

# ACPET Complaints and Dispute Resolution Policy

ACPET provides a complaints and dispute resolution process that is transparent, fair, and equitable for members, ACPET staff, and ACPET Board members.

## **Purpose**

To provide members with a means of registering complaints or grievances and to ensure a timely process for those complaints or grievances to be dealt with on a proportionate and confidential basis.

## **Responsibility**

The Governance, Audit and Risk Committee of the ACPET Board is responsible for compliance with this policy, supported by the CEO and management team.

## **Types of complaints or grievances**

This framework covers five types of complaints or grievances about:

1. an ACPET member
2. a member of the ACPET Board
3. a decision of the ACPET Board
4. an ACPET staff member
5. the CEO of ACPET.

## **Terms**

The terms 'grievance' and 'complaint' are used interchangeably.

'Complaint' means any act or omission that a member believes to be unfair or discriminatory or contrary to the member's terms of membership of ACPET.

'Informal' complaint means a minor concern that could be effectively resolved without the need to make the matter a formal complaint, for example, alleged misinterpretation of policy by an ACPET staff member.

'Formal' complaint means a complaint that cannot be resolved informally or is considered serious and therefore needs to be addressed formally, for example, misconduct by an ACPET staff member, possible crime or regulatory offence, discriminatory behaviour, or similar.

## **Principles**

In the interests of providing the most effective and timely means to address concerns most complaints should be dealt with as close to the source as possible and involve the people most directly concerned, except where they are the subject of the complaint.

Any complaint will be handled fairly, recognising the rights of the person making the complaint and the member or person against whom the complaint is being made. All parties concerned will be treated with courtesy and at no time will be discriminated or victimised. Appropriate confidentiality will be maintained throughout the process.

Complaints should be marked confidential and sent to:

Chief Executive Officer  
ACPET  
PO Box 551  
East Melbourne VIC 8002

Vexatious or nefarious complaints will be dealt with as a breach of the Code of Ethics.

### **Third parties and legal representation**

A complainant may be assisted by a third party, such as a family member or other professional support person, however, a third party is not two or more persons acting at the same time. An industrial advocate may also be referred to as a third party.

The costs of legal representation must be borne by the party engaging such representation. Costs are not relevant to an outcome of any complaint.

### **Judicial notice**

The complaint and investigation process does not have to strictly follow rules of evidence and can take notice of any information considered relevant. Where possible the principles relating to natural justice will be followed. It is intended that as far as possible all proceedings be held informally, confidentially, in a timely manner, and without strict adherence to obligations of compliance.

## **Complaint management processes**

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<b>Complaints about an ACPET member made by other members, stakeholders or staff</b>	
1.	Complaint received by ACPET and forwarded to CEO.
2.	CEO and Deputy CEO review complaint details and determine appropriate action. CEO and D/CEO to resolve informal complaints as they may deem appropriate.
3a.	Minor contravention of ACPET Code of Ethics – CEO writes to complainant outlining the alleged breach and seeking assurance from the member that they will address the apparent problem. Written response from member to be provided.
3b.	Major contravention of ACPET Code of Ethics – CEO sends a letter to member detailing allegations and asking for a written response. CEO and Deputy CEO review written response and propose response for consideration by Governance, Audit and Risk Committee.
4.	Following a review of the documentation – if sanctions are under consideration by the Governance, Audit and Risk Committee a letter is sent to the member offering an opportunity to provide further evidence and appear before the committee to make an oral argument.
5.	Additional information presented to the Governance, Audit and Risk Committee and hearing of oral submissions.
6.	Consideration by the Governance, Audit and Risk Committee of the oral submissions and any new evidence or material.
7.	Advice from the committee to the Board outlining what sanctions may be appropriate.

