

ACT Teacher Quality Institute

Formal Complaints Management Policy



ACT
Government



Teacher Quality Institute Formal Complaints Policy

What is this policy about?

This *Formal Complaints Policy* and associated *Formal Complaints Procedure* provide guidance on the Teacher Quality Institute's (TQI) approach to managing complaints about TQI's products, level of service or the behaviour of an employee.

Formal Complaint definition

A formal complaint is an expression of dissatisfaction made in writing to TQI about its products, level of service or the behaviour of an employee where the complainant(s) expect a response or resolution.

Dissatisfaction with the requirements of the *ACT Teacher Quality Institute ACT 2010*, or other related legislative instruments, is not a complaint under this definition.

A formal complaint is not:

- an expression of opinion;
- a request for service or action to be taken; or
- a request for information or an explanation.

This policy does not apply to complaints from TQI employees.

Policy statement

The Teacher Quality Institute (TQI):

- values complaints and feedback as an important way to support service improvement
- strives to minimise the need for complaints by maintaining good communication and relations with all clients and stakeholders
- endeavors to resolve at the frontline issues and concerns raised by clients and stakeholders

As soon as practicable, the Institute will investigate any complaint about the administration, management, and operation of TQI, which in the CEO's opinion, is not a frivolous or vexatious complaint.

In assessing and responding to complaints, TQI will:

- take all complaints seriously
- treat the complainant with respect and listen to understand their needs
- reply in a timely manner

- ensure all acts and decisions consider all relevant human rights when assessing and responding to complainants
- encourage and support the complainant to seek early resolution of complaints at a local level (with the original decision-maker) wherever possible and as quickly as possible tell the complainant how we handle complaints
- disclose any conflicts of interest that might affect or appear to affect a staff member's handling of their complaint
- provide reasonable assistance to complainants to raise their complaint in writing
- ensure that all parties are treated fairly, and those involved in a complaint are provided with a reasonable opportunity to present their views and respond to the issues raised
- if a resolution can be reached within five working days, provide a written response to the complainant(s)
- if a resolution cannot be reached within five days, develop an investigation plan, and inform the complainant(s) of the plan
- provide a written response to the complainant(s) within 30 business days
- develop a plan to fairly address the complaint and the complainant(s)' interaction
- determine on a case-by-case basis the extent to which an anonymous complaint is investigated
- maintain a register of formal complaints received by TQI recording the date the complaint was received, details of the complainant(s), nature of the complaint and outcome.

Where possible, we will attempt to resolve the complaint locally, at the first point of contact. If we are unable to resolve the complaint at the first point of contact, we will undertake an investigation of the complaint and provide the complainant with our findings. If the complainant feels that the problem has not been satisfactorily resolved, the complainant can request the complaint to be escalated and assigned the chief executive officer (CEO). The escalation request should be submitted to the email address: tqi@act.gov.au

The request will be acknowledged within 2-3 business days of receiving it. The acknowledgement will confirm that the CEO will review the complaint and when the complainant can expect a reply.

The CEO may investigate the facts of the case him/herself. This may involve reviewing the case and speaking with the person who dealt with the complaint locally, at the first stage. If the complaint relates to a specific person, they will be informed and given a further opportunity to respond. A request for complaint review will receive a definitive reply within 30 business days. If this is not possible, a progress report will be sent with an indication of when a full reply will be given. The decision taken at this stage is final. However, if the complainant is not yet satisfied with the final response, the complainant may be eligible to refer the complaint to the ombudsman. If needed, TQI will assist the complainant to obtain the contact details of the ombudsman.

Responsibilities

The Chief Executive Officer is responsible for clearly communicating to staff their responsibilities and requirements, including policy and procedures related to complaint management implementation at a local level.

Senior Executive Staff are responsible for:

- promoting a culture that values feedback and complaints and their effective resolution by way of ensuring TQI maintains an effective complaints management system.
- establishing and providing leadership in best practice complaints management practices, triaging and recording complaints management, documenting, analysing and reporting on complaints data and providing prompt, fair and impartial resolution of complaints about TQI.

All staff are responsible for ensuring they are familiar with the policy and procedures and for acting accordingly for effective implementation.

Legislative reference

The following legislation is relevant to the management of complaints:

- The *ACT Teacher Quality Institute Act (2010)* defines the functions which TQI implements.
- *Discrimination Act 1991* - aims to eliminate discrimination.
- *Disability Discrimination Act 1992* (Cwlth) - aims to eliminate discrimination.
- *Human Rights Act 2004* aims to ensure that human rights are considered when developing and interpreting Territory legislation.
- *Public Interest Disclosure Act 2012* provides for people to report wrongdoing in the ACT public sector.
- *Freedom of Information Act 2016* provides a right for individuals to seek access to Territory records including records about themselves and sets out several exemption provisions.

Complaints management

To understand how TQI manages complaints and the rights and expectations of TQI staff and complainants, please refer to the TQI Formal Complaints Procedure.

Record keeping

TQI record keeping is regulated by the *Territory Records Act 2002* and is managed in accordance with policies and guidelines issued by the ACT Territory Records Office.

Privacy

TQI has issued a Territory Privacy Principle 5 (TPP 5) notice for the collection of personal information, in accordance with the *Information Privacy Act 2014*.

The notice is available online and outlines:

- when personal information is collected and how it is used
- when personal information may be disclosed and the legislative authority for that disclosure
- the impact if you do not consent to supplying TQI with the information requested
- what to do if you believe that TQI has not handled your personal information correctly.

To request a copy of the TPP 5 notice in another format, please contact TQI.

In the context of a complaint made against an individual, natural justice requires that the individual be provided with sufficient information to enable them to understand and respond to the complaint made against them.

In some complaints, the complainants' identity will be relevant to the investigation and will need to be disclosed to the person whose actions have been complained about. Alternatively, there will be occasions when the identity of the complainant(s) will have no bearing on the subject matter of the complaint. In determining whether and to whom to disclose the identity of the complainant(s), TQI is bound by and is guided by the *ACT Information Privacy Act 2014*, in particular Information Privacy principles as well as principles of procedural fairness and natural justice.

Policy information

Approved by

ACT Teacher Quality Institute Board

Email: tqi@act.gov.au

Telephone: 02 6205 8867

Approval date

28 February 2023

Publication of policy

This policy will be published on the TQI Portal and website and made available in printed format on request. The version of the policy on the Portal can be regarded as the policy in force at any time.

Review and changes to policy

This policy will be reviewed every three years from the date of approval, or earlier if required. All changes to the policy are approved by the TQI Board.

Related documents

TQI Formal Complaints Management Procedure

TQI Formal Complaints submission form