

Hear For You Complaints and Feedback Policy



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Responsible Person:	CEO	Scheduled review date:	June 2019

“Staff” refers to both paid and voluntary staff of Hear For You Limited

“Hear For You” refers to Hear for You Limited

Purpose

This policy is intended to ensure that Hear For You handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

- Enable Hear For You staff to respond to issues raised by people making complaints in a respectful, timely and cost-effective way;
- Boost public confidence in our administrative process; and
- Provide information that can be used by us to deliver quality improvements in our workshops, services, staff and complaint handling.

This policy provides guidance for people who wish to make a complaint on the key principles and concepts of our complaint management system.

Scope

This policy applies to all staff receiving or managing complaints from staff and the public made to or about us, regarding our workshops, services, staff and complaint handling.

Staff grievances and public interest disclosures are dealt with through separate mechanisms.

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Organisational Commitment

Hear For You Limited expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
CEO	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Hear For You's complaint handling to the National Disability Insurance Agency (see note).</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for workshop's, service, staff and complaint handling improvements arising from the analysis of complaint data.</p> <p><i>Note:</i></p> <p><i>Providers must notify the NDIA if a complaint has been made to a responsible authority about the standard, effectiveness or safety of the provision of supports by the provider, or an employee or contractor of the provider, and the authority has taken action as a result of the complaint (other than a decision not to investigate the complaint) (4.1.a National Disability Insurance Scheme (Registered Providers of Support) Rules 2013.</i></p>

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CEO	Establish and manage our complaint management system.	<p>Provide regular reports to the Board of Directors on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the Board of Directors and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Hear For You's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
State Managers or Coordinators	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to the CEO on issues arising from complaints.</p> <p>Provide suggestions to the CEO on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by the CEO.</p>
All staff	Understand and comply with Hear For You's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Hear For You's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Hear For You's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by the CEO.</p>

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Guiding principles



Step 1: Facilitate Complaints

People focus

Hear For You are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Hear for you will acknowledge receipt of a complaint within two working days and endeavor to deal with any concerns raised in feedback or complaints within a 14 day time-frame.

People making complaints will be:

- Provided with information about our complaint handling process
- Provided with information about how to make a complaint to the NDIS Quality and Safeguards Commission (as required under the NDIS Rules)
- Provided with multiples and accessible ways to make complaints
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- Be kept informed of the progress of their complaint, this includes
 - any action taken
 - the reasons for the decision made; and
 - options to have the decision reviewed and

No detriment to people making complaints

Hear For You 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.

Anonymous complaints

Hear For You accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

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Accessibility

Hear For You will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems, to manage complaints are easily understood and accessible to everyone, particularly people who may require access to communications support such as captioning, sound field system, or Auslan interpreters.

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).

No charge

Complaining to Hear For You is free.

Step 2: Response to Complaints

Early Resolution

Where possible, complaints will be resolved at first contact with Hear For You.

Responsiveness

Hear For You CEO or delegated person (Director or staff member) will promptly acknowledge receipt of complaints by email.

The CEO or delegated person 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.

Hear For You Staff are committed to managing people's expectations, and will inform them as soon as possible, of 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.

Hear For You Staff 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).

Hear For You Staff 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.

Objectivity and Fairness

Hear For You Staff will:

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- Address each complaint with integrity and in an equitable, objective and unbiased manner.
- Ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

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

Responding Flexibly

The Hear For You CEO (or delegated Director or Staff member) 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 and/or their representatives.

Hear For You Staff will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

Confidentiality

The Hear For You CEO (or delegated Director or Staff member) will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Hear For You as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

Step 3: Manage the Parties to a Complaint

Complaints involving multiple agencies

Where a complaint involves multiple organisations, Hear For You 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.

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.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, Hear For You expect contracted service providers to have an accessible and comprehensive complaint management system. Hear For You take complaints not only about the actions of our staff but also the actions of service providers.

Complaints involving multiple parties

When similar complaints are made by related parties, Hear For You will try to arrange to communicate with a single representative of the group.

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Referring complaints.

Hear For You may refer complaints to other bodies if required to do so by law. For example, if a complaint raises an issue that concerns the possible commission of a criminal offence, it must be referred to the appropriate law enforcement.

