



Complaints Policy

Version 3

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1	1/09/2020	All	V2	Include trainers and instructors as in scope of the policy	Jenne Burns 01/09/2020	Policy is currently being reviewed by the AKA Management Committee, an update will be published soon.

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Purpose

The purpose of this document is to outline the Complaints and Appeals Policy and Procedures of the AKA as defined in the AKA Bylaws V2.1

Introduction

The Australian Kinesiology Association (AKA) is committed to leading the industry in best practice management and administration. As such, it upholds the philosophy of the Better Practice Guide to Complaint Handling¹ which describes the five elements of effective complaint handling. The AKA complaints Policy is also informed by the NSW Health Complaint Policy²

- Culture:** Organisations must value complaints as a means of strengthening their administration and improving their relations with the public.
- Principles:** An effective complaint handling system must be modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration.
- People:** Complaint handling staff must be skilled and professional.
- Process:** The seven stages of complaint handling - acknowledgment, assessment, planning, investigation, response, review, and consideration of systemic issues - should be clearly outlined.
- Analysis:** Information about complaints should be examined as part of a continuous process of organisational review and improvement.

What is a complaint?

A complaint is:

- an expression of dissatisfaction with a service offered or provided, or
- a concern that provides feedback regarding some aspect of the service that identifies issues requiring a response.

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 kinesiology training.

This broad definition of a complaint underpins the value of a consumer-focused service where the flow of feedback serves to identify system failures or practitioner and instructor/trainer issues that require attention.

A complainant must be treated fairly. Fairness rests on three qualities - **impartiality, confidentiality and transparency**.

Impartiality

Impartial investigation is vital to the credibility and success of a complaint handling system. Complaint handling staff should not be defensive about their organisation's management. Nor should a complainant be obliged to prove they are right or the agency is wrong. A complaint should be treated on its merits, with an open mind and without prejudice arising from any previous contact between the complainant and the agency.

Confidentiality

Complainants have a right to expect that their privacy will be respected and their complaint will be investigated in confidentiality and courtesy and remains within the stated Complaints Handling Process.

The collection, storage, use of and disclosure of personal information obtained in the complaint handling must comply with the Australian Privacy Principles (Privacy Act 1988). Both the complainant and the complainee may be able to view responses from the other party (refer to Rule 5.8c (iv) of the AKA constitution).

Transparency

A complainant is entitled to know how a complaint will be handled and the outcome of the investigation. An agency's complaint procedures should ensure that:

- at the time of making a complaint, complainants are advised of the steps in the complaint process and expected timeliness standards for handling the complaint
- a complaint reference number is given to each complainant, preferably with the name of a contact person
- a report on progress is provided if a complaint is not resolved promptly.

This is an effective customer-centred resolution process where everyone involved can focus on arriving at a satisfactory outcome.

The Value of Complaints

Effective complaint handling offers many practical benefits. Complaints deliver direct information from kinesiology clients and AKA practitioner members about faulty decisions, poor practice delivery and defective programs. This includes complaints from members in relation to inappropriate or unprofessional training, or inappropriate or unprofessional behaviour of trainers and instructors.

The AKA aims to use this information in several ways:

1. To provide a suitable resolution to a complainant: A person who has been disadvantaged by poor practice or training should be given a remedy that will deal fully and finally with the problem.
2. To maintain good relations with the public and build client loyalty: Public support should be important to all kinesiologists. Improved client support will be reflected in better interaction between our kinesiology industry, practitioners, clients, instructors, trainers and students.
3. To evaluate and improve our services: Complaints should be used to repair weaknesses in the association, by highlighting areas for improvement in our services and all dealings with members and the public.
4. To inform decision making about future service delivery: In order to plan ahead, complaints help an industry see what is needed and how to make systems work more effectively. Complaint information is a valuable resource for evaluating possible strengths and weaknesses in programs, services and training.
5. Complaint analysis is part of the continuous review and improvement of the association.

AKA Complaints and Appeals Procedure

The AKA will document and implement policies and procedures for dealing with complaints and appeals as required. These policies and procedures must ensure that:

- All parties have the right to have an independent support person to assist them in this process.
- Each complaint and appeal is recorded in writing;
- Each complaint and appeal is heard by an independent person or panel; and
- Each complainee or appellant has an opportunity to formally present his or her case; and
- All parties are given a written statement of the complaint or appeal outcomes.
- In the event that a complaint is found to be substantiated the AKA Management Committee will respond as appropriate including any disciplinary actions if necessary.
- The Complaints Committee endeavours to facilitate the resolution of issues between all parties.

Complaints documentation process

1. All complaints must be lodged using the official AKA Complaint Form.
2. The Complaint will be registered on the 'Complaints Register';
3. Complaints are heard by an independent person or panel; 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 Management Committee.
7. Both the complainant and the complainee may be able to view responses from the other party at the discretion of the committee (refer to Rule 5.8c (iv) of the constitution).
8. The Committee may ask to view any current or previous correspondence between parties in relation to the complaint.

The role of the Complaints Committee

The roles of the Complaints Committee is outlined below as per the AKA Bylaws v2.1

The Australian Kinesiology Association Complaints Committee is a sub-Committee of the Management Committee. The AKA Complaints Committee will implement and action the process relating to complaints including the following:

- (a) All complaints must be lodged in writing to the AKA office.
- (b) The AKA Complaints Committee must follow the current AKA procedure for dealing with complaints as per the AKA Complaints Procedure.
- (c) The AKA Complaints Committee will follow the process outlined in the Complaints and Appeals Policy ratified by the Management Committee subject to Rule 5.8 (c) (iv) of the Rules of the AKA Inc.
- (d) A confidential report will be made from the AKA Complaints Committee as necessary for review by the Management Committee. The minimum reporting standard is annually.
- (e) The AKA Complaints 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.
- (f) The AKA Complaints Committee will maintain a central register of complaints and details of enquiries relating to ethical issues referred from the administration office.
- (g) The AKA Complaints Committee will require all complaints and other referred ethical issues to be provided in written form.
- (h) In the event that a written complaint involves a trainer or instructor, the modality representative of that instructor or course author will be invited to be actively involved in the resolution process.
- (i) In relation to the outcome of the complaint, whatever action the AKA decides to take against the Member may not necessarily be shared with the complainant.

If a complaint cannot be resolved between the involved parties, the nominated person from the AKA Complaints Committee will attempt to seek resolution. The Complaints Committee will hear the relevant issues from all parties, ensuring that all parties are aware of the nature of the dispute. The role of the Complaints Committee includes:

- To facilitate a fair, accessible and visible process that is responsive to the needs of all parties.
- To ensure this process is accountable and recorded appropriately.
- To ensure constructive action is taken to eliminate the root cause or causes of the complaint and to improve the quality of industry processes.
- Where in relation to a trainer or instructor of an organisation, to communicate with that organisation and work together towards a satisfactory resolution.
- To ensure all parties involved in the dispute are informed, consulted and given appropriate time to consider the dispute.

Complaints involving Registered Training Organisations (RTO)

When an AKA member contacts the AKA regarding a complaint involving a trainer or staff of an RTO, the complainant is also required to:

1. Register their complaint with the Complaints person for that RTO.

2. If they are unable to resolve their complaint with the RTO, they may take their complaint to ASQA which is the national register for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met. The AKA office must keep a record of the complaint on file in their complaints register, and also forward their complaint on to the Complaints Officer of the AKA.

References

1. https://www.ombudsman.gov.au/__data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf
2. https://www1.health.nsw.gov.au/pds/Pages/doc.aspx?dn=PD2018_032