

Excellence

IN COMPLAINT MANAGEMENT FOR REGISTERED TRAINING ORGANISATIONS (RTOS)

*A guide to best practice standards. For RTO's evaluating and benchmarking their
Complains Management Systems*

Contents

About Mediation Institute _____	1
Standards for RTO's 2015. Standard 6. _____	2
Excellence in Complaint Management _____	4
Self-Audit Process _____	5
Calibrating your Answers _____	6
1 Leaders Commitment to Improvement _____	7
2 Accessibility _____	8
3 Responsiveness _____	9
4 Assessment and Accountability _____	10
5 Effective Resolution _____	11
6 Privacy and confidentiality _____	12
7 Gathering and using information _____	13
8 Monitoring and Improvement _____	14
Support for your Team _____	15
Contact Information _____	16

About Mediation Institute

Mission

Our mission is to help improve business profitability and individual wellbeing by helping to prevent, reduce and resolve harmful conflict.

Vision

Our vision is every business in Australia recognizing that most complaints are feedback and a source of improvement and innovation. This potential is realized by having a system in place to capitalize on the opportunities that complaints offer.

Our History

Mediation Institute was established in 2013 to provide training in mediation and family dispute resolution (Family Law Mediation). Our values are accessibility, flexibility, quality and innovation and our approach to engaging our students was recognized by winning the eLearning Excellence Award in 2014 for our online learning programs.

We then saw a need for greater involvement in the delivery of mediation, establishing a not-for-profit, Interact Support in 2015 (Family) and complaint management services by establishing a Membership Association and Complaint Handling Service.

Our market research identified the struggle that organisations are experiencing in developing and implementing effective Complaint Management systems. Drawing on our own experience as a provider of VET training we have a specialisation in providing complaints handling and implementation support for RTOs.

Looking Ahead

We will continue to develop our services to support workplace dispute resolution. Directly or through referral to our mediator members we provide consulting, coaching, training, investigation and mediation services for organisations large and small. Our goal is to assist our clients to plan and implement complaint management systems that support business improvement and innovation by welcoming and resolving issues experienced by students, customers, clients, staff, contractors and any other business stakeholders.

“The purpose of these standards is to ...

3. Ensure RTOs operate ethically with due consideration of learners' and enterprises' needs.

From the Standards for Registered Training Organisations (RTOs) 2015

Standards for RTO's 2015. Standard 6.

RTO's have an obligation under the *Standards for Registered Training Organisations 2015* in regards to ensuring that complaints and appeals are properly managed.

Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

Context:

RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards.

Enterprise RTOs and volunteer associations that do not charge fees for the training and/or assessment and only provide training to employees or members are not required to maintain a separate complaints and appeals policy in relation to their training and assessment. These organisations must ensure, however, that their organisation's complaints policy is sufficiently broad to cover the activities as an RTO.

Subject to Clause 6.6, to be compliant with Standard 6 the RTO must meet the following:

6.1. The RTO has a complaints policy to manage and respond to allegations involving the conduct of:

- a) the RTO, its trainers, assessors or other staff;
- b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
- c) a learner of the RTO.

6.2. The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

6.3. The RTO's complaints policy and appeals policy:

- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

6.4. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) regularly updates the complainant or appellant on the progress of the matter.