Empowerment of staff

The CEO of Hear For You have empowered the State Managers/Coordinators to implement our complaint management system as relevant to their role and responsibilities.

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

Managing unreasonable conduct by people making complaints

Hear For You 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 staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with Hear For You, their conduct can significantly affect the progress and efficiency of our work. As a result, Hear For You will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

For further information on managing unreasonable conduct by people making complaints please refer to the links for relevant state Ombudsman and further information on Unreasonable Complaint Conduct models:

- NSW: www.ombo.nsw.gov.au
- Queensland: <https://www.ombudsman.qld.gov.au>
- Australian Capital Territory: <http://www.ombudsman.act.gov.au/>
- Victoria: <https://www.ombudsman.vic.gov.au>
- Western Australia: <http://www.ombudsman.wa.gov.au/>

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Complaint Management System

Introduction

When responding to complaints, staff should act in accordance with Hear For You's complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation (especially state or territory legislation) and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.



A step by step process to guide staff and volunteers through the Hear For You process is available in Appendix A.

Stage 1: Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file. A folder must be created in the Hear For You online drive, restricted to CEO and Directors (or delegated staff member) under:

Hear For You>Governance>Standards>Policies>Complaints Policy and Record (then link access to CEO or delegated staff member and one Director only).

The record of the complaint will document:

- the contact information of the person making a complaint,
- 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.

Stage 2: Acknowledgement of complaints

Hear For You will acknowledge receipt of each complaint promptly, and preferably within two working days.

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

Stage 3: Initial assessment and addressing of complaints

Initial assessment by CEO (or delegated Director or Staff member)

The CEO after acknowledging receipt of the complaint will confirm whether the issue/s raised in the complaint is/are within our control. Hear For You 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, Hear For You 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, and
- whether a resolution requires the involvement of other organisations.

Addressing complaints

After assessing the complaint, Hear For You will consider how to manage it. To manage a complaint Hear For You may:

- give the person making a complaint information or an explanation,
- gather information from the product, person or area that the complaint is about, or
- investigate the claims made in the complaint.

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

If a complainant is unsatisfied with the outcome, Hear For You will provide information as to how a complaint may be made to the NDIS Quality and Safeguards Commission.

Stage 4: Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, Hear For You will contact the person making the complaint and advise such person, having regard to the need to preserve confidentiality, of the following matters:

- the outcome of the complaint and any action we took,
- a summary of the reason/s for our decision,
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant including an internal review, external review or appeal.

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- their right to submit a complaint to the NDIS Quality and Safeguards Commission

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the relevant state Privacy and Personal Information acts:

- Commonwealth: *Privacy Act 1988*.
- NSW: *Privacy and Personal Information Protection Act 1998*.
- Queensland: *Information Privacy Act 2009*.
- Australian Capital Territory: *Information Privacy Act 2014*.
- Victoria: *Privacy and Data Protection Act 2014*.
- Western Australia: *Freedom of Information Act 1992*.

and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Stage 5: Closing the complaint, record keeping, redress and review

We will keep comprehensive records 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 that need to be followed up

Hear For You will ensure that outcomes are properly implemented, monitored and reported to the complaint handling staff member and the CEO.

Records of the complaint will be filed as confidential, then destroyed after 7 years as per NDIS requirement. The exception being if the situation regarding the complaint matter has arisen within that period of time.

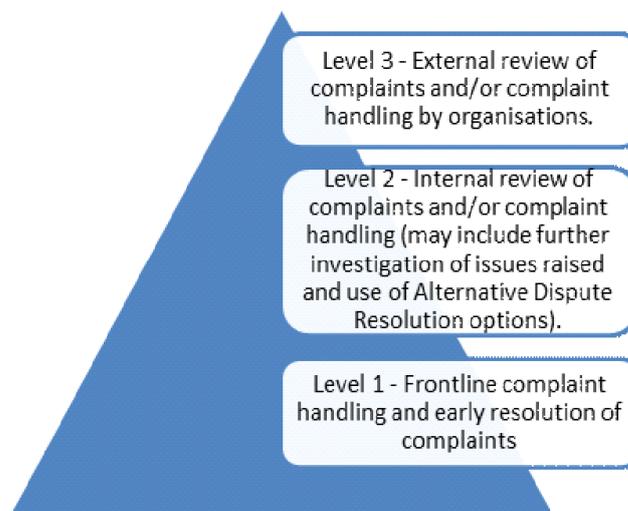
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Alternative avenues for dealing with complaints

Hear For You will inform people who make complaints to or about us about any internal or external review options available to them including The NDIS Quality and Safeguard Commission, any relevant Ombudsman, the National Disability Insurance Agency, or relevant oversight bodies.

