

Complaints Management Policy

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1. Purpose

The Association seeks a cooperative and consultative culture across the Membership and where possible provides Members with information and training to support shared knowledge and a collegial approach to operations, however there are circumstances in which Complaints are received or the Association needs to investigate a matter.

This policy is intended to ensure that Feedback and Complaints are handled fairly, efficiently, and effectively, recognising that a clear, transparent process encourages ethical and professional practices.

This policy also provides guidance to the Association, Members and members of the community who wish to give Feedback or make a Complaint, on the key principles and concepts of the Association's complaint management system.

2. Scope and Exemptions

- 2.1 All Complaints and Disputes against or concerning an Applicable Person regarding an alleged breach of the *Code of Conduct*, the *Constitution*, or other related Association Policy, whether they are raised by another Applicable Person or an external party, will be subject to this *Complaints Management Policy*.

- 2.2 Complainants could be community members or customers, Association Members or Subscribers, or Association Executive Office individuals. Complaints managed via this Policy is for Complaints relevant to non-compliance of the Association's *Code of Conduct*, the *Constitution*, and other related Association Policies. The scope of this Policy does not include Complaints relevant to internal practices within the Association Executive Office, which would be managed via the Association's *Internal Work Practices Policy*.
- 2.3 In implementing the *Complaints Management Policy*, the Association will apply the principles of Natural Justice.
- 2.4 This *Complaints Management Policy* is to be read in conjunction with the Association's *Code of Conduct*, the *Constitution*, and other related Policies of the Association.
- 2.5 Where a matter arises that is not directly dealt with in this *Complaints Management Policy*, the *Constitution* or other related policy of the Association, but is within the spirit and intent of the *Complaints Management Policy*, the *Constitution* or other related Policy of the Association, the matter will be dealt with in accordance with this *Complaints Management Policy*.
- 2.6 Where a Complaint arises that is out of scope of this Policy i.e. a Complaint that is not covered by the content of Association Policies, including Complaints that indicate a non-compliance to relevant Animal Welfare or Exhibited Animal laws and regulations, the Association will either directly inform the relevant authority or refer the Complainant to the appropriate animal welfare compliance agency, without prior reference to the Subject Applicable Person.

3. Association Roles and Responsibilities

3.1 Association Board

- (a) Be informed about Feedback and Complaints and take appropriate action where required.
- (b) Ensure Policies, Procedures and delegations are in place to identify, respond to and manage Feedback and Complaints.
- (c) Ensure the *Complaints Management Policy* and *Complaints Resolution Framework* is reviewed as per documented timelines.
- (d) Receive and handle complaints about the Executive Director.
- (e) Decide how Complaints and Disputes will be handled, including engaging external assistance, where it would be a Conflict of Interest for the Executive Director to manage a significant Complaint, or if the matter involves the Executive Director.
- (f) If the complaint involves a Board member, the Board President and/or the Chair of the FAR-Com will handle and potentially engage external assistance taking steps to avoid a Conflict of Interest
- (g) Maintain appropriate insurances to mitigate against risk.

3.2 FAR-Com / Board Complaints Sub Committee

- (a) Sub-committee of the Board responsible for Complaints and Feedback Management.
- (b) Ensures that the *Complaints Management Policy* and Complaints Resolution Framework is developed, implemented, and maintained.
- (c) Is informed about Feedback, compliments and Complaints, and improvement statistics.
- (d) Maintains awareness of significant risks and provides appropriate advice.

3.3 Executive Director

- (a) Promotes a culture that values Feedback and Complaints and their effective resolution.
- (b) Provide adequate support and direction to key staff responsible for handling Complaints.
- (c) Regularly reviews Complaint trends and issues arising from Complaints.
- (d) Engage external assistance as required to conciliate or investigate Complaints.
- (e) Approve the Feedback, Complaint and Resolution procedures to be provided to stakeholders.
- (f) Ensure the Board and FAR-Com are informed appropriately about relevant details where the matter may involve financial, liability, reputational damage, legal/proceedings, safety, or other issues that may present significant risk to the Association. The Association Risk Matrix indicates levels for appropriate escalation.

3.4 ZAA Executive Team

- (a) Demonstrate a positive commitment and attitude towards a culture where feedback, compliments and complaints are valued.
- (b) Support and assist people to access Association Feedback, Complaint and Resolution processes.
- (c) Provide a safe and respectful environment without fear of negative consequence for people to make a Complaint.

4. Policy Statement

The Association applies three levels of Complaint Management.