6.5. The RTO:

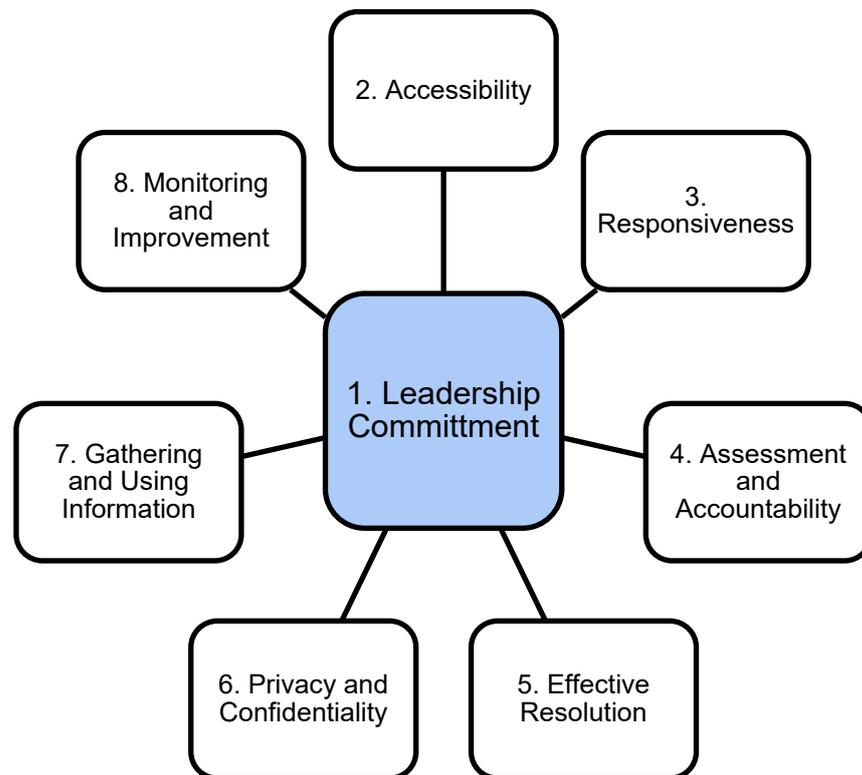
- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

6.6. Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

Excellence in Complaint Management

A complaint management system is an end to end process designed to turn complaints into business intelligence and to prevent the escalation of complaints into costly litigation, complaints to regulators or harmful interpersonal conflict.

The 8 elements of an effective Complaint Management System



Leadership commitment is given prominence in our Complaints System diagram because the harsh reality is that excellence and sustained high performance of your complaints system is not achievable without senior leadership commitment and sponsorship.

The reality is that leaders of an organization control the culture by the behaviour that is encouraged, allowed or tolerated.

Leaders need to show staff, students and other stakeholders that complaints will not arbitrarily lead to disciplinary action or other negative consequences by ensuring that clear guidelines and feedback are communicated.

Self-Audit Process

How to use the self-audit tool?

We recommend the following approaches to use of the self-audit tool which is based on the size / number of management levels your organization has.

Small RTO's

If you have a small RTO you are probably aware of most of what is going on within the organization and most issues are referred to you. You may even provide some of the frontline services e.g. owners or senior managers may provide some training or mentoring services for students. A single member of the leadership team is usually sufficient to complete the self-audit effectively.

Medium sized RTO's

If you have two or more levels of management within your RTO and / or several sites there is going to be a lot going on within the organization that the senior leadership are not aware of. You may have remote training or trainers embedded within organisations. Leaders may have little direct contact with customers and some of the staff.

Even one misaligned manager can cause a significant blockage in effective implementation of your Complaints Management System, even if there is an effective plan in place. It is recommended that at least one person from each organizational level from each site complete the self-audit to get a clearer picture the implementation of your plan.

Large RTOs and Multi-Nationals

If your RTO has many functional areas, sites and contracted labour it is likely that you will have a comprehensive complaint management plan in place. The implementation may vary between functional areas and range from complete ignorance of the plan to a best practice implementation.

We recommend that your improvement team or compliance area coordinate the completion of the self-audit by a representational sample of staff, contractors and other stakeholders from each site or division.

*“Without Proper
Self-evaluation
Failure is inevitable”*

-John Wooden-

Calibrating your Answers

We use a five-point answer scale with the Self-Audit Checklist.

Scale	Indicator
5	The service is rating at the highest level and your processes are best practice.
4	The service is meeting and exceeding this indicator.
3	The service is complying with the guidelines.
2	The service does not comply with guidelines or benchmarks but you have policies and processes in place to reach this indicator.
1	The service has not yet met this indicator and does not yet have a plan in place to reach the indicator.

When considering what number to allocate to a specific question think about the part of the organization that you work in and in the recent past.

Calibration Example

A Complaint Management Plan was announced by the CEO in 2015 to comply with the transition to the new standards for RTO's. Neither the CEO or General Manager have ever mentioned it since in any communication to staff.

Consider Question 1.1 "Are leaders responsible for communicating and promoting the Complaints Handling Plan?"