The three levels of complaint handling



Hear For You aims to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, Hear For You may decide to escalate the complaint to a more senior officer within the organisation. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or,
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Hear For You's review of their complaint, they may seek an external review of our decision (by the NDIS Quality and Safeguards Commission, the Ombudsman or NDIA for example).

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Accountability and learning

Analysis and evaluation of complaints

Hear For You will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on and reported by the CEO to the Board of Directors at each Board meeting under “WHS, Legal, and Risk Register – key issues and risks”:

- 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 and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements. A periodic review, of Hear For You’s complaints system, will be conducted annually.

Both reports and their analysis will be provided to Hear For You’s CEO and if requested, to the Board of Directors for review.

Monitoring of the complaint management system

Hear For You will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.
- Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

Continuous improvement

Hear For You are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

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

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Terms and Definitions

Complaint

Expression of dissatisfaction made to or about Hear For You, our workshops, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- staff grievances [grievance process is outlined in the staff manual]
- responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback']
- service requests [see definition of 'service request' below], and
- requests for information [see our access to information policy].

Complaint Management System

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

Dispute

An unresolved complaint escalated either within or outside of Hear For You.

Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Hear For You, about the workshops, services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Hear For You are committed to ensuring opportunities for formal and informal feedback are sought through:

- Workshops: pre-during-post.
- Social Media: via comments in public or in private.
- Inquiries/Comments: via email, website, verbally or in writing.

All feedback are to be recorded in writing and filed for review by Hear For You staff as part of Hear For You's commitment to continuing service adjustments and improvements.

Service request

The definition of a service request will vary depending on Hear For You's core business. However, it is likely to include:

- Requests for approval.
- Requests for action.
- Routine inquiries about the organisation's business.

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- Requests for the provision of services and assistance.
- Reports of failure to comply with laws regulated by the organisation.
- Requests for explanation of policies, procedures and decisions.

Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem. The Hear For You Grievance process for staff can be located in the Staff Handbook.

References

NDIS (Complaints Management and Resolution) Rules 2018

NDIS Terms of Business for Service Providers

National Disability Insurance Scheme (Registered Providers of Support) Rules 2013.

NDIS Provider Guide to Suitability

ACNC Obligations to retain charity status

ACNC Risk Management

Australian Youth Mentoring Benchmarks 2013

Justice Connect 'Complaints Handling for Charities'

Commonwealth Ombudsman 'Better Practice Guide to Complaints Handling'

Commonwealth Ombudsman 'Unreasonable complaint conduct practice manual'

NSW Ombudsman 'Respectful Complaints Management'

AIFS 'Good practice guide to child aware approaches'

