

Complaints Handling Policy

1. Introduction

The Australian and New Zealand Intensive Care Society (ANZICS) is committed to maintaining the highest standards of integrity, accountability, and transparency in all its operations. This policy outlines the procedures to ensure that concerns and grievances are addressed promptly, fairly, and effectively. ANZICS recognises the importance of providing a confidential process for stakeholders to voice their concerns. By fostering an environment of open communication and continuous improvement, ANZICS aims to uphold the trust and confidence of all its stakeholders.

2. Purpose and Scope

The purpose of this policy is to provide a clear, structured, and accessible process for lodging, managing, and resolving complaints related to ANZICS operations and activities. All complaints are handled impartially, transparently and in a timely manner. ANZICS seeks to uphold its commitment to accountability and continuous improvement, fostering trust and confidence among stakeholders, including members, partners, donors, and the public.

3. Guiding Principles

- 3.1 All matters will be handled adhering to the principles of procedural fairness and maintaining the confidentiality of those involved.
- 3.2 A person making a complaint to ANZICS can choose to be identified, maintain confidentiality, or specify anonymity. If an anonymous or confidential complaint is made, ANZICS will acknowledge the complaint but may decide not to proceed with addressing it at its own discretion, for instance, to ensure procedural fairness.

4. Policy

- 4.1 ANZICS will manage all matters according to the principles of natural justice and procedural fairness and in accordance with relevant law where applicable.
- 4.2 All matters will be treated respectfully and without prejudice.
- 4.3 All information provided will be treated with confidentiality, and unless otherwise required by law, any sharing of information will only occur with the permission of the enquirer or complainant.
- 4.4 The person who has lodged an enquiry or complaint will be kept informed of actions being taken and the progress of the matters to the extent that this is permissible

without compromising the confidentiality of other parties involved.

- 4.5 All complaints will be recorded in a confidential database in accordance with ANZICS' privacy policy.
- 4.6 Where appropriate, and where possible with the consent of the complainant, ANZICS may share information with other relevant institutions or regulatory bodies or direct complaints to them, depending on the nature of the complaint and the jurisdiction best equipped to handle it. In the case of allegations of a criminal nature, ANZICS retains the right to report the matter to the police without consent of the complainant.
- 4.7 In line with the Australian Council for International Development (ACFID) Code of Conduct is committed to recognising the importance and value of listening and responding to concerns and complaints in a safe and confidential manner as outlined in Principle 7.3.3.

5. Acceptance of Complaints

- 5.1 ANZICS can opt not to accept complaints regarding incidents occurring more than 12 months prior to lodgement of the complaint.
- 5.2 The Executive of the ANZICS Board of Directors may offer advice and support regarding the enquiry which may lead to lodgement of the complaint.
- 5.3 In determining whether a complaint is suitable for ANZICS to address, the following factors may be considered:
 - 5.3.1 A complaint should provide sufficient detail to identify the relevant conduct and how it may have fallen below expected standards.
 - 5.3.2 ANZICS may choose not to handle a complaint if it is being, or has already been, substantively addressed or investigated by another body. However, if the complaint involves serious issues or significant concerns, ANZICS may still consider it, despite previous handling by another entity.
 - 5.3.3 Complaints arising from commercial dealings will not be considered by ANZICS.
 - 5.3.4 Complaints related to breaches of the ACFID Code of Conduct should be submitted to the ACFID Code of Conduct Committee in writing to code@acfid.asn.au.

6. Staff Complaints Procedure

- 6.1 To make a complaint

If you believe you are being, or have been, discriminated against, sexually harassed or bullied, you should follow this procedure.

1. Tell the offender the behaviour is offensive, unwelcome, and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to your manager). Keep a written record of the incident(s).
2. If the unwelcome behaviour continues, contact your manager for support.
3. If this is inappropriate, or you feel uncomfortable, or the behaviour persists, contact another relevant senior manager. Employees may also lodge a complaint with the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, or take action under the Fair Work Act 2009.

Employees should feel confident that any complaint they make is to be treated as confidential as far as possible.

6.2 Procedure: To receive a complaint

When a manager receives a complaint or becomes aware of an incident that may contravene ANZICS Equal Opportunities & Anti-Bullying Policy, they should follow this procedure.

1. Listen to the complaint carefully and treat the complaint confidentially. Allow the complainant to bring another person to the interview if they choose to.
2. Ask the complainant for their full story, including what happened, step by step.
3. Take notes, using the complainant's own words.
4. Ask the complainant to check your notes to ensure your record of the conversation is accurate.
5. Ask the complainant to sign the notes and record the date and time of doing so and offer them a copy of the signed notes.
6. Explain and agree on the next action with the complainant
7. The interviewer should document any concerns or observations of their own from the meeting separately and keep these on file. For example, if there are concerns for well-being or vulnerabilities that may need support, if there were any peculiarities or inconsistencies in the story, if the interviewer has any concerns regarding potential conflicts of interest or abilities to maintain impartiality and how these concerns are to be managed.
8. If investigation is not requested (and the manager is satisfied that the conduct complained is not in breach of ANZICS Equal Opportunities & Anti Bullying Policy) then the manager should:
 - maintain confidentiality

- pass any notes on to the General manager

If an investigation is requested or is appropriate, follow the next procedure.

6.3 Investigating complaints

When a manager investigates a complaint, they should follow this procedure.