Considering the recent past e.g. the last three to six months. The rating for this point would be a 1 because there has been no further commitment to the plan since it was launched. Even though there is or at least was, a complaint management plan developed and announced some time ago there has been a failure of senior leadership sponsorship and support of the plan.

A rating 2 would require some recognition of this failure and a plan to incorporate information about the progress of the Complaints Management System in communication to staff by senior leadership.

“The standard you walk past, is the standard you accept.”

Lieutenant General
David Morrison

1 Leaders Commitment to Improvement

How well do your leaders show their commitment to improvement?

Best practice

- ✓ Leaders ensure that a clear, effective documented Complaints Handling Plan is cascaded throughout the organization and they promote its use.
- ✓ Leaders ensure that the policies related to effective communication and dealing with disagreements are known to be understood and used by staff.
- ✓ Staff have the training, resources and support they need to be able to implement the Complaint Handling Plan and collaborate in a diverse workplace.
- ✓ Leaders ensure that data from complaints are shared with all stakeholders while ensuring that individual confidentiality is protected.
- ✓ Complaints are encouraged, easy to make and assistance is available to make a complaint if needed.
- ✓ Complaints can be made anonymously to ensure that abusive, bullying and harassing behaviour is not hidden by fear of consequences of complaining.
- ✓ Leaders proactively seek feedback from all stakeholders rather than waiting for complaints.

Poor practice

- ✗ If a Complaint Handling Plan exists it is not supported by leadership
- ✗ There are no known policies or standards set for communication or resolution of conflict
- ✗ Staff are not trained, resourced or supported to handle disputes
- ✗ It is difficult for some stakeholders to make complaints and information about the dispute resolution process is not easily accessible
- ✗ Stakeholders are frightened or discouraged from complaining by the workplace culture
- ✗ Complaints can only be made in writing and complainants must identify themselves for their complaint to be recorded
- ✗ Feedback is not sought from stakeholders and a lack of complaints is seen as a positive



2 Accessibility

How accessible is your complaint handling system?

Is your complaint handling system accessible to all stakeholders and are all barriers to making a complaint eliminated?

Best Practice

- ✓ Information is available in several formats and locations about how to make a complaint.
- ✓ The complaint system is easy to use and identifies how, when, where and to whom complaints can be made
- ✓ It is simple and easy for any stakeholder to lodge a complaint
- ✓ Staff are responsive to complaints and treat all complaints as being serious not just those made in writing.
- ✓ The complaints service is promoted to all potential users.
- ✓ Feedback is actively sought from staff and customers.
- ✓ Complaints can be made verbally and documented by staff or the complainant can fill out a form

Poor Practice

- ✗ The method for making a complaint is hidden, complicated or unclear making it difficult for people to make a complaint
- ✗ The method for lodging a complaint may not be accessible to some people wishing to complain
- ✗ Staff do not respond appropriately, are dismissive or discouraging of some or all complaints
- ✗ There is little or no promotion of the complaint service
- ✗ Feedback is not sought from students, customers or staff
- ✗ Complaints cannot be made verbally
- ✗ No structured written dispute form is available

Under the Standards your complaints management system has to deal with complaints by trainers, staff and contractors, not just students.

3 Responsiveness

How responsive is your complaints system?

Complaints result from issues and problems not being resolved leading to the need for a more formal approach to dealing with them. A responsive complaints system deals with issues as soon as possible to prevent secondary issues and an expansion of conflict.

Best Practice

- ✓ All staff recognize a complain, even when it is not formally worded as such, and can assist in initiating the complaint handling process
- ✓ Every member of the organisation understands that they are responsible for identifying complaints and engaging with the complaints management system to help it to be resolved
- ✓ When a complaint can't be resolved at the level of the first staff member the complaint escalation process and timeframes are clearly explained to the complainant
- ✓ The Complaint System has reasonable timeframes set for complaint resolution. Those timeframes are monitored and achieved.
- ✓ Complainants are updated on the progress of their complaint regularly as it progresses through the system

Poor Practice

- ✗ Staff do not recognize or choose to ignore attempts to make a complaint.
- ✗ Complainants are given the run around and misdirected making it hard for them to locate a staff member who will take on their complaint
- ✗ Complaint escalation is haphazard and not monitored. Timeframes for resolution (if they exist) are ignored.
- ✗ Delays are used to try to discourage complainants and they have to make requests for information on the progress of their complaint because they are not given any information proactively.