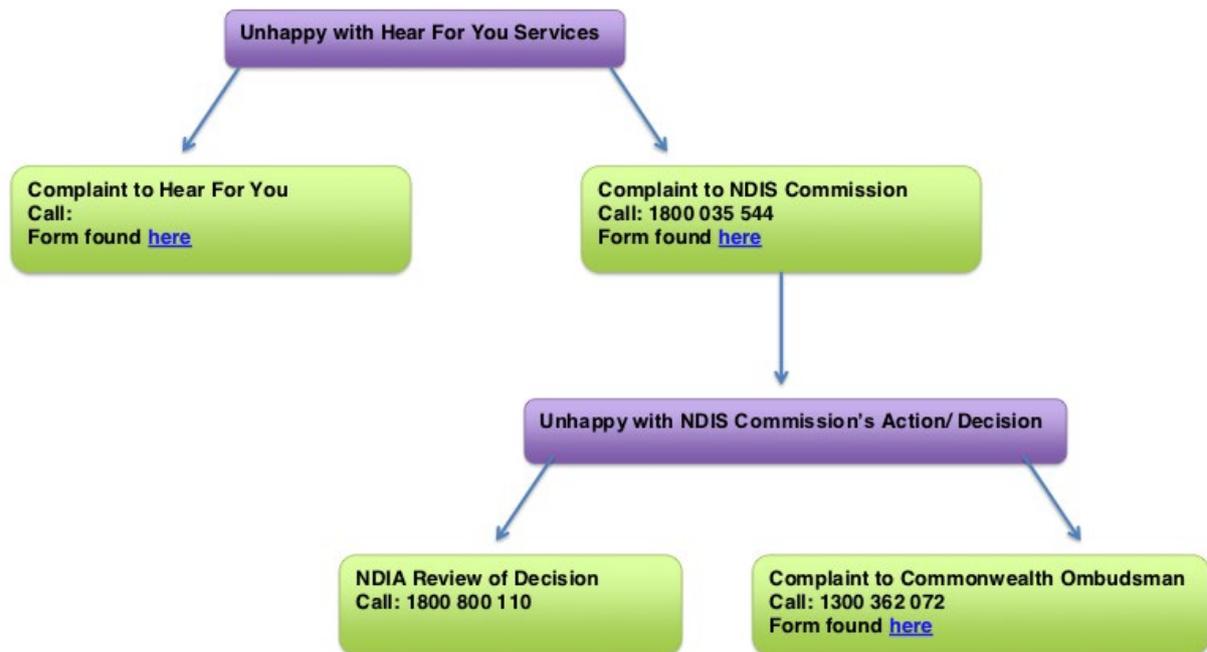
AIFS 'Child Protection through child participation in organisations'

Childwise 'Steps to a child safe organisation'

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Appendix A – Step by Step Processes



This is a step by step process guide for external and internal complaints processes for directors and staff of Hear For You.

The complaint shall be made in writing, marked confidential, and addressed to the Hear For You State Programs Coordinator who will then forward the complaint to the Chief Executive Officer, or in the case a complaint is made against the State Program Coordinator, to the Hear For You Chief Executive Officer.

The Chief Executive Officer shall acknowledge the complaint in writing within five (5) business days of receiving the complaint.

Preliminary advice to the complainant

The Chief Executive Officer (or delegated Director or Staff member) shall assist the person by sensitively and carefully understanding the complaint, explaining the options available and helping the person decide if they want to proceed to an informal conciliatory or formal internal investigation process as outlined in Option 1 and Option 2 below.

Option 1 - Resolution between the parties through conciliation

If the person chooses to seek resolution through an internal conciliation process then the following steps are appropriate:

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1. The complainant may approach the other party directly or ask the Chief Executive Officer (or Chairperson) to approach the other person or persons on their behalf. If a third party is to be involved in resolution, it is recommended that a trained conciliator be involved to assist the parties.
2. If the other person or persons admit to the behaviour or the acts complained about, and an agreement between the parties is reached, the complaint is resolved.
3. Even if the person does not admit to the behaviour or acts complained about, the parties may be able to agree to an outcome that is acceptable to the complainant and the other parties.
4. If an acceptable outcome is reached the Chief Executive Officer (or Chairperson) will be responsible for ensuring that the appropriate people who need to know about the outcome are appropriately informed so that the outcome is implemented and followed. As matters handled this way are usually minor, resolution would generally include an apology and agreement not to repeat the behaviour or actions complained about.

Option 2 - Resolution through an internal investigation

If the person chooses to seek resolution through the internal and formal investigation process the following steps will be followed.

1. The investigator (CEO or appointed Director/staff member) will interview the complainant and the allegations will be particularised in writing. During this interview and in any consequent stages of the process an appropriate support person may support the complainant.
2. The investigator will put the allegations in full to the other party or parties.
3. If there are any disputes over facts, the investigator will interview any witnesses and gather evidence that will assist in making a finding, and gather any other relevant evidence that will assist in making a finding. Based on the facts of the matter the investigator will make a finding whether the complaint has substance.
4. A report documenting the investigation process, the evidence, the findings and a recommended outcome will be made to the Board or Chairperson. The Board (or Chairperson) will assess the report, consult with any appropriate parties (not the parties to the complaint) and implement an appropriate outcome.
5. The Chief Executive Officer (or Chairperson) will advise the direct parties to the complaint and any other relevant parties of their decision.

