

Complaints Management Policy and Procedures

1. Purpose

The Australian Archaeological Association Inc. (AAA) is a member-based organisation and the AAA National Executive Committee (NEC) and subcommittees are volunteers. The AAA's aims, as set out in its constitution, are to promote the advancement of archaeology; to provide for the discussion and dissemination of archaeological information and ideas in archaeology; to convene meetings at regular intervals; to publicise the need for the study and conservation of archaeological sites and collections; to publicise the work of the Association; and to establish and maintain a public fund to be named "The Australian Archaeological Association Public Fund". It does not look to profit from these activities.

The AAA is committed to the highest standards of conduct in archaeological practice. The Code of Ethics and AAA's supporting policies identify a common set of values informing the ethical principles upon which members of the AAA base their conduct. Ethical responsibilities often exceed legal obligations and are based on values, principles and conforming practice, as well as adherence to social policy regarding the moral and ethical principles of archaeological conduct.

The purpose of this policy is to outline AAA's commitment, principles and processes for managing complaints against actions or decisions of the AAA itself and/or one of its members in the conduct of AAA related business, whenever and however such complaints may be received.

2. Objectives

The primary objectives of this policy are to:

- ensure members understand the AAA's capacities for responding to complaints
- assist people to make a complaint
- provide clear guidance on how the AAA deals with complaints
- aid the AAA to improve its services
- give members and the broader community confidence in the integrity of the AAA.

3. Policy statement

The AAA acknowledges that people have a right to make legitimate complaints that relate to members and officers of the Association who transgress Association policies, procedures and constitutional requirements, and recognises that the proper management and handling of complaints is crucial to the integrity and reputation of the AAA and in making continuous improvements to service delivery. The AAA is committed to making the complaints process transparent and accessible, responsive within agreed timeframes, and fair whilst respecting and maintaining confidentiality of all personal information. Complainants can expect to receive a response from the AAA and may have a right to an appropriate review under the terms of the Constitution if they are not satisfied with the decision.

The powers of the AAA in managing a complaint are limited by the Constitution and include a range of actions, the most severe being the expulsion of a member. Such action will only be considered in the most serious complaints following a thorough and transparent investigation. All potential remedies are detailed in Section 11. The AAA does not have the capacity to, and will not fund or regulate a consultancy to, resolve a private complaint between members.

4. Scope

Evidence-based complaints managed under this policy may be about a:

- product, service or action of the AAA;
- breach of an AAA policy;
- misconduct by an AAA member;
- misuse of information, property or position by an AAA member;
- breach of an individual's privacy by the AAA or an AAA member; or
- breach of a person's human rights by the AAA or an AAA member.

The AAA lacks the scope to engage in complex dispute resolution. Rather, the outcome of the complaints process will be an assessment of a member's suitability to remain an AAA member. Some complaints in certain circumstances must or may be referred to another agency (i.e. the Police, to legal action or to a relevant government department). In such cases, the complainant will be notified of this referral in writing or otherwise directed to this end in an appropriate manner and where it is deemed appropriate to do so. Where there is discretion to refer a matter or not, any such referral would be considered by the AAA in consultation with the complainant and/or respondent.

NB: Sections 65B and 65C of the ACT Incorporations Act 1991 prohibit a party to a complaint (i.e. dispute) from raising a further complaint, or from implementing a disciplinary action in relation to the matter, until final resolution of the original complaint.

5. Principles

The AAA's complaints management processes are guided by the following principles. The AAA is committed to:

A people focus

recognising and respecting everybody's right to provide feedback, addressing feedback in a timely manner, involving the complainant in the process as far as is practicable and appropriate, allowing the respondent an opportunity to address the complaint and recognising everyone's right to participate in AAA activities in respectful, safe and healthy workplaces free from all forms of violence, harassment and discrimination.