1. Do not assume guilt or bias.
2. Interview all directly concerned, separately; complainant, alleged perpetrator(s) and witnesses
3. Advise the alleged perpetrator(s) of the potential outcomes of the investigation if the allegations are substantiated and if they are not
4. Keep time and date-stamped records of interviews and the investigation.
5. Interview the alleged perpetrator(s), separately and confidentially and let the alleged perpetrator(s) know exactly of what they are being accused. Give them a chance to respond to the accusation. Make it clear they do not have to answer any questions; however, the manager will still make decisions around the next process steps to follow regardless.
6. Listen carefully and record details in notes using the alleged perpetrator(s) own words where possible. Ask them to review the notes to ensure that the content of the record is accurate and then to sign and date the notes. Offer them a copy for their records
7. Interview the witnesses separately and repeat the process of step 6.
8. Ensure confidentiality, minimise disclosure and advise all parties involved and witnesses that they should not discuss this matter with colleagues in the workplace, friends, family or social media or outside of a designated support person (who understands the need for maintenance of confidentiality), union, or where applicable legal representative, whilst an investigation is ongoing and that to do so may result in disciplinary action against them
9. Decide on appropriate action based on investigation and evidence collected.
10. Where, following investigation, the complaint is upheld, check to ensure the action meets the needs of the complainant and ANZICS.
11. If resolution is not immediately possible, refer the complainant to more senior management. If the resolution needs a more senior manager's authority, refer the complainant to this manager.
12. Discuss any outcomes affecting the complainant with them, ensuring appropriate support is offered where appropriate.

6.4 Possible outcomes

If after investigation management finds the complaint is justified, management will discuss with the complainant the appropriate outcomes which may include:

- disciplinary action to be taken against the perpetrator (counselling, warning or dismissal)
- staff training
- additional training for the perpetrator or all staff, as appropriate
- support and/or counselling for the complainant
- an apology (the particulars of such an apology to be agreed between all involved)
- criminal liability

An employee who breaches this policy by seriously bullying another person can be held criminally responsible for such action under the Crimes Act 2004 (Brodies Law)

7. External Stakeholder/Member Complaints Procedure

7.1 Procedure: To Make a Complaint

If an external stakeholder or member wishes to make a complaint about ANZICS, whether concerning individual treatment or broader organisational issues, please follow these steps:

1. Initial Contact: For specific issues related to individual treatment, if you feel comfortable, inform the person involved directly that their behaviour is unacceptable and against ANZICS policies. For broader organisational complaints or if you prefer not to approach them directly, proceed to the next step.
2. Contact ANZICS: Reach out to ANZICS through our official complaints handling process. This includes contacting a project manager, program coordinator, or emailing anzics@anzics.org. Ensure you document your complaint in writing, detailing the issue and any relevant information.
3. Submit a Formal Complaint: If you are not satisfied with the initial response or if your complaint pertains to broader organisational matters, submit a formal complaint through our official channels. This may include email or written correspondence. Written correspondence sent by overland mail should be sent by recorded delivery.
4. External Avenues: If you are dissatisfied with ANZICS's response or resolution, you may escalate your complaint to external bodies such as the Australian Human Rights Commission or other relevant regulatory authorities.

7.2 Procedure: To Receive a Complaint

When an ANZICS representative receives a complaint from an external stakeholder:

1. **Listen and Document:** Treat the complaint with seriousness and confidentiality. Allow the complainant to have another person present if they wish. Document the details accurately, including any information provided about individual treatment or broader organisational concerns.
2. **Verify Details:** Confirm with the complainant that your notes accurately reflect their account. The complainant should be asked to sign and date these notes and a copy should be offered to them for their records.
3. **Determine Next Steps:** Explain and agree on the next steps with the complainant. For issues that do not require immediate investigation, take prompt action to address the complaint and maintain confidentiality. Forward all documentation to the relevant department or senior management if necessary.
4. **If an Investigation is Required:** Follow the investigation procedures outlined below.

7.3 Procedure: To Investigate a Complaint

When investigating a complaint:

1. **Remain Neutral:** Do not assume guilt or bias.
2. **Inform all parties** about the potential outcomes of the investigation.
3. **Conduct Interviews:** Interview all relevant parties involved, including complainant(s), witnesses, and alleged perpetrators separately and confidentially. Ensure the accused or the subject(s) of the complaint is/are informed of the specific allegations and given an opportunity to respond.
4. **Record and Review:** Keep detailed records of all interviews and evidence collected and ask all those being interviewed to review notes taken for accuracy and to sign and date these.
5. **Ensure confidentiality** throughout the process and advise those involved whether as witnesses, complainant(s) or alleged perpetrator(s) that they should not discuss the matters with others or on social media but restrict discussion to a designated support person who has undertaken to maintain confidentiality, or union representative or legal representative where applicable
6. **Decide on Action:** Determine appropriate actions based on the findings of the investigation. Ensure that the resolution addresses both the complainant's concerns and

ANZICS's needs. If a resolution requires higher authority, refer the complaint to senior management.

7. Discuss Outcomes: Communicate the outcomes to the complainant, including any actions taken or decisions made. This may involve disciplinary measures, organisational changes, or other corrective actions.

7.4 Possible Outcomes

If a complaint is substantiated, potential outcomes may include:

- Disciplinary action against involved parties (e.g., counselling, warning, or dismissal).
- Organisational changes or improvements based on broader complaints.
- Additional training or policy adjustments.
- Support or counselling for the complainant.
- An apology, the specifics of which will be agreed upon by all parties.
- In serious cases, potential criminal liability or regulatory action.

Policy Number	12 (version 1.0)
Drafted by	GICI Project Manager
Responsible Person	General Manager
Date ratified by the Board	19/09/2024