



Complaints Policy and Procedure

Policy number	65	Version	2.0
Date created	10/08/2022	Current version approved by	Michelle Furminger
Created by	Alayna Haberlin	Version updated	07/05/2023
		Scheduled review date	07/05/2024

Complaints Policy

Purpose

1. This policy is intended to ensure that we handle complaints about alleged ethical and/or professional misconduct of members of the Association of Behaviour Analysts Australia (ABA Australia) in a manner that is fair, efficient and effective.
2. Our complaint management system is intended to:
 - 2.1. enable us to respond to issues raised by people making complaints in a timely and cost-effective way,
 - 2.2. boost public confidence in our administrative process and ethical practices, and
 - 2.3. provide information that can be used by us to deliver quality improvements in our products, services, staff and complaint handling.
3. If a person makes a complaint about unethical and/or unprofessional practice of a behaviour analyst who is not a member with the ABA Australia, the complaints committee can suggest alternative ways of dealing with the complaint.

Acknowledgements

This document is based on the 'Complaints Handling Model Policy' developed by the NSW Ombudsman.

The development of this policy has been informed by the following:

- Australian and New Zealand Standard Guidelines for complaint handling in organisations AS/NZS 10002:2014
- NSW Ombudsman Effective complaint handling guidelines, 2nd Edition, December 2010
- Victorian Ombudsman Councils and complaints - a good practice guide, February 2015
- Joint publication of the NSW Ombudsman and Department of Local Government
- Complaints Management in Councils Practice note no. 9, revised July 2009
- Ombudsman Western Australia Guidelines on complaint handling, November 2010
- Commonwealth Ombudsman Better Practice Guide to Complaint handling 1, April 2009



- NESTA Grumbles Gripes and Grievances The Role of Complaints in Transforming Public Services, April 2013
- Scottish Public Services Ombudsman SPSO Statement of Complaint handling Principles, 2011
- The British and Irish Ombudsman Association Guide to Principles of good complaint handling, 2007
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012
- Victorian Ombudsman Good Practice Guide, November 2007
- Disability Services Commissioner Victoria Good Practice Guide and Self Audit Tool, 2nd Ed. 2013
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018

Terms and Definitions

ABA Australia - means Association for Behaviour Analysis Australia Ltd.

ABA Australia Complaints Register - means ABA Australia's database of complaints received.

Board - means the Executive and Working Board of Directors of ABA Australia.

CEO - means the Chief Executive Officer of ABA Australia.

Code - means the ABA Australia Code of Ethical Practice as amended from time to time.

Complaints Committee - means the Committee established by the Board to make judgments on matters when there is an alleged breach of the by-laws and standards defined for professional practice.

Complaint

1. An expression of dissatisfaction made to or about the association, our services, members or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. (AS/NZ 10002:2014)
2. As well as complaints being made directly to our association, it also includes complaints (or at least negative comments) that could be made on social media.
3. A complaint is:
 - a. an expression of dissatisfaction with a service offered or provided by a current member, or
 - b. a concern that provides feedback regarding some aspect of the service that identifies issues requiring a response, investigation to provide ongoing continuous improvement
4. A complaint may be about policies, procedures, practitioner conduct and provision of information, quality of communication or service; or access to and promptness of a service, including provision of behaviour analytic training.



Complaint handling/management system - All policies, procedures, practices, staff, complaints committee, hardware and software used by us in the management of complaints.

Complainant - means the individual(s) with firsthand knowledge of a potential breach of the Code who is making the complaint.

Dispute - An unresolved complaint escalated either within or outside of our organisation.

Feedback - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the association, our members or complaint handling system where a response is not explicitly or implicitly expected or legally required.

Grievance - A clear, formal written statement by an individual member about a certified member or a work-related problem.

Member - means a financial member of the Association of Behaviour Analysis Australia Ltd whether admitted as a Certified Behaviour Analyst (CBA), Certified Behaviour Analyst-Undergraduate (CBA-U), Professional member, Affiliate member, Student member, or Supporter.

Policy - A statement of instruction that sets out how we should fulfil our vision, mission and goals.

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

Respondent - means the member against whom the complaint is made.

Scope of Practice - means the minimum knowledge, skills and competencies of certified professionals.