“The enemy of accountability is ambiguity.”
 Patrick Lencioni,
 The Five
 Dysfunctions of
 Team: A Leadership
 Fable.

4 Assessment and Accountability

How well are complaints “triaged” and who is accountable for their resolution?

Do you have a “one size fits all” complaint management process that wastes resources and hides business critical issues? Are the people allocated to resolve complaints trained, skilled and without a conflict of interest?

Best Practice

- ✓ A risk assessment framework is used to determine the potential cost and consequence of all complaints to ensure that the response is proportionate to the issues.
- ✓ Complainants are consulted in how they would like the issue dealt with as well as applying criteria such as complexity and seriousness of the allegations.
- ✓ Senior management are notified of serious issues quickly after they are identified
- ✓ Independent Complaints Managers are available (internal or contracted) who do not have a conflict of interest and possess high level complaint handling skills
- ✓ The assessment system makes it clear when and how to escalate complaints.

Poor Practice

- ✗ Complaints are dealt with on a first come, first serve basis and all are treated in the same way with no evaluation or prioritization of the issues.
- ✗ Senior management are not considered part of the complaint handling system and are not informed of high consequence issues in a timely manner
- ✗ The complaint system requires a complainant to speak with their direct manager or trainer / assessor about their complaint even if the complaint is about them
- ✗ Complaints are handled by poorly trained staff members or ones with a conflict of interest
- ✗ There is no process or clarity about when to engage a dispute resolution professional or internal specialist

“The enemy of accountability is ambiguity.”

*Patrick Lencioni,
The Five
Dysfunctions of
Team: A Leadership
Fable.*

5 Effective Resolution

How well does the system work?

Are complaints resolved in a timely manner and without unnecessary damage to relationships or is making a complaint career or educational suicide?

Best Practice

- ✓ Complainants are engaged with as part of the solution and a problem-solving approach is taken whenever appropriate. Staff separate the people from the problem and do not take complaints personally.
- ✓ All complaints are an opportunity to improve the business. They are investigated to determine what happened, why it happened and how it can be prevented from occurring again. Tools such as 5 Whys and Root Cause Analysis are used in proportion to the complaint.
- ✓ When an investigation is required the process to be followed is clear and understood.
- ✓ All resolution processes are considered fair and equitable by all stakeholders
- ✓ Outcomes are reported and acknowledged to be objective and fair

Poor Practice

- ✗ Complainants are excluded from involvement in the complaint handling process and the outcome of investigations made with little consultation
- ✗ Complaints are investigated from the mindset of identifying a person to blame. Systemic problems are ignored and the opportunity to learn and improve not considered. Once a scapegoat is identified no further investigation of underlying causes is undertaken
- ✗ Investigations are secret and findings are suspect
- ✗ Processes are suspect of favouritism, bullying and cronyism. They do not appear to be fair
- ✗ Outcomes appear to be biased and discourage others from complaining



6 Privacy and confidentiality

Does your system respect complainants right to privacy and confidentiality?

Are there clearly communicated guidelines about how private and confidential information will be treated? Are complainants informed as they progress through the complaints system if the way their information will be used changes?

Best Practice

- ✓ Investigations are kept confidential where possible and information is shared only in accordance with the policy guidelines.
- ✓ At each step in the process there is clear information provided about how confidential information will be used and permission is sought if confidential information needs to be disclosed.
- ✓ Records of complaints are stored separately from general personnel or student files and unless necessary identifying information is only used with permission of the complainant.
- ✓ A report on investigations is provided to complainants and affected staff identifying facts, contributing factors, information about what changes have or will be made and how the implementation will be monitored.

Poor Practice

- ✗ Personal and confidential information is not protected and gossip about complaints is commonplace
- ✗ No information is provided about how personal information is used and it may be used in ways that is detrimental to complainants or staff
- ✗ Records of complaints are stored in general files and may be detrimental to complainants or staff members
- ✗ Little or no feedback is provided to complainants or affected staff following an investigation and there is no confidence in the effectiveness of the investigation process

7 Gathering and using information

*Information:
facts provided
or learned
about
something or
someone.*

How well is the information gathered through the complaints handling system used?