Accessibility

making its complaints management process accessible to all and recognising that some matters may need to be raised anonymously, or through an authorised third party. Wherever possible, extra assistance will be made available to complainants who may require particular assistance in making a complaint. The AAA is also committed to ensuring that all representatives understand this policy and use it when managing complaints.

Objectivity and fairness

managing complaints objectively and dealing with them fairly, respectfully, consistently, and in accordance with the principles of natural justice and without actual, potential or perceived conflicting interests. The AAA will take all reasonable steps to ensure that a complainant is not adversely affected and will also protect the rights of officers where they are the subject of a complaint. The AAA will refuse to investigate a complaint if it is considered to be abusive, trivial, or vexatious. Complainants will have an opportunity to respond and may in certain circumstances seek a review of the AAA's response. Internal reviews of complaints will be undertaken by person/s independent from the original complaint decision. Where appropriate, an external reviewer may be engaged.

AAA Complaints Management Policy and Procedures

Responsiveness and efficiency

being responsive to complaints in both how it manages them as efficiently as possible and in how it uses them for continuous improvement. The AAA will record and track the progress of all complaints to ensure resolution in a timely manner and will regularly assess the volume and nature of complaints and the implementation of recommendations. The timeframes proposed in these procedures represent best endeavours and may be impacted by the complexity of the complaint . In such circumstances, longer timeframes may be negotiated.

Transparency

striving for transparency in all complaints' management processes. The AAA will ensure as far as possible that the complainant is informed of what they can expect from the AAA when making a complaint, including the steps involved, their likely involvement, possible outcomes and expected timeframes. When responding to a complainant, the AAA will explain the actual assessment undertaken, the decision reached, and any options for an internal or external review.

Confidentiality

dealing with complaints confidentially to the extent possible and with personal information in accordance with the *Privacy Act 1988*.

Remedies

attempting early, informal resolution and compromise wherever possible, minimising the possibility of ongoing dispute while facilitating remedies that are fair to all parties.

6. Availability

This policy and procedures will be made available on the AAA website. The AAA will also advise members of this policy and encourage them to familiarise themselves with it on joining the AAA and via other established communication media.

7. Resources and training

Where persons are engaged by the AAA in the management of a complaint, appropriate resources and training will be provided by the AAA.

8. Roles

| | |
|-------------------------|--|
| Complainant | The person or persons raising the complaint |
| Respondent | The entity, person or persons being complained about |
| Receiving Officer | Either the <i>President of the AAA</i> or <i>Delegate</i> who is advised of the complaint by the Complainant |
| Complaints Officer | The <i>Chair of the Ethics Subcommittee</i> , except where that person is a named Respondent. In such instance, the most senior <i>National Executive Committee</i> member (i.e. <i>President</i>) or failing all else the <i>Public Officer</i> . The <i>Chair of the Ethics Subcommittee</i> may delegate responsibility for undertaking a first level assessment in the interests of timeliness. |
| Delegate | The <i>Ethics Subcommittee</i> is the delegate to make a final decision on Internal Investigations |
| Investigating Officer/s | A person or persons appointed by the <i>Complaints Officer</i> to undertake an Internal Investigation of a complaint. The person/s selected must be free of any conflicts of interest and culturally sensitive to the nature of the matter. |
| Ethics Subcommittee | The full <i>Ethics Subcommittee</i> appointed by the <i>National Executive Committee</i> |

AAA Complaints Management Policy and Procedures

| | |
|------------------------------|---|
| National Executive Committee | The governing committee appointed by members pursuant to the Constitution |
|------------------------------|---|

9. Rights and responsibilities

There are certain rights and responsibilities that a complainant and a respondent can expect in the management of a complaint. The AAA also maintains some rights and responsibilities.

Complainant Rights

A complainant has the right to:

- make a complaint
- be treated with courtesy and respect by the AAA's volunteers and office bearers
- have a complaint managed in line with the AAA's complaints management policy
- in certain circumstances, and as limited by the Constitution, to seek a review of the AAA's response if they are not satisfied with the response provided or the process undertaken
- make a complaint with the assistance of a third party authorised by the complainant
- withdraw their complaint at any time.