4.1 Level 1: First point of Contact

- (a) Frontline complaint handling and resolution of complaints, and likely to be between Association Member or Subscriber and a community member or customer (Complainant).

- (b) Given the nature of this type of complaint, Association participation in resolution consultation and negotiation would be limited to none, unless the complaint is required to be escalated as per clause 4.2(a).
- (c) Complaint to be resolved by the Association Member or Subscriber.
- (d) Where Complaint assessment and investigation is simple and is generally between a Complainant and a Member / Subscriber and is able to be finalised through consultation and negotiation between the parties.
- (e) Community member / customer satisfied with the outcome.

4.2 Level 2: Escalated

- (a) Where a Complainant is dissatisfied with initial Complaint outcome and/or resolution exceeds twenty (20) days; or
- (b) Assessment and investigation of a Complaint is complex and may involve multiple stakeholders.
- (c) The Association Executive Director is required to resolve the Complaint via the Complaints Resolution Framework procedures.
- (d) The Complaint assessment and investigation may need to be managed in conjunction with the FAR-Com / Board Complaints Sub Committee. Escalation to this Committee is determined by the complexity of the Complaint and the Association Risk Matrix.

4.3 Level 3: External

- (a) The FAR-Com / Board Complaints Sub Committee has completed a review of a Complaint investigation.
- (b) Based on the Complaint, investigation complexity and/or potential Conflict of Interest the matter may be referred to an independent or external group for assessment / investigation and/or consultation. For example:
 - (i) this may include seeking legal advice regarding the Complaint and resolution options; or
 - (ii) for Conflict-of-Interest situations an independent person i.e. another Member or another person, may support an investigation and resolution negotiation; or
 - (iii) An application for Appeal against an imposed Sanction may have been received from the Subject Applicable Person and may require determination via an independent or external group as per *Complaints Resolution Framework* (separate procedure document); or
 - (iv) for instances that indicate a non-compliance to relevant Animal Welfare or Exhibited Animal laws and regulations, it may mean that the Complaint be referred on to the relevant government authorities.
- (c) An external assessment / investigation may be requested by the Complainant. An external assessment or investigation may include legal advice, or there may be a

requirement for an independent person in situations of Conflict of Interest, or a subject expert for more complex situations and assessments.

- (d) The Association Executive Director or the FAR-Com /Board Complaints Sub Committee will coordinate parties as required.

4.4 Lodging a complaint

- (a) For Level 2 and Level 3 Complaints, the Complainant may lodge a Complaint in accordance with the Association *Complaints Management Policy* and the *Complaints Resolution Framework* (separate procedure document).
- (b) The Complainant shall:
 - (i) be submitted in writing, using the Complaint Form set out in Appendix 2 to this *Complaints Management Policy*, with the ZAA via email or post;
 - (ii) if a Complaint is received otherwise than by way of a completed Complaint Form, be referred back to the Complainant for submission of the Complaint in accordance with clause 3.2(b)(i);
 - (iii) be submitted within thirty (30) days of the date on which the conduct, which gave rise to the Complaint, is alleged to have occurred;
 - (iv) contain sufficient details to enable the ZAA to identify the Complainant, the Subject Applicable Person and the nature of the Complaint;
 - (v) indicate the part(s) of the *Code of Conduct*, the *Constitution* or other related policies of the ZAA that are alleged to have been breached by the Subject Applicable Person;
 - (vi) have attached to it such evidence and submissions as the Complainant relies on in support of the Complaint; and
 - (vii) indicate what steps (if any) the Complainant has already taken to resolve the Complaint with the Subject Applicable Person directly.

5. Investigation

5.1 Investigation Process

The Executive Director, or his or her delegate, must:

- (a) review the information relevant to the Complaint;
- (b) seek such further information as may be necessary;
- (c) examine ZAA's records to determine whether a complaint has previously been made against the Applicable Person in relation to the same, or a related matter; and
- (d) make a preliminary assessment of the Complaint and follow the relevant level of Complaint Management and Complaints Resolution Framework.