Scope

1. This policy applies to
 - 1.1. Complaints made by the general public towards a member of the Association, staff/employees, volunteers, any entity acting for or on behalf of the Association, or committee/workgroup;
 - 1.2. Complaints made by a member of the Association towards another member of the Association, staff/employees, volunteers, any entity acting for or on behalf of the Association, or committee/workgroup; and
 - 1.3. Complaints made by an employee towards a member and/or members of the committee/workgroups, or other employees
2. Where another body has made a finding in relation to the conduct of an ABA Australia member, and that information is in the public domain or ABA Australia is otherwise advised of the outcome by that body, the association will assess the finding and may choose to act on such information as it deems appropriate.
3. Depending on the relevance of the conduct and finding to the safety of the public and/or the integrity of the behaviour analytic profession, ABA Australia may make a



recommendation including enforceable sanctions, suspension or termination of an ABA Australia certification and/or membership status.

Limitations

1. If a person makes a complaint about unethical and/or unprofessional practice of a behaviour analyst who is not an ABA Australia member, the association can suggest alternative ways of dealing with the complaint. This includes referral of the complainant to the Health Complaints Commissioner, NDIS Quality and Safeguard Commission and or police.
2. ABA Australia does not:
 - a. assist in the resolution of disputes between members arising from commercial or contractual obligations such as employment relationships, principal–contractor disputes, or business matters;
 - b. deal with complaints involving criminal activity;
 - c. deal with any complaint relating to a civil dispute until any civil proceedings are finally resolved;
 - d. deal with any statutory or regulatory compliance issues unrelated to professional conduct and standards unless required to by legislation.

Types of complaints

1. Ethical and/or professional misconduct occurs when a member acts outside the values, roles and responsibilities set out in the following documents:
 - a. Code of Ethical Practice
 - b. Competency List for Australian Behaviour Analysts
 - c. Professional Development Policy
 - d. Behaviour Analyst Supervision Standards
2. These professional standards identify the fundamental ethical and professional commitments of behaviour analysts.
3. Breach against the Code of Ethical Practice, Scope of Practice or Competency Standards
4. Non-compliance with mandatory declarations in relation to the Code of Ethical Practice and Competency Standards
5. Non-compliance with the Continuing Professional Development Policy.
6. Non-compliance with the Behaviour Analyst Supervision Standards.



Complaints Procedure

ABA Australia's Roles and Responsibilities

ABA Australia expects staff and members at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the responsibility expected from staff, members, and volunteers, and the way that their responsibility should be implemented.

Who	Responsibility
CEO of ABA Australia	Promote a culture that values complaints and their effective resolution
How	
<ul style="list-style-type: none">• Report publicly on ABA Australia's complaint handling.• Provide adequate support and direction to the complaints committee who are responsible for handling complaints.• Regularly review reports about complaint trends and issues arising from complaints.• Encourage the complaints committee to be alert to complaints and assist in handling complaints and resolve them promptly.• Encourage complaints committee to make recommendations for system improvements.• Recognise and reward good complaint handling by complaints committee.• Support recommendations for membership service, staff and complaint handling improvements arising from the analysis of complaint data.	



Who	Responsibility
Complaints Committee responsible for complaint handling	Investigate and manage our complaint management system.
How	
<ul style="list-style-type: none">• The Complaints Committee and Chair are appointed by the Board• The Complaints Committee is made up of current members and volunteers who review complaints that come into ABA Australia, that have been forwarded on to them by the ABA Australia administration team. Complaints may be dealt with by one or more members of the Committee.• The Complaint Committee is delegated the responsibility from the Board to make a finding about the complaint and any breach to the Code.• Provide regular reports to the CEO on issues arising from complaint handling work.• A confidential report will be made from the Complaint Committee as necessary for review by the Board. The minimum reporting standard is annually.• The Complaint Committee will maintain appropriate documentation and other records of issues managed, while maintaining security, privacy and confidentiality of personal and organisational details, unless required to be released by law.• Shall make a recommendation to the Board regarding sanctions against the respondent• Ensure recommendations arising out of complaint data analysis are canvassed with the CEO and implemented where appropriate.• Resolve complaints promptly and in accordance with ABA Australia's policies and procedures.• Encourage the Complaints Committee to provide suggestions on ways to improve the organisation's complaint management system.• Encourage all members to be alert to complaints and assist those responsible for handling complaints resolve them promptly.• Recognise and reward good complaint handling by members.	



