



**ARBN: 679 434 649**

# **DTAA COMPLAINTS PROCESS**

This form is used to make an informal appeal about a member of DTAA. All details must be completed.

## **1. Initial Contact with the Grievance Delegate and Decision to Proceed**

- 1.1** This initial contact enables the Grievance Delegate to provide the Complainant with information about options regarding their complainant.
- 1.2** Receipt of the Complainant Form must be acknowledged by the Grievance Delegate within five (5) working days. The Complainant Form is submitted to the Grievance Committee to determine within ten (10) working days if it is appropriate for DTAA to consider the matter (See Section 6)
- 1.3** If the Grievance Committee decides the Complaint can proceed, the decision is made about which pathway (Letter of Advice or Alternative Dispute Resolution) is appropriate. The Complainant is informed of the Grievance Committee decisions.

## **2. Letter of Advice**

If the Grievance Committee decides in favour of the Letter of Advice option to address and seek resolution of the Complainant, the following process applies:

- 2.1** The Complainant is informed by the Grievance Delegate of the Grievance Committee's decision to address and seek resolution of the Complainant by the Letter of Advice action.
- 2.2** The Member is informed by the Grievance Delegate that a Complaint has been lodged against them, and that the Grievance Committee has decided to consider the Complaint and to proceed by implementing the Letter of Advice action.
- 2.3** The Grievance Committee drafts a Letter of Advice that will be sent to the Member via the Grievance Delegate.
- 2.4** This Letter of Advice will :
  - a. Inform the Member of their client's feedback (Complaint);
  - b. Clarify that, on the basis of this information, the Grievance Committee considers that a breach of the Code of Ethics and Standards of Professional Conduct may have occurred;
  - c. Indicate steps that may be taken by the Member to remedy the breach (including where appropriate an apology) and recommend actions to be completed to address the matter;
  - d. Require acknowledgement of receipt of the Letter of Advice within ten (10) working days;
  - e. Inform the Member of their right to respond to this Letter of Advice within ten (10) working days;

- f. Invite the Member to indicate in their response if, and how, their client's feedback will be integrated into their practice and how the Grievance Committee's recommendations will be implemented;
  - g. Inform the Member that the Letter of Advice as well as their response will be kept on their file in accordance with clause 8.2
- 2.5 The matter is closed with the Member's acknowledgement of receipt of the Letter of Advice or, if applicable, after receipt of the Member's response, with the implementation of the Grievance Committee's recommendations by the Member.
- 2.6 Once the Grievance Committee considers the matter closed, the Grievance Committee informs the Member in writing that the matter is closed and advises the Complainant in writing that the matter has been addressed with the member.
- 2.7 Should the Member not accept the terms of the Letter of Advice, the Complainant would be informed. The Grievance Committee may, if appropriate, suggest the matter be presented for Alternative Dispute Resolution. In some cases, it may appear that the Complainant may only be addressed by formally lodging a Grievance. The decision to formally lodge a Grievance remains with the Complainant at all times.
- 2.8 As a Letter of Advice is not a formal finding there is no right of Appeal for either the Complainant or the Member

### 3. Alternative Dispute Resolution

- 3.1 If the Grievance Committee decided Alternative Dispute Resolution (ADR) is appropriate, the following process is followed:
- a. the Complainant has to have agreed to proceed with ADR.
  - b. An Intermediary is selected by the Grievance Committee from the Intermediary Group after determining that there is no potential conflict of interest.
  - c. The Intermediary will provide their services with the aim to reach a resolution between both persons concerned. Through the ADR process no information about what has been said/agreed will be kept in writing. The only information that will be retained will be the dates of the interventions (for example, in a diary) kept by the Intermediary.
  - d. The Grievance Delegate informs the Complainant of the name of the Intermediary and confirms that the Intermediary will contact them within ten (10) working days.
  - e. The Intermediary will have a conversation with the Complainant, either by video-link or telephone or face-to-face, to hear their experience, concerns and desired outcomes and determine if and how they wish to take the action further.
  - f. If ADR seems to be appropriate to both the Intermediary and the Complainant, they will together determine what is to be conveyed to the DTAA Member.

- g. The Grievance Delegate will then inform the Member (verbally and in writing) that a Complainant has been filed against them and that an Intermediary will have a conversation with them within ten (10) working days, either by video-link, or telephone or, if possible, face-to-face.
- h. In that conversation with the Member, the Intermediary will hear the Member's experience, concerns and desired outcomes. The Intermediary will determine with the Member whether or not the Member agrees to ADR and, if so, what is to be conveyed back to the Complainant.
- i. The Intermediary will then inform the Complainant of the member's position.
- j. Depending on the outcome of these first individual contacts, both the Complainant and the Member may agree with the Intermediary to continue with ADR to resolve the matter.
- k. If a meeting is considered helpful in the ADR process, a meeting between both persons concerned and the Intermediary is set up by video-link or telephone or face-to-face. The meeting is conducted by the Intermediary and aims to reach a resolution between both persons concerned.
- l. If one or both of the persons involved do not wish to continue with ADR, or if ADR does not resolve the Complainant, and if the Complainant still wishes to proceed, the Complainant will have to lodge a formal Grievance.
- m. ADR will only have two possible outcomes either 'the matter was resolved' or 'the matter was not resolved', the discussion being confidentially kept between all the persons present (the Complainant, the Member, the Intermediary).
- n. The outcome of the ADR is documented as above and designed by the Intermediary and by both persons present. No further records of what took place during the ADR meeting are kept.
- o. If the matter was resolved, there will be no further action taken.
- p. If the matter was not resolved, and the Complainant wishes to proceed, the Complainant will have the option to formally lodge a Grievance.

3.2 The parties are to be informed at the commencement of the ADR process that all matters discussed are confidential and that the outcome of the ADR process is not formally documented. In the absence of formal documentation, the Intermediary cannot be required to report on these confidential proceedings in any subsequent complainant, Grievance or Appeal that is brought under these procedures.

3.3 Any representations or documents prepared for the ADR are understood to be provided on a 'without prejudice' basis, are to be kept confidential by the parties for the purposes of the ADR process and may not be used in any subsequent formal Complaint procedure.

The documents are not to be relied upon or used other than as required by law and the only to the extent required by law.

- 3.4 As the ADR process is not a formal finding, there is no right of Appeal for either the Complainant or the Member.