6. Determination

- 6.1 For Level 2 and Level 3 Complaints, the FAR-Com /Board Complaints Sub Committee, having considered the results of the investigation and the review, will make a Determination regarding the Complaint and either:
- (a) dismiss the Complaint; or
 - (b) impose a Sanction on the Subject Applicable Person.
- 6.2 A Sanction may include:
- (a) Sanction Level 1: issuing the Subject Applicable Person with a warning notice;
 - (b) Sanction Level 2: if the Subject Applicable Person is a Member, levels of participation in the Association's Regional Species Program may be impacted;
 - (c) Sanction Level 3: if the Subject Applicable Person is a Member, suspension of membership for a period of not less than six (6) months and not more than forty-eight (48) months, the period to be determined in conjunction with the Association Risk Matrix;
 - (d) Sanction Level 4: cancellation of the Subject Applicable Person's membership.
 - (e) For Sanction Levels 3 and 4 imposed on a Member, the change of membership status will be communicated to membership.
 - (f) The level of Sanction imposed will be based on the Association's Risk Assessment Matrix (Appendix 2), where the Complaint Determination will be measured in accordance with the considered impact to the Association.
 - (g) Where there is a repeated Complaint or a Complaint of a related matter against a Subject Applicable Person, if the Subject Applicable Person is a Member, an increase in Sanction level may be imposed.
 - (h) For more than three (3) Determinations of a repeated or related Complaint with a Level 1 Sanction the FAR-Com/Board Complaints Sub Committee may impose a Level 2 Sanction on the Member.
 - (i) If the level of Sanction imposed means suspension or cancellation of membership, the Association's annual membership fee will not be refunded.

Sanctions will be imposed in accordance with the following table:

Association Risk Assessment Matrix and Sanction Table

	Low	Medium	High	Extreme
If it is determined that a Complaint has:	Limited impact on Membership Limited impact on Community perception No foreseen financial / revenue risk to Association No impact on 3rd party relationships	Some impact on broader Membership Some impact on Community perception Limited financial / revenue risk to Association Some impact on 3rd party relationships	Clear impact on broader Membership Clear impact on Community perception Financial / revenue risk to Association Impact on 3rd party relationships	High impact on broader Membership High impact on Community perception Serious financial / revenue risk to Association Potential to break 3rd party relationships
Sanction	Level 1	Level 2	Level 3	Level 4

7. Grounds for Appeal

The grounds for an Appeal are limited to one or more of the following:

- (a) new evidence;
- (b) failure by the FAR-Com /Board Complaints Sub Committee to follow the *Complaints Management Policy*;
- (c) a material error or omission of fact by the FAR-Com /Board Complaints Sub Committee in determining the Complaint; and/or
- (d) the severity of the Sanction imposed by the FAR-Com /Board Complaints Sub Committee.

8. Responsibilities

8.1 Confidentiality

- (a) The identity of people making complaints will be protected where this is practical and appropriate, with information relating to a Complainant's identity maintained within the ZAA Executive Team responsible for responding to the Complaint, the FAR-Com / Board Complaints Sub Committee, and the Association Board.
- (b) All parties involved in a Complaint (being the Association Executive Team, the Complainant, the Subject Applicable Person, the FAR-Com / Board Complaints Sub Committee and the ZAA Board) shall observe the confidentiality of documents, information and data received during the lodgement, investigation, determination, sanction or outcome of a Complaint and any subsequent Appeal.
- (c) Nothing in this clause 7.1 prevents the Association from reporting any breach of legislation to the relevant government authority.

8.2 Conflict of Interest

- (a) A Board or FAR-Com / Board Complaints Sub Committee member who has an interest in relation to a Complaint must disclose the interest to the Board, with the declaration being recorded in meeting minutes.
- (b) If a Conflict of Interest has been disclosed, the Board member or FAR-Com/Board Complaints Sub Committee member may not:
 - (i) participate in any resolution processes or discussion relating to the Complaint
 - (ii) be present while the matter is being considered at any meeting
 - (iii) vote on the matter, or vote in respect of, or in respect of any matter arising out of, the Complaint
- (c) A Complainant or Subject Applicable Person who identifies that a Board Member has an interest in relation to the Complaint, must notify the Executive Director in writing at the time of lodging the Complaint or at the first available opportunity thereafter.

8.3 Notifying Parties and Providing Reasons for Decisions

Following consideration of a Level 2 or Level 3 Complaint, either the Executive Director or a member of the FAR Com/Board Complaints Sub Committee will contact the Complainant and Subject Applicable Person to advise them of:

- (a) the Determination of the Complaint and any actions taken or any Sanctions imposed
- (b) the reasons for the decision(s) taken
- (c) any remedy or resolutions that have been proposed or put in place
- (d) any options for review that may be available to the Complainant or Subject Applicable Person, such as an external review, or Appeal.

8.4 Record Keeping

The Association will maintain records about:

- (a) Complaints received
- (b) How complaints were managed
- (c) Complaint outcomes, including Determinations and Sanctions imposed (if any); and
- (d) Any outstanding actions to be followed up, