

Home Education Association, Inc.

Handling Complaints Policy

Adapted from Justice Connect Not-for-Profit Law Guidelines:
Complaint handling by charities and not-for-profits

Policy Name	HEA Handling Complaints Policy		
Purpose of policy	<p>This policy is intended to ensure that the HEA handles complaints fairly, efficiently and effectively in the best interests of the Association.</p> <p>This policy provides guidance to our committee and volunteers when receiving a complaint in relation to the HEA.</p>		
Version	(#3) 2022.02.03	Next Review:	by Feb 2023
Good Practice/ Governance References	<p>Commonwealth Ombudsman - Best Practice Guidance</p> <p>ACNC Complaints Handling: Model Policy & Procedure Guide</p> <p>Model Procedures from Justice Connect</p>		
Stakeholders	Who has rights?	<ul style="list-style-type: none"> Members of the Public Members of the HEA 	
	Who has responsibilities?	<ul style="list-style-type: none"> Committee Members Subcommittee Members and Volunteers Public Officer Members of the HEA 	

1. Introduction

HEA Constitution, Section 24: “The association shall have its affairs controlled and managed by the office bearers and other members known as the committee.”

Mission: “The mission of the HEA is to promote and support the practice of home education across Australia and to advance educational equity for members.”

Related Pillar: “Govern and manage the association well.”

1.1. Purpose

This policy is intended to implement the HEA’s duties of fulfilling the HEA Constitution, Objects, Mission and Pillars.

This policy is intended to ensure that the HEA handles complaints fairly, efficiently and effectively in the best interests of the Association.

This policy provides guidance to our committee and volunteers when receiving a complaint in relation to the HEA.

1.2. Scope

This policy applies to any HEA committee member or volunteer receiving or managing complaints from a member, or a member of the public, regarding our services, communication, policies, or purported breach of HEA policies (such as the Constitution or Codes) and/or legislative policies (such as the AI Act and Regulations).

1.3. Organisational commitment

The HEA expects volunteers at all levels to be committed to fair, effective and efficient complaint handling, always acting in good faith for the best interests of the Association..

The following table outlines the nature of the commitment expected from committee and volunteers and the way that commitment should be implemented:

Who	Commitment	How
<p>President</p> <p>and</p> <p>Holder of Governance Portfolio</p>	<p>Promote a culture that values complaints and their effective resolution</p>	<ul style="list-style-type: none"> • Ensure Committee members and Volunteers are aware of the complaints process. • Provide adequate support and direction to committee/ volunteers responsible for handling complaints. • Regularly review reports about complaint trends and issues arising from complaints. • Encourage all committee and volunteers to be alert to complaints and assist them to handle those complaints promptly on an informal basis if possible. Encourage volunteers to make recommendations for system improvements. • Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.
<p>Management Committee</p> <p>and</p> <p>Office Bearers</p>	<p>Demonstrate exemplary complaint handling practices</p>	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Assist people to make a complaint, if needed. Comply with our policy and associated procedures. • Provide regular feedback to subcommittees on issues arising from complaints. • Facilitate receiving suggestions on ways to improve our complaints management system. • Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.
<p>Subcommittees</p> <p>Volunteers</p>	<p>Understand and comply with our complaint handling practices</p>	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Be aware of our complaint handling policies and procedures. • Be alert to complaints and assist each other to handle complaints promptly and preferably on an informal basis first • Notify the HEA Management Committee as soon as aware of a complaint or dissatisfaction. • Assist people who wish to make complaints access our complaints process.

2. Terms and Definitions

Committee

The HEA Management Committee

Complaint

An expression of dissatisfaction or protest made to us about our services, communication or purported breach of HEA or legislative policies where a response or resolution is explicitly or implicitly expected or legally required.

Note: As well as complaints being made directly to our association, remember that some complaints (or at least negative comments) may be made on social media. There may be occasions where these will need to be treated as feedback and/or a complaint.

Complaint handling/management system

All policies, procedures, practices, committee members, volunteers, and registers used by us in the management of complaints.