Who	Responsibility
Members whose duties include complaint handling (e.g., Committee, CEO)	Demonstrate exemplary complaint handling practices
How	
<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 this policy and its associated procedures. ● Stay informed about best practice in complaint handling. ● Provide feedback to the Board on issues arising from complaints. ● Provide suggestions to the Board on ways to improve the ABA Australia's complaints management system. ● Implement changes arising from individual complaints and from the analysis of complaint data as directed by the Board. 	

Who	Responsibility
All paid staff and Board Members (including both Executive and Working Board)	Understand and comply with ABA Australia's complaint handling practices.
How	
<ul style="list-style-type: none"> ● Treat all people with respect, including people who make complaints. ● Be aware of ABA Australia's complaint handling policies and procedures. ● Assist people who wish to make a complaint to access the ABA Australia's complaints process. ● Be alert to complaints and assist members in handling complaints to resolve matters promptly. ● Provide feedback and updates to the Board (and if relevant, to ABA Australia members), on issues arising from complaints. ● Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by the Board. 	



Facilitate complaints

1. We are committed to seeking and receiving complaints about our membership practices, procedures, and complaint handling.
2. Any concerns raised from a complaint will be dealt with within a reasonable time frame (as in AS/NZ 10002).
3. People making complaints will be:
 - a. provided with information about our complaint handling process and how to access it
 - b. listened to, treated with respect by Complaints Committee and actively involved in the complaint process where possible and appropriate, and
 - c. provided with reasons for our decision/s and any options for redress or review.

Who can make a complaint?

1. A person may make a complaint to the Complaints Committee about the unethical and/or unprofessional conduct of a member if:
 - a. the person has personal knowledge of the alleged unethical and/or unprofessional behaviour of the member, or
 - b. the person is a close relative or guardian of a Complainant or otherwise authorised person and:
 - i. the Complainant does not have capacity to make the complaint (because, for example, they are a minor or have a mental illness), and
 - ii. the Complaints Committee is reasonably satisfied that the Complainant has agreed to the complaint being made.
2. No detriment to people making complaints
 - a. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.
3. Anonymous complaints
 - a. We 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.
4. Accessibility



- a. We will ensure that information about how and where complaints may be made to or about us is well publicised on our website. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.
 - b. If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).
5. No charge
- a. Complaining to us is free.

When can people make a complaint?

1. A person may make a complaint in relation to the unethical and/or unprofessional behaviour and conduct of an ABA Australia member, staff, volunteer, or the association within two calendar years of the date on which the event that is the subject of the complaint occurred.
2. The Complaints Committee has absolute discretion to determine whether or not a complaint should be accepted after the two-year period has expired. In making that determination, the Complaints Committee may take into account extenuating circumstances including whether the potential Complainant has been unable to make the complaint due to serious illness.

What are the responsibilities of Complainants?

1. Complainants must cooperate with the Complaints Committee who oversee and administer the Complaints Process.
2. Complainants must provide the Complaints Committee with complete, accurate and honest information in relation to the complaint and comply with the time limits and procedural requirements set out in the Complaints Procedure.

Respond to complaints

1. Early resolution
 - a. Where possible, complaints will be resolved at first contact with us.
 - b. When appropriate we may offer an explanation or apology to the person making the complaint.
2. Responsiveness
 - a. We will promptly acknowledge receipt of complaints.



- b. 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 be immediate and will be escalated appropriately.
 - c. We are committed to managing people's expectations, and will inform them as soon as possible, of the following:
 - i. the complaints process
 - ii. the expected time frames for our actions
 - iii. the progress of the complaint and reasons for any delay
 - iv. their likely involvement in the process, and
 - v. the possible or likely outcome of their complaint.
 - d. 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).
 - e. We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.
3. Objectivity and fairness
- a. We will address each complaint with integrity and in an equitable, objective and unbiased manner.
 - b. We will ensure that the person handling a complaint is different from any member whose conduct or service is being complained about.
 - c. Conflicts of interest, whether actual or perceived, will be managed responsibly.
4. Responding flexibly
- a. Our Complaints Committee are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to enhance accessibility for people making complaints and/or their representatives.
 - b. We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.
5. Confidentiality
- a. We will protect the identity of people making complaints where this is practical and appropriate.
 - b. 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.