**Complaints about an ACPET member made by other members, stakeholders or staff**

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| 8.  | Review of evidence by the Board and agreement on appropriate sanctions having regard to the ACPET Constitution and by-laws. |
| 9.  | Letter from the CEO advising of the Board's decision and any sanctions.   |
| 10. | Report to Board as part of regular half yearly reporting on compliance with the ACPET Code of Ethics.                       |

**Complaints about a member of the ACPET Board made by other members, stakeholders or staff**

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| 1.  | Written complaint received by ACPET and forwarded to the Chair of the ACPET Board.  |
| 2.  | Chair of the Governance, Audit and Risk Committee and Chair of the Board review complaint details and determine appropriate action.<br>In appropriate circumstances the CEO may also be requested to review the complaint.  |
| 3a. | Minor contravention of ACPET Code of Ethics – Chair of the Governance, Audit and Risk Committee to speak to Board member outlining complaint.<br>Verbal discussion is followed up with written correspondence.<br>Written response from Board member to be provided.<br>Matter to be reviewed by full meeting of the Governance, Audit and Risk Committee at its next meeting.<br>Advice to be provided to the Board at its next meeting. |
| 3b. | Major contravention of ACPET Code of Ethics – Chair of the Board, Chair of the Governance, Audit and Risk Committee, and, if appropriate, CEO meet to discuss allegations.<br>Written advice to Board member and arrangements made for a meeting with Chair of the ACPET Board and Chair Governance, Audit and Risk Committee, and, if applicable, CEO.   |
| 4.  | Outcomes of the meeting to be provided to a full meeting of the Board and determination made as to whether Board member's position is deemed to be vacated.   |
| 5.  | Letter to be provided to Board member.  |
| 6.  | In the event that the Board member's position is deemed to be vacated, there shall be a casual vacancy which may be filled by the Board in accordance with the constitution.  |
| 7.  | In the event that the Board member's position is not deemed to be vacated and refuses the Board's invitation to resign, the Council in general meeting may, by ordinary resolution (of which special notice shall have been given), remove the Board member from office.  |

**Complaints about a decision of the ACPET Board**

1.	Written complaint received by ACPET and forwarded to CEO.
2.	CEO and Deputy CEO review complaint details and determine appropriate action.
3.	If the CEO determines that the subject of the complaint requires clarification of the Board's decision, the CEO responds to the member in writing. If the member accepts the CEO's advice the matter is considered closed.
4.	If the member requests further action in relation to the CEO's explanatory letter, or the CEO and Deputy CEO consider the complaint should be referred to the Board, the matter is to be referred to the Board.
5.	The Board will formally note the complaint in the minutes; however Board decisions are not subject to appeal or review unless there are allegations of illegality. Letter from the CEO advising of referral to the Board.
6.	In the event of an allegation of illegality, the matter is to be referred to the Governance, Audit and Risk Committee which may offer the complainant the opportunity to provide further information to the committee and appear before the committee to make oral submissions.
7.	Consideration of allegation of illegality by the Governance, Audit and Risk Committee in conjunction with legal advisers.
8.	Governance, Audit and Risk Committee advice to implement recommended actions as may be appropriate.

#### **Complaints about an ACPET staff member**

1.	Complaint received by ACPET and forwarded to CEO.
2.	CEO to review complaint details and determine appropriate action. CEO to resolve informal complaints as deemed appropriate.
3.	Contravention of ACPET Corporate Policies to be dealt with by CEO as required.
4.	Serious complaints concerning direct reports to the CEO are to be dealt with by the CEO in conjunction with the Chair of the Board.

#### **Complaints about the CEO of ACPET**

1.	Written complaint received by ACPET and forwarded to Chair of the Board.
2.	Chair of the Board to review complaint details.

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| 3. | CEO notified of complaint and provided with an opportunity to respond.  |
| 4. | If the Chair of the Board considers the matter warrants further investigation or may result in sanctions being imposed on the CEO including the possibility of termination, the matter is to be referred to the Chair of the Governance, Audit and Risk Committee for its consideration and for the guidance of the Chair of the Board. |
| 5. | Chair of the Board to implement recommended actions as may be appropriate.  |