Option 3 - Resolution through an External Investigation with NDIS Commission

The NDIS Quality and Safeguards Commission is an independent government body that seeks to improve the quality and safety of NDIS services and supports. The NDIS Rules require Hear For You to inform a complainant as to how they can make a complaint about Hear For You to the Commission. Please note, it is recommended, by the Commission, that

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a complainant should try and resolve their complaint with Hear For You, before contacting the Commission.

Making a Complaint to the NDIS Quality and Safeguards Commission:

1. Anyone can make a complaint to the Commission including, NDIS participants, other people with disability, friends, families, carers, advocates, workers.
2. Complaints can be made to the Commission orally, in writing or by any other appropriate means and can be made anonymously. Complaints to the Commission may also be withdrawn, by the complainant, at any time.
3. Unless received anonymously, the Commission must acknowledge receipt of the complaint
4. In reviewing the complaint the Commissioner may
 - a. Review the document provided
 - b. Visit Hear For You offices or the location at which Hear For You services are provided
 - c. Discuss the issues raised in the complaint with:
 - i. the complainant;
 - ii. an individual with a disability who is affected by an issue raised in the complaint;
 - iii. Hear For You; or
 - iv. any other person
 - d. Request further information
 - e. Take other action that the Commissioner considers is appropriate in the circumstance
5. In dealing with the complaint the Commissioner must
 - a. Consider the views of any person with a disability affected by the complaint
 - b. Comply with the rules of procedural fairness
 - c. Seek to resolve complaint quickly, with little formality, as a proper consideration of the issues raised in the complaint allows
6. After receiving the complaint the Commissioner must decide to do one of the following
 - a. Take no action
 - i. Complaint is not made in good faith
 - ii. Complaint or issues have already been dealt with by the Commission
 - iii. Complaint has been withdrawn
 - iv. Person with a disability affected by the issues raised, does not wish for the issues to be considered by the Commission
 - v. Complaint or issues better dealt with by another person or body
 - vi. Not enough information to continue
 - vii. having regards to the circumstances of the case, further action is not appropriate or warranted
 - b. Defer action
 - c. Help the complainant and others who have been affected to work with Hear For You to resolve the complaint by providing assistance or advice; or
 - d. Undertake a resolution process
 - i. May require Hear For You to examine and attempt to resolve the complaint or issues and report back to the Commissioner
 - ii. May request parties participate in a conciliation process

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- NOTE: A conciliation process is designed to assist individuals involved to understand the issues arising within the complaint and help reach an agreement on how the complaint can be resolved.
 - iii. May provide advice to Hear For You in relation to the complaint or issue
 - iv. May require Hear For You to undertake remedial action and report back to the Commissioner
 - v. May take other action that the Commissioner considers appropriate in the circumstance
7. The Commissioner may give written notice of their decision and they can be asked to reconsider their decision
- a. application for reconsideration must be made within 42 days of notification of the Commissioners decision

The Commissioner may, at their own initiative, also authorise an inquiry to be carried out in response to specific issues connected to a complaint, or series of complaints

Key Elements in Resolving a External Complaint

The following are key elements in resolving a complaint:

- All parties have the right to have any complaint addressed.
- Any complaint can be addressed by either the formal or informal options under this procedure.
- There is a guarantee of timeliness, confidentiality and objectivity when an issue is raised.
- The principles of natural justice will be given to both the person making the complaint and the person or persons who are subject of the complaint. Noting the rules of natural justice and procedural fairness in essence include such things as:
 1. The hearing rule – i.e. anybody affected by the complaint ought have an opportunity to be heard.
 2. The bias rule – i.e. the decision-maker ought be fair and impartial.
 3. The no evidence rule – i.e. decisions must be made based upon logically probative evidence.
- No person making a complaint will be victimised or disadvantaged for making a complaint.