Manage the parties to a complaint

- 1. Complaints involving multiple agencies
 - a. Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.



- b. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.
 - c. Where a complaint involves multiple areas within our association, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.
 - d. Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our members, but also the actions of external service providers.
2. Complaints involving multiple parties
 - a. When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.
3. Empowerment of Complaints Committee
 - a. The Complaints Committee are empowered to implement our complaint management system as relevant to their role and responsibilities.
 - b. Complaints Committee are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.
4. Managing unreasonable conduct by people making complaints
 - a. We are committed to being accessible and responsive to all people who approach us with complaints. At the same time our success depends on:
 - i. our ability to do our work and perform our functions in the most effective and efficient way possible
 - ii. the health, safety and security of our members, and
 - iii. our ability to allocate our resources fairly across all the complaints we receive.
 - b. When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our Complaints Committee to do the same in accordance with this policy.
 - c. For further information on managing unreasonable conduct by people making complaints please see the Ombudsman's Managing Unreasonable Complainant Conduct Model Policy 2012.

Complaints Management System



1. Introduction

- a. When responding to complaints, the Complaints Committee should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.
- b. The Complaints Committee should also consider any relevant legislation and/or regulations when responding to complaints.
- c. The five key stages in our complaint management system are set out below.

2. Receipt of complaints

- a. Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information on the Complaints Register. We will also assign a unique identifier to the complaint file.
- b. The record of the complaint that has been recorded the Complaints Form/ Anonymous Complaints Form will document:
 - i. the contact information of the person making a complaint
 - ii. issues raised by the person making a complaint and the outcome/s they want
 - iii. any other relevant and
 - iv. any additional support the person making a complaint requires.

3. Acknowledgement of complaints

- a. We will acknowledge receipt of each complaint promptly, and preferably within 7 of working days.
- b. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

4. Initial assessment and addressing of complaints

- a. Initial assessment
 - i. 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.
 - ii. When determining how a complaint will be managed, we will consider:
 1. How serious, complicated or urgent the complaint is
 2. Whether the complaint raises concerns about people's health and safety
 3. How the person making the complaint is being affected
 4. The risks involved if resolution of the complaint is delayed, and



5. Whether a resolution requires the involvement of other organisations
- b. Addressing complaints
 - i. After assessing the complaint, the Complaints Committee will consider how to manage it. To manage a complaint we may:
 1. Give the person making a complaint information or an explanation
 2. Gather information from the person or area that the complaint is about, or
 3. Investigate the claims made in the complaint.
 - ii. 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 preferred medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.
 - c. Providing reasons for decisions
 - i. Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:
 1. the outcome of the complaint and any action we took
 2. the reason/s for our decision
 3. the remedy or resolution/s that we have proposed or put in place, and
 4. any options for review that may be available to the complainant, such as an internal review, external review or appeal.
 - ii. If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.
 - d. Closing the complaint, record keeping, redress and review
 - i. We will keep comprehensive records about:
 1. How we managed the complaint
 2. 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
 3. Any outstanding actions that need to be followed up.
 - ii. We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.
 - e. Alternative avenues for dealing with complaints



- i. We will inform people who make complaints to or about us about any internal or external review options available to them (including any relevant Ombudsman, Commission, or oversight bodies).

Complaints documentation process

1. All complaints must be lodged using ABA Australia's official Complaints Form/ Anonymous Complaints Form. This form must be emailed to ABA Australia at admin@auaba.com.au.
2. The Complaint will be registered on the 'Complaints Register';
3. Complaints are heard by the Complaints Committee; with each party being able to present his or her case;
4. The outcome of the complaint is recorded in writing;
5. Each party is given a written statement of the outcome including reasons for the decision.
6. Either party may appeal the decision in writing to the Complaints Committee.
7. Both the complainant and the complainees may be able to view responses from the other party at the discretion of the Complaints Committee.
8. The Complaints Committee may ask to view any current or previous correspondence between parties in relation to the complaint.

Related Documents

- Complaints Register
- Complaints Form
- Anonymous Complaints Form