Complainant Responsibilities

A complainant has the responsibility to:

- provide sufficient evidence-based information to enable the AAA to investigate the matter
- treat the AAA's volunteers and office bearers with courtesy and respect
- not knowingly provide false or misleading information
- where possible, explore potential remedies (see section 11) prior to bringing the complaint to AAA.

A complainant can also assist the AAA with managing their complaint by:

- providing further information if requested.

Respondent Rights

A respondent has the right to:

- appoint any person to act on their behalf in the investigation of the complaint
- respond to the complaint
- withdraw their membership
- be treated with courtesy and respect by the AAA's volunteers and office bearers
- have a complaint managed in line with the AAA's complaints management policy
- in certain circumstances, and as limited by the Constitution, to seek a review of the AAA's response if they are not satisfied with the response provided or the process undertaken.

Respondent Responsibilities

A respondent has the responsibility to:

- treat the AAA's volunteers and office bearers with courtesy and respect
- where possible, explore potential remedies (see section 11) to resolve the matter

A respondent can also assist the AAA by:

- providing any evidence-based information to enable the AAA's investigation

AAA Rights

The AAA has the right to:

- have its officers and investigators treated with courtesy and respect
- seek legal advice where appropriate
- refer a complaint to a third party where it is outside the jurisdiction of the AAA

AAA Complaints Management Policy and Procedures

- manage a complaint after it has been withdrawn by a complainant, if required to protect the interests of the AAA.

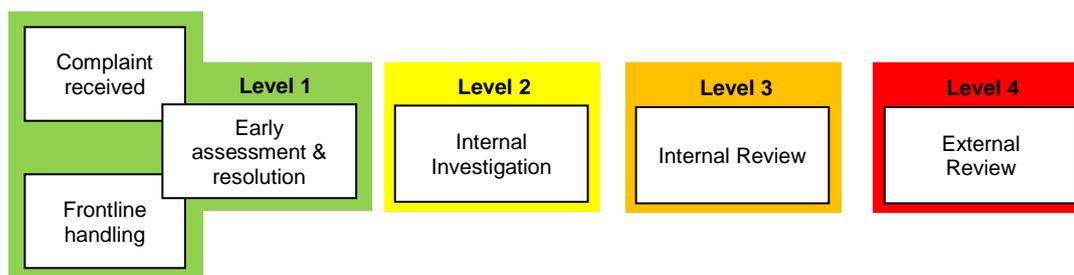
AAA Responsibilities

The AAA has responsibility to:

- respect complainants' right to make a complaint
- where possible, protect complainants' privacy, and anonymity, if requested
- manage a complaint in line with this complaints management policy and procedures
- provide complainants/respondents with a timely response
- provide complainants/respondents with an avenue for appeal (i.e. Internal Review)
- in instances where the proposed remedy involves member expulsion, provide respondents with a further external appeal process
- cooperate with any request for information by another relevant organisation as a result of a complainant's external appeal of the AAA's review decision.

10. Complaints Management Model (CMM)

The CMM is a step-by-step way to receive, record, assess, review, respond, and report on complaints. It includes key roles, responsibilities, and delegations of authority for decision-making at different junctures. The CMM is summarised in the below diagram and a more detailed explanation of each level follows.



Level 1: Frontline complaint handling

Complaint received

- may be received from a AAA member or a member of the public (*Complainant*)
- may be received in writing (i.e. AAA website link, email, letter) or verbally
- the *Receiving Officer* shall arrange for any reasonable assistance required by the *Complainant* (i.e. translator, support person), with costs being borne by the *Complainant*.
- verbal complaints must be summarised in writing on a *Complaint Form* by the *Receiving Officer*
- the *Complainant* may provide their personal details or elect to remain anonymous.

