

Complaints Procedure

Contents

1. Purpose	2
2. Scope	2
3. Principles	2
Commitment to our values.....	2
Procedural fairness	2
4. Procedure	3
Making a complaint	3
Acknowledgment.....	3
Assessment.....	4
Investigation and inquiries	4
Outcomes.....	4
Resolution Timeframes.....	5
Information about complaints	5
Anonymous complaints	5
False or vexatious complaints	5
Record keeping	6
5. Roles and Responsibilities.....	6
Complainant	6
Staff members	6
Manager	6
Senior Leadership Team.....	6
Chief Executive Officer	7
6. Related documents.....	7
Relevant Legislation	7
7. Document information	7
Appendix A – Definitions	8

1. Purpose

This procedure outlines the process for raising and responding to complaints. The procedure ensures complaints are resolved satisfactorily, provides a consistent approach to complaint management, and facilitates timely, sensitive, and effective handling of complaints. The procedure aims to increase awareness of feedback and complaint management requirements and utilise complaints to improve our services in the future. The Australian Dental Council (ADC) is dedicated to delivering the best customer service for all its stakeholders and handling complaints fairly and transparently.

2. Scope

This procedure relates to complaints about the ADC from stakeholders other than staff. A complaint is any matter raised by a stakeholder which expresses concern or dissatisfaction with how the ADC has carried out its work. This might include complaints about how the ADC has communicated with a stakeholder, how timely or appropriate the customer service was, or a policy or procedure that is in place.

Separate policies and procedures are in place which allow stakeholders to appeal against certain decisions made by the ADC, or to send information to help inform work.

- Candidates (Overseas qualified dental practitioners) are able to appeal against the outcome of an initial assessment, written examination or practical examination. This policy is the Verification Review and Appeals Policy.
- Education providers are able to appeal against accreditation decisions including decisions to refuse or revoke accreditation. The right to appeal and the decisions that can be appealed against are set out in the 'Program accreditation appeals policy'.
- Stakeholders are able to raise concerns that an ADC accredited program may not meet one or more of the ADC 'Accreditation Standards for Dental Practitioner Programs'. This is set out in the 'Concerns about accredited programs policy'.

These policies are published on the ADC website.

This procedure does not cover staff grievances. Staff members who wish to lodge a complaint should do so in accordance with the Grievance Policy and Complaints Management Framework.

3. Principles

The complaints management principles, as defined in the Complaints Management Framework will be applied to the interpretation of all procedures within scope.

Commitment to our values

The ADC is a values-led organisation. Behaving in a respectful and inclusive manner towards workplace participants is a performance expectation of all staff. The ADC will treat all persons making a complaint with respect, keep all persons informed whilst the complaint is being assessed, carry out the complaint handling process in a fair and open way, provide reasons for decisions that are made and protect the privacy of the complaint.

Procedural fairness

A decision that directly affects the rights or interests of a person or organisation must be made in accordance with the principles of procedural fairness. A decision maker is required to follow a fair decision-making process, complying with two rules:

- The rule against bias, which is that a decision-maker should have no personal interest in the matter to be decided, have no bias as to the outcome and act in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

- The hearing rule, which is that the decision-maker must ensure the affected person is notified that a decision.

4. Procedure

The ADC recognises that, in some instances, what might otherwise be a complaint can be satisfactorily resolved informally through discussion with ADC staff members without further escalation.

Complainants should first attempt to resolve their complaint directly with the involved staff member(s), and those who have the authority to address the problem.

Complaints about a recruitment process or selection outcome will only be dealt with under this procedure if:

- the complainant has already sought feedback about their application from the chair of the selection panel; and
- the complaint has been raised within seven (7) calendar days of notification of the selection decision.

However, this might not be appropriate in a situation where the subject of the complaint is serious. An example of this is when the complaint involves conduct that may be unlawful, or conduct that may give rise to a health and safety risk to others.

A formal complaint may also be made if the complainant is uncomfortable with speaking directly with the staff member(s) to address the issue, or if the issue is still unresolved after doing this.

Where a formal complaint is made, the ADC will generally follow the process set out in this procedure.

Making a complaint

Complaints should typically be made in writing. Formal complaints can be made in writing by contacting:

Email: complaints@adc.org.au

Postal address: Level 6/469 LaTrobe Street, Melbourne 3000

Phone number: (03) 9657 1777

All complaints should include the following information:

- name and address of the person or organisation making the complaint, unless the complainant wishes to complain anonymously;
- details of the complaint;
- an explanation of the reasons for the complaint; and
- description of what the complainant considers a satisfactory outcome in relation to the complaint.

If the ADC is notified that a complainant is unable to put their complaint in writing because of a disability or difficulty with written communication (e.g. if the complainant is not fluent in English), the ADC will seek to make reasonable adjustments to allow the complainant to lodge the complaint, in accordance with the ADC's legal obligations. This may include arranging a meeting with the complainant so that the ADC can record the details of the complaint.