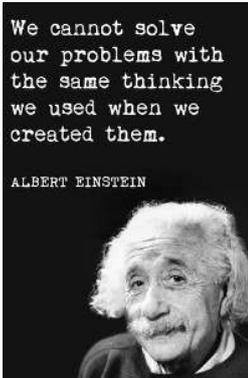
What data analysis occurs to ensure that trends are identified and that the Complaint Handling System is functioning as planned?

Best Practice

- ✓ All complaints are recorded so that individual complaints can be tracked till resolution and so that trends and patterns can be identified
- ✓ Performance is tracked against the targets established in the Complaint Management Plan and plans are in place if performance falls short of objectives due to changes in the organisation
- ✓ Regular reports are provided to staff and other stakeholders about complaints and the results of the recommended changes resulting from investigations
- ✓ There is engagement with regulators, specialists and industry peers to share and learn best practice

Poor Practice

- ✗ Complaints are not recorded and there is no ability to identify “hot spots” for complaints and other trends or patterns
- ✗ No performance targets exist or where they exist there is no reporting against them
- ✗ No reporting is provided to staff or other stakeholders
- ✗ Problems are seen as a result of bad behaviour by individuals and systemic issues are ignored
- ✗ The business is not complying with their obligations under legislation or other regulation and see the regulator as the enemy



8 Monitoring and Improvement

How well does the Complaint Management System integrate with other business systems and provide management information for leaders and senior staff?

Best Practice

- ✓ Information from the complaints system is used by the senior leadership team for planning, quality improvement and determining appropriate professional development for staff
- ✓ Senior management can rely on the Complaint Management System to alert them of serious issues or risks facing the organization allowing them to take early and effective action to mitigate the damage
- ✓ The Complaint Management System is regularly reviewed with stakeholders to ensure that it remains effective
- ✓ Feedback is sought from complainants about their satisfaction with the complaint management process once their complaint is resolved
- ✓ The complaint management system is effective when monitored and audited against objective criteria

Poor Practice

- ✗ Senior management do not receive data from the complaints management system. There is no feedback loop.
- ✗ There is no trigger to inform senior management about critical issues and they may remain ignorant until the issue reaches a complaint to the regulator, court or tribunal.
- ✗ There is no review of the complaint handling system
- ✗ There is no process to gather feedback from complainants
- ✗ The complaint process is ineffective or its effectiveness is not known because performance is not monitored

Support for your Team

RTO Membership and External Complaints Handling Service

This service provides the opportunity to escalate a dispute to an independent mediator or investigator where there is a conflict of interest or lack of confidence in internal responses. Services include:

- Mediation
- Investigation
- Root Cause Analysis facilitation

Complaint Management Plan System

This 'system in a folder' contains a complaint management system with templates, forms, handouts and posters you can populate to create your own fit for purpose Complaint Management Plan for your RTO.

Implementation Support

This service includes half, full or two day workshops and consulting to support your team in customising and planning the implementation of your Complaint Management Plan.

Complaints Handling Advice and Support

This service provides help for HR and other Managers who need some independent advice on dealing with complaints. You can email or phone for confidential and independent guidance.

Training

Training in mediation, root cause analysis, complaint management, interpersonal communication and related interpersonal skills.

Contact us on 1300 781 533 or email office@mediationinstitute.edu.au to discuss how we can help you to improve your Complaints Management System.

Contact Information

Would you like more information about our services?

Contact one of our friendly team.



Joanne Law

Consultant, Mediator and RCA Facilitator

Phone 0401 293 500

Email; joanne.law@mediationinstitute.edu.au



Paul Kenna

Legal Counsel and RTO Specialist

Phone 03 9503 9931

Email; paul.kenna@mediationinstitute.edu.au

Company Information

Mediation Institute Pty Ltd

Suite 140, 7/225 Lonsdale Street, Dandenong Vic 3175

Tel 1300 781 533

office@mediationinstitute.edu.au

www.mediationinstitute.edu.au