Complaint discussed and resolved where possible

- the *Receiving Officer* seeks to understand all facts and attempts to resolve the complaint in the first instance. Potential criminal matters may be escalated via reporting to the Police or other authorities
- the *Receiving Officer* completes/transcribes all details of the complaint, as authorised by the *Complainant*, onto a *Complaint Form*

AAA Complaints Management Policy and Procedures

- the *Receiving Officer* forwards the *Complaint Form* to the *Complaints Officer* including details of any actions taken or resolutions reached within five working days.

Complaint
recorded

- within 14 working days of receipt of the *Complaint Form*, the *Complaints Officer*:
 - enters all details of the complaint into the *Complaints Register* and assigns the appropriate status (i.e. open, resolved, etc.)
 - establishes a unique and secure *Complaint File (including network folder)* for the filing of all documentation and correspondence related to the complaint
 - undertakes a careful assessment of the complaint including:
 - if the matter falls within the jurisdiction of the AAA (refer Section 4 above)
 - what the complaint is about and what remedy is being sought
 - facts of the matter as opposed to hearsay or personal opinions
 - the principles of natural justice and the right of the *respondent/s* to respond to allegations against them
 - the seriousness of the complaint and whether it is urgent
 - if the matter is trivial, frivolous, or vexatious
 - whether the person making the complaint is directly affected and/or exposed to ongoing risks
 - if there is potential criminal activity that necessitates police involvement
 - if there is a risk for the AAA
 - the need for corroboration of the facts
 - the potential cost of a further investigation and whether the AAA has the resources (knowledge and financial) to properly investigate the complaint
 - whether the complaint falls within the jurisdiction of AAA
 - whether AAA has a statutory obligation to process the complaint, [refer to ACT Associations Incorporated Act 1991 Section 65B]
 - identify and consider relevant laws, policies and procedures
 - if any extra information is needed
 - if there a simple remedy (see below) that can resolve the matter in a fair and timely manner
 - how a complaint should be managed
 - whether the person making the complaint has appeal rights in accordance with the Constitution
 - If the complaint is deemed within the jurisdiction of the AAA the *Complaints Officer* shall contact both the *Complainant* and the *Respondent* separately, ensuring appropriate privacy, to validate the facts of the matter and to gather any pertinent additional information
 - the *Complaints Officer's* communications and *Assessment Report* must be documented in writing and retained by the AAA in the secure *Complaint File*

Complaint
assessed,
resolved or
assigned

AAA Complaints Management Policy and Procedures

- where a further investigation is warranted, the *Complaints Officer* shall:
 - determine the appropriate process and information requirements
 - identify an appropriate *Investigating Officer/s* who is free of any conflicts of interest, suitably qualified, and culturally sensitive to the nature of the matter
 - prepare a draft *Investigation Plan* that includes:
 - version date
 - complaint ID
 - investigating officer/s name/s
 - complainant name/s [except in instances where complaint has been made anonymously]
 - respondent name/s
 - names of other parties related to the matter
 - decision making delegate (i.e. *Ethics Subcommittee*)
 - investigation process steps (i.e. gather relevant information; interviews – complainant, respondent, witnesses, other relevant parties; analyse all information; prepare an investigation report; final decision by delegate)
 - estimated timeframes for completing each process step
 - resource requirements

Complaint
assessment
advised

- within a further five working days, the *Complaints Officer* shall prepare and send a *Complaint Assessment Advice* to the *Complainant*.
 - acknowledging receipt of their complaint
 - advising of the assessment determination
 - where a further investigation is required, the advice is to include details of the draft *Investigation Plan* moving forward, the name and contact details of the *Investigating Officer* and any additional information required from the *complainant*
 - where the complaint is determined not to warrant further investigation, the advice must provide reasons for that decision and that, where available, an appeal may be sought in writing for an *Internal Review* of the matter.

Level 2: Internal investigation

Planning

- the *Investigating Officer* must review and finalise the *Investigation Plan* confirming details of all parties to be involved, timeframes and resource requirements
- every effort must be made to finalise the investigation, including a final decision by the delegate, within 60 days of the *Complaint Assessment Advice*.