Dispute

A disagreement or argument, which often needs a mediator or court of law to help resolve. Dispute categories could be over financial matters, defamation, working conditions, disagreement over the interpretation of the rules of the association, and other things like, for example, one member not recognising another member's bonafide membership to allow them to participate in an HEA event.

Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to us about our services, communications, or HEA policies.

Frivolous

Not useful, serious or sensible; wastes time and money.

Grievance

A clear, formal written statement by an individual committee member or volunteer about another committee member or volunteer, or a work-related problem.

Harassment / Bullying

Aggressive pressure or intimidation, especially if on a regular basis.
Persistent attacks and criticism.

Policy

A statement of instruction that sets out how we should fulfil our objects, mission and pillars.

Procedure

A statement or instruction that sets out how our policies will be implemented and by whom.

Queroulos Complainers

A habitual complainer, looking to continually find fault, often in an argumentative or unpleasant manner. Peevish, they are not interested in finding genuine resolution.

Vexatious

Instituted without sufficient grounds, esp so as to cause annoyance or embarrassment.

Volunteers

All HEA members who have an appointed functioning role in the HEA, such as Subcommittee volunteers and coordinators, Event coordinators, and HEA committee members.

We/Us/Our

The HEA and/or the HEA Management Committee; may be applicable to individual members of the HEA as it relates to the Code of Conduct.

3. Guiding principles



An effective complaint handling system must be modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration into organisational culture.

3.1. Facilitate complaints

People focussed

We are committed to seeking and receiving feedback about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame. People making complaints will be:

- provided with information about our complaint handling process and how to access it
- listened to, treated with respect by us and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them.

Anonymous complaints

We will accept anonymous complaints if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.

Accessibility

We will ensure that information about how complaints may be made to us is publicised to our members. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

No charge

There are no fees attached to processing complaints.

3.2. Respond to complaints

Early resolution

Where possible, complaints will be resolved at first contact with us or a volunteer and on an informal basis.

When appropriate we or the volunteer may offer an explanation or apology to the person making the complaint.

Responsiveness

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will receive an immediate response. All complaints will be responded to as soon as possible, and include the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and

- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaints and the reason for our delay.

Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, any internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

Responding flexibly

Committee members and volunteers are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints.

We will assess each complaint on its merits and involve people making complaints in the process as far as possible.

Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

The Committee may determine to meet together to discuss a complaint outside of a normal committee meeting in order to respect the privacy of the complainer and a limit of the information that goes into the minutes for membership reading.

Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations such as outlined in our Constitution.

4. Manage the parties to a complaint

Empowerment of volunteers

All volunteers and committee members managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Volunteers are encouraged to provide feedback to the committee on the effectiveness and efficiency of all aspects of our complaint management system.

Complaints involving multiple agencies

Complaints involving multiple agencies, would fall not under the complaints definition, but under “Disputes”. The HEA Constitution specifies how to handle Disputes.

Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our committee members and other volunteers, and
- our ability to allocate our resources fairly across all areas of our duties as the committee.

When people behave unreasonably in their dealings with us, or make

complaints that are forms of harassment or bullying, vexatious or frivolous, their conduct can significantly affect the progress and efficiency of our work, impacting the services we are able to provide to our broader membership. This includes receiving communications that the committee deem to be made from a querulous complainant. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our volunteers to do the same in accordance with this policy. This includes closing the complaint case and ceasing to engage with that person on matters the committee believe are related to the combative behaviour by the complainant.

A complaint is not a “dispute” and therefore does not automatically lead to the Constitution’s disputes process.

Handling the Complaint

We aim to resolve complaints at the first level, the frontline. Wherever possible volunteers and committee members will be adequately equipped to respond to complaints, including being given appropriate authority, training and guidance.

Where this is not possible, we may decide to escalate the complaint to the office bearers within our organisation. This second level of complaint handling will follow the procedures of the **Five Key Stages of Complaint Management**, providing for the following internal mechanisms:

- the management committee will assess and possibly make an investigation of the complaint and decision/s already made, and/or
- if the Committee deems the matter to actually be a “dispute” rather than a complaint, the Committee will refer the parties to the Constitution, suggesting mediation with the Community Justice Centre (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).
- any grievance received from an individual committee member or volunteer about another individual committee member or volunteer, shall be given particular consideration to be recognised as a dispute

matter, for an expedient referral for mediation through the CJC.

- Disputes between Members - section 23:

Disputes between Members

- 23. In the event of a dispute arising between members (in their capacity as members) or between a member(s) and the Association, the following procedure shall apply:
- 23.1. Each side of the dispute shall nominate a representative who is not directly involved in the dispute. Those representatives shall then attempt to settle the dispute by negotiation.
- 23.2. In the event that no resolution is achieved through the nominated representatives within 14 days, the matter may be referred by one or both parties to the Community Justice Centre for mediation.

5. Accountability and learning

5.1. Analysis and evaluation of complaints

We will ensure that formal complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis by the management committee, current or future.

We will keep data on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests we receive for internal review of our complaint handling. Analysis of these reports will be undertaken to monitor trends, measure the quality of our member service and make improvements.

5.2 Monitoring of the complaint management system

We will regularly monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints

- identify and correct deficiencies in the operation of the system, and
- monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

5.3 Continuous improvement

We are committed to improving the way our association operates, including our management of the effectiveness and efficiency of our complaint management system. To this end, we will keep records of any complaints and management within our **Risk Register**. We will

- support the making of appropriate resolution to complaints
- implement best practices in complaint handling
- recognise and acknowledge exemplary complaint handling by volunteers and committee members
- regularly review the complaint management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

HEA PROCEDURE FOR HANDLING FORMAL COMPLAINTS

Five Key Stages of Complaint Management

Adapted from the Model Procedure from Justice Connect and ACNC

Introduction

When responding to complaints, volunteers and committee members act in accordance with complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

The committee should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The **Five Key Stages** in our complaint management system are set out below:

1 Receive

If the complaint has not been resolved informally at the outset, it will be escalated to the Office Bearers for the Management Committee to receive and hear the complaint. The Secretary will record the complaint and its supporting information into the Risk Register, assign a number to the complaint file, and identify the person making the complaint as either a HEA member or a member of the public.

The record of the complaint will document:

- Contact information of the person making a complaint and the date received
- Issues raised by the person making a complaint and the outcome/s they want
- Any other relevant information, and
- Any additional support the person making a complaint requires.

2 Acknowledge

We will acknowledge receipt of each complaint promptly, and preferably within 10 working days. When appropriate we may offer an explanation or apology.

Consideration will be given to the most appropriate medium (e.g. email, phone call) for communicating with the person making a complaint.

3 Assess and investigate

3.1 Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the

issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed. When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed,
- whether or not the complaint is querulous, vexatious or frivolous, and
- whether to recognise the complaint as actually a "dispute", requiring a resolution involving another organisation, such as the Community Justice Centre.

3.2 Investigating the complaint

After assessing the complaint, we will consider how to manage it. We may:

- Give the person making a complaint information or an explanation.
- Gather or ask for more information about the issue, person or area that the complaint is about.
- Investigate the claims made in the complaint.
- Decide not to proceed further.

We will keep the person making the complaint up-to-date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

4 Determine outcome and provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- Their complaint register ID number for reference
- The outcome of the complaint and any action we took

- The reason/s for our decision

The remedy or resolution/s that we have proposed or put in place.

5 Close the complaint: document and analyse data

5.1 Document

Within the Risk Register we will keep a record about:

- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- Any outstanding actions to be followed up, including analysing any underlying or root causes.

5.2 Analyse data

We will ensure that outcomes are properly implemented, monitored and reported to the full HEA Management Committee.

This policy will be made available on the HEA Website.

Policy - HEA Handling Complaints, V2022-02 Portfolio: Governance