Anonymous Complaints

MHFA will not respond to anonymous complaints.

3.11 Frivolous or Vexatious Complaints

Frivolous or vexatious complaints without substance will not proceed beyond preliminary investigation.

3.12 Consultation Processes

From time to time, MHFA consults with various parties to determine an organisational position or to better understand a particular area or need. It is not the intent of this policy to allow a person or an organisation to complain about the outcome of such consultations if the final result does not agree with that persons or organisations position.

3.13 Confidentiality

There must be limited disclosure of information relating to a complaint to as few as people as possible, and only to those legitimately involved in the process of resolving the complaint and/or addressing systemic issues arising from the complaint.

All parties involved in the investigation of a complaint including the complainant, respondent and investigators are to maintain confidentiality. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of a complaint will be treated seriously and will be referred to the CEO for appropriate action.

3.14 Continuous Improvement

MHFA will regularly review complaints received and use this information to inform continuous improvement across services, products and operations.

3.15 Record Keeping

All complaints will be confidentially recorded and securely stored in accordance with the MHFA Privacy Policy.

4. Responsibilities

Complainant	<p>A complainant will:</p> <ul style="list-style-type: none"> • Comply with the processes and requirements as outlined within this policy.
MHFA Employees	<p>MHFA employees will:</p> <ul style="list-style-type: none"> • Read, understand and comply with this policy. • Provide advice in accordance with this policy, to external parties about the complaint process, as and when required.
Complaints Officer (CO) Director Program Quality and Delivery	<p>The Complaints Officer will:</p> <ul style="list-style-type: none"> • Treat all complainants in a respectful and courteous manner. • Advise the complainant where MHFA is not the correct organisation to respond to their complaint. • Be responsible for confidentially and securely, recording and tracking all complaints under this Policy. • Provide guidance and assign complaints to MHFA employees for resolution in accordance with this policy. • Request information as required, to progress complaints. • Make the final decision on the outcome of the formal complaint, keeping the CEO informed • Advise the CEO on a timely basis on the receipt of a complaint and its progress, and where there are systemic issues or trends emerging.
MHFA Staff involved in resolving assigned informal complaints	<p>A staff member assigned to resolve an informal complaint will:</p> <ul style="list-style-type: none"> • Act in accordance with this policy at all times whilst resolving the complaint. • Provide the Complaints Officer with updates on progress and the outcome of the complaint, in accordance with the requirements of this policy. • Provide the complainant with the complaint outcome and reasons for the decision, in writing, within the timelines prescribed in this policy.
Complaint Review Officer (CRO)	<p>An appointed Complaint Review Officer will:</p> <ul style="list-style-type: none"> • Conduct timely formal complaint reviews, in accordance with the specific requirements outlined in this policy. • Keep accurate and complete records of the complaint review process. • Provide all records to the Complaints Officer to confidentially and securely store. • Provide updates to the Complaints Officer on progress of the review and outcomes, as and when required.

Chief Executive Officer (CEO)	<p>The Chief Executive Officer will:</p> <ul style="list-style-type: none"> • Ensure that an effective and efficient complaint management system is in place that operates in accordance with this Policy. • Ensure all MHFA employees are aware of and understand this policy. • Encourage an environment where complaints are handled seriously and comprehensively. • Ensure adequate resources are available to effectively manage complaints. • Appoint a Complaints Officer with defined responsibilities as outlined under this policy. • Report complaints to the Board as part of the monthly reporting processes
Board	<p>The Board will:</p> <ul style="list-style-type: none"> • Review this policy bi-annually or as circumstances require. • The Board Chair will be the decision maker when complaints are in relation to the CEO specifically.

5. Policy Owner

The CEO is accountable for this policy.

6. Scheduled Review Date

This policy will be reviewed at least every 2 years.

7. Definitions

Complainant	The external party making the complaint.
Complaint	Is the expression of dissatisfaction or concern raised by an external party in relation to the products, services, or actions of MHFA.
Complaints Officer	The nominated party (appointed by the CEO) to be responsible for the administration of complaints under this Policy.
Respondent	MHFA or its nominated representative.
Complaint Review Officer	The nominated party (appointed by the Complaints Officer) who is responsible for conducting a review of a specific formal complaint.
External Party	Any person or organisation accessing the products and services of MHFA including but not limited to; students, employers, industry/enterprises, government agencies, community groups or those providing services to MHFA.

8. Related MHFA Documents

Code of Conduct Policy
Equity & Diversity Policy
Delegations of Authority Policy
Grievance Policy
Risk Policy OHS
Policy Privacy
Policy

9. References & Legislation

AS/NZS 100002:2014 Guidelines for Complaint Management in Organisations
Competition and Consumer Act 2010
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984.
Occupational Health & Safety Act (all States)
Privacy Act 1988