Discovery

- The complainant is to provide evidence-based information to assist in the investigation. Evidence-based information includes, but is not limited to, written documentation, witness statements and signed statements. Such information must be securely stored by the AAA on the *Complaint File*.

AAA Complaints Management Policy and Procedures

- the *Investigating Officer* should endeavour to interview (preferably face-to-face, either in person or via electronic means) all parties involved in the matter. The safety, security and integrity of both officers and interviewees is of paramount importance and arrangements should be made for additional support persons or use of recording equipment where necessary
- minutes (and recordings if used) must be documented and confirmed by all parties present for all official interviews. Parties are to be encouraged to supply additional material and/or signed statements made as part of the investigation. Such information must be securely stored by the AAA on the *Complaint File*.

Analysis

- the *Investigating Officer* must consider and evaluate all information supplied during the course of the investigation. They should seek to form an opinion on whether each piece of information supports or refutes the complaint and any remedial actions being considered.

Report

- the *Investigating Officer* is required to prepare an *Investigation Report* that includes the following:
 - date
 - complaint ID
 - complainant name/s [except in instances where complaint has been made anonymously]
 - respondent name/s
 - recommended remedy including key reasons
 - complaint summary
 - investigation Officer/Team name/s and contact details
 - key issues
 - process undertaken
 - key findings
 - options considered
 - attachments: *Investigation Plan*; copies of key evidence supporting the recommendation
- the *Investigation Report* must be completed and lodged with the delegate five working days prior to the required decision date.

Decision

- the delegate with authority to decide the final resolution to a complaint investigation is the *Ethics Subcommittee* (refer Section 8 above)

Notification

- the AAA commits to a final decision on a complaint and notification thereof to the *complainant/respondent* within a total of 90 calendar days of first receipt of the complaint
- the *Final Complaint Notification* letter to both the *complainant* and *respondent* must:
 - be in writing
 - be signed by the Chair of the *Ethics Subcommittee*

AAA Complaints Management Policy and Procedures

- include appropriate reference to the original complaint
- provide details of the investigating officer
- provide high-level information of the investigation process
- provide the date and decision of the full *Ethics Subcommittee*
- provide reasons for the decision
- include details of any next steps to implement the decision
- include details of how an appeal may be lodged for an *Internal Review*.

Level 3: Internal review

Mandate

- an *Internal Review* is only required where the *complainant/respondent* applies in writing to appeal EITHER:
 - a *Complaint Assessment Advice* as provided by the *Complaints Officer* OR
 - a *Final Complaint Notification* letter of a decision made by the full *Ethics Subcommittee*
- an *Internal Review* is not a fresh investigation into the complaint. It is designed to provide an internal independent opinion as to whether the assessment and/or investigation processes were performed in a thorough, impartial and transparent manner.

Internal Review Committee

- all *Internal Reviews* are to be performed by an *Internal Review Committee* comprising select members of the *National Executive Committee* that have not had any prior involvement in the assessment or investigation of the complaint
- the *National Executive Committee* will approve the *Internal Review Committee* members and its Chair.

Process

- the *Internal Review Committee* will meet and review all information relevant to the process used to consider the complaint
- the Committee should seek to independently validate that the documented process was followed and that findings are consistent with the evidence received.

Decision and notification

- the review decision and notification thereof to the *complainant/respondent* is to be completed within a total of 120 calendar days of first receipt of the complaint
- the *Complaint Internal Review Notification* letter to both the *complainant* and the *respondent* must:
 - be in writing
 - be signed by the Chair of the *Internal Review Committee*
 - include appropriate reference to the original complaint
 - provide details of the investigating officer
 - provide high-level information of the review process
 - provide the date and decision of the *Internal Review Committee*

AAA Complaints Management Policy and Procedures

- provide reasons for the decision
- include details of any next steps to implement the decision
- if available, include details of how an appeal may be lodged for an *External Review*.