Acknowledgment

All complaints will be centrally recorded. The ADC will acknowledge receipt and provide information about the process that will be followed. The acknowledgment should:

- reassure the complainant that the complaint is valued;
- request any further information that is considered necessary to investigate the complaint;
- outline how the complaint will be managed, including an estimated timeframe for resolution;

- establish how progress reports will be provided, if necessary; and
- provide contact details for the investigating officer.

Assessment

The complaint will be reviewed by the Chief Executive Officer and/or a member of the senior leadership team (or their delegate).

If it is determined that the complaint:

- relates to a disagreement with an ADC assessment or accreditation decision;
- relates to a concern about an accredited program; or
- was made by a staff member, and should be dealt with under a separate applicable internal policy, it will be passed on as appropriate to be handled under the relevant policy and the complainant will be informed.

For all other complaints, the Chief Executive Officer and/or a member of the senior leadership team (or their delegate) will determine:

- the most appropriate way to deal with the complaint, including whether it is necessary to investigate the complaint and the scope of any investigation required; and
- the most suitable person to manage the complaint.

The Chief Executive Officer and/or a member of the senior leadership team (or their delegate) may ask the complainant for further information to determine how to deal with the complaint.

If the complaint involves issues of cultural safety, the CEO and or a member of the SLT (or their delegate) will ensure that appropriate expertise is brought in to hand the matter effectively and sensitively. This may involve liaising with First Nations cultural safety experts to ensure a thorough and respectful assessment.

Investigation and inquiries

If the complaint is investigated, this may include:

- clarifying the details provided in a complaint;
- identifying actions taken to resolve the issue before the complaint was lodged;
- analysing information from relevant file notes, correspondence and/or other sources;
- reviewing documentation submitted by the complainant;
- reviewing previous administrative decisions or actions;
- interviewing complainants, staff members and/or other individuals involved in the complaint;
- reviewing relevant policies, procedures, practices and/or legislation;
- reviewing previous complaints about the same issue; and
- speaking to members of staff or stakeholders as necessary.

The complainant is expected to cooperate with the ADC's inquiries, including any investigation process. If the complainant does not cooperate, the ADC may consider whether it is appropriate to continue with its inquiries, considering the nature of the complaint and any associated legal or other risks.

Outcomes

The ADC will notify the complainant of the outcome of their complaint in writing. The written response should:

- provide the outcome of the complaint and any action to be taken arising out of the complaint;
- the reasons for any decisions that have been made;
- any remedy or resolution that has been offered; and

- any options for review that may be available to the complainant, such as an external review.

In some cases, privacy considerations may mean that the ADC cannot disclose the details of the outcome to the complainant.

It may not always be possible to resolve complaints to each party's satisfaction. Nonetheless, the ADC will endeavour to provide clear information about its decision, taking into account privacy considerations. The ADC is committed to ensuring that there is a sound rational basis for its conclusions.

Outcomes of complaints might include the following:

- An explanation of the ADC's policy and procedures;
- An apology for any errors that have may have occurred and what we have done to put matters right (if possible);
- Any changes to policies or procedures we have made or plan to make as a result of the complaint;
- Staff training; and/or
- Disciplinary action.

Resolution Timeframes

The ADC is committed to investigating complaints in a timely manner. We aim to:

- Acknowledge receipt of complaints within five (5) working days.
- Determine the outcome for a complaint within 15 working days of receipt, where it is reasonably practicable to do so.
- Keep complainants regularly updated if it has not been possible to resolve a complaint within expected timeframes.

If a complainant has also made a complaint to a third party, including a government regulator, the ADC may suspend its own inquiries until the third party has concluded any investigation into the complaint.

Information about complaints

Information about complaints (including associated inquiries/investigations and outcomes) is stored securely on the ADC's network, and is only accessible to those who need to know in order to perform their duties to the ADC.

The ADC may disclose information about complaints to others in confidence, for the purpose of allowing those individuals to perform their duties to the ADC under this or any other policy or procedures.

Anonymous complaints

The ADC recognises the right of complainants to remain anonymous and commits to taking anonymous complaints seriously.

However, where a complainant chooses not to disclose their identity or contact details, it may limit the ability of the ADC to properly investigate the complaint and ensure it is resolved to the satisfaction of the complainant in accordance with the principles of natural justice. An anonymous complaint may not always be able to be adequately actioned, for example if it is not possible to ascertain adequate details of the conduct in question from the complaint. The ADC also has a Whistleblowing Policy that offers an alternative way to raise concerns about unethical, corrupt, or illegal actions and behaviour.

False or vexatious complaints

The ADC is committed to a fair, transparent and equitable complaints process. We strongly encourage the reporting of complaints or grievances, will take all complaints seriously and will investigate thoroughly.