Level 4: External review

| |
|---------|
| Mandate |
|---------|

- an *External Review* is only available where:
 - a complaint has been fully assessed and investigated and subjected to an *Internal Review* and the *Internal Review Committee* has endorsed a remedy for expulsion of a member by the *National Executive Committee* pursuant to section 32 of the AAA constitution, and
 - the member applies in writing for an *External Review* of the complaint on the grounds that they intend to appeal the expulsion.
- an *External Review* is performed by a party who is independent to the complaint. It involves a review of all materials and processes related to the complaint to provide an impartial determination as to whether the AAA decision/s was based on merit and will be upheld or overturned.

| |
|-------------------|
| External Reviewer |
|-------------------|

- all *External Reviews* must be performed by an independent *External Reviewer* jointly agreed by the member proposed to be expelled and the AAA President. Such agreement cannot be unreasonably withheld by either party.

| |
|------------------------------------|
| Process, report and final decision |
|------------------------------------|

- the *External Reviewer* will have full authority to conduct their review in any manner they consider appropriate
- the *External Reviewer* will have broad powers to access any information or persons relevant to the complaint
- the *External Reviewer* will promptly review all information relevant to the complaint and simultaneously provide a report of their findings to both the member proposed to be expelled and the AAA President within 30 days of being engaged
- the decision of the *External Reviewer* is final.

11. Potential remedies

At every stage of the CMM processes, the parties should consider what remedies might be employed to resolve a complaint as efficiently and effectively as possible. Members are reminded that the AAA is a volunteer-based organisation and valuable resources will be consumed in this process. It is therefore recommended that, where possible, parties seek to make all efforts to resolve the matter prior to bringing it to AAA. The below list is provided to stimulate thought and is not intended to be an exhaustive list of options.

- apologising
- offering a refund
- changing a decision

AAA Complaints Management Policy and Procedures

- changing a policy, practice, procedure
- fixing misleading or inaccurate records
- offering help, providing further information or referring the complaint to someone who can help

In some circumstances, the AAA may be able to facilitate potential remedies, however in instances where the complaint is not being made against the AAA itself, but rather against a member, the courses of action available to AAA, after the investigative process are:

- take no further action
- censure
- expulsion of membership (see s32 Constitution).

12. Oversight and reporting on the CMM

The *Ethics Subcommittee* has oversight of this Complaints Policy and Procedures and the general operation of the CMM.

The *Complaints Officer* is the primary custodian and all complaints information including *Complaints Files* and updates to the *Complaints Register*. They are also responsible for monitoring the implementation of approved recommendations flowing from resolved complaints.

The *Complaints Officer* will provide the *Ethics Subcommittee* and the National Executive Committee with an annual report that includes:

- complaint statistics by type for the financial year
- the status of open matters
- analysis of complaint trends, significant issues and advice on whether the CMM is operating effectively
- the implementation status of recommendations flowing from resolved complaints
- recommendations for any further improvements to the CMM.

13. External reporting

The AAA has no mandatory external reporting obligations with respect to its CMM.

14. Authority

The AAA is incorporated under the *ACT Associations Incorporation Act 1991* (the Act). Schedule 1 of the Act requires that the rules of the AAA provide procedures for settling disputes between the AAA and any of its members or between members themselves.

While the AAA is not mandated to comply with *AS/NZS 10002:2014 'Quality management – customer satisfaction – Guidelines for complaints handling*, this policy has been developed to be consistent with requirements of that standard.

This policy is required to be approved by the *National Executive Committee*.

15. Commencement

The policy was approved by the *National Executive Committee* on 15 September 2020 with immediate effect.

16. Review and consultation

This policy will be reviewed at least tri-annually to ensure it continues to meet the needs of the AAA, its members and best practice guidelines.

The AAA will endeavour to consult with and obtain feedback from its members and other interested parties during reviews of this policy.