False and vexatious complaints, however, will be treated seriously. A person knowingly making a false or misleading complaint may be subject to prosecution under the relevant legislation. An employee making a false or vexatious complaint is considered misconduct and will be managed under the Poor Performance and Misconduct policy.

It is not considered a false complaint where a person genuinely believes, on reasonable grounds that a complaint is true and correct, and the complaint is found to be unsubstantiated.

Record keeping

A register of complaints will be kept by the ADC. The register will be maintained by the Chief Executive Officer and will record the following for each complaint:

- Details of the complainant and the nature of the complaint.
- Date lodged.
- Action taken.
- Date of resolution and reason for decision.
- Indication of complainant being notified of outcome.
- Complainant response and any further action.

5. Roles and Responsibilities

Complainant

The role of the complainant is to:

- Attempt to resolve complaints informally wherever possible.
- Maintain confidentiality of all parties to a complaint process.
- Lodge a complaint in writing providing as much detail as possible.
- Participate in an investigation process, if required.

Staff members

Staff members are responsible to:

- Act in accordance with the ADC values and the Code of Conduct and to be compliant with policies and procedures in the performance of their duties.
- Participate in any investigation into a complaint, including interviews and providing documentation or evidence as requested by the investigator.

Manager

Managers have a responsibility to:

- Be aware of acceptable standards of conduct at the ADC, role modelling and holding team members to account for upholding these behaviours.
- Maintain the confidentiality of the complainants and respondents.
- Monitor the wellbeing of any direct report who is involved in a complaints process.

Senior Leadership Team

SLT have a responsibility to:

- Promote a culture that values complaints and their effective resolution.
- Ensuring complaints are effectively addressed in accordance with the complaint management procedures.
- Act as an escalation point for complaints that have not been resolved informally.
- Lead facilitated conversations as part of informal grievance resolution where appropriate.

- Determine if the complaint should be dealt within the scope of this policy.
- Maintain confidentiality of all parties to a complaint.

Chief Executive Officer

The CEO has a responsibility to:

- The CEO (or their delegate) will make the final determination of any action taken as a result of a complaints process.
- The CEO (or their delegate) will either implement actions, or delegate this to the relevant ADC staff member to implement.
- The CEO (or their delegate) will allocate an investigator/panel to progress investigation of a complaint. In the instance where the CEO (or their delegate) is party to a complaint, the Board Chair and/or relevant external body will assume this responsibility.
- Monitor the complaints email inbox
- Oversee complaint handling and ensuring complaints are investigated and dealt with in accordance with relevant ADC policies and procedures.
- Ensure a central Complaints Register is maintained for monitoring and tracking complaints, and reporting on actions and decisions.

6. Related documents

- Code of Conduct
- Complaints Management Framework
- Whistleblower Policy
- Recruitment and Selection Policy
- Recruitment and Selection Procedure
- Poor Performance and Misconduct Policy
- Grievance Policy
- Grievance Form

Relevant Legislation

- Age Discrimination Act 2004 (Cth)
- Charter of Human Rights and Responsibilities Act 2005 (Cth).
- Disability Discrimination Act 1992 (Cth).
- Fair Work Act 2009 (Cth).
- Racial Discrimination Act 1975 (Cth).
- Sex Discrimination Act 1984 (Cth).
- Charter of Human Rights and Responsibilities Act 2006 (Vic).
- Disability Act 2006 (Vic).
- Equal Opportunity Act 2010 (Vic).
- Occupational Health and Safety Act 2004 (Vic).
- Privacy and Data Protection Act 2014 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic).

7. Document information

Policy Owner:	Director, People and Culture
Approved by:	Chief Executive Officer
Approval date:	2 July 2024

Effective date:	2 July 2024
Date for review*:	2 July 2027
Version:	2

*unless otherwise indicated, this procedure will continue to apply beyond the review date

Appendix A – Definitions

Complainant

The complainant is the person who has raised a complaint.

Complaint

An expression of dissatisfaction with the quality of an action taken, decision made, or service provided by the ADC, or a delay or failure in providing a service, taking an action, or making a decision.

Procedural fairness

The principles which underpin procedures used when making a decision. In practice it includes:

- Any complaint or grievance is to be investigated promptly
- The substance of the complaint or grievance must be put to the respondent
- The respondent will be given the opportunity to provide a response to the complaint or grievance.
- The respondent will be treated as innocent until such time as the complaint is substantiated.

Workplace participant

A workplace participant is a person who is delivering work on behalf of the ADC and is covered by the scope of this procedure. It includes, but is not limited to:

- Board Directors
- Committee or Working Party members
- Fixed term and permanent staff members
- Casual staff members
- Suppliers
- Consultants
- Contractors and any other party doing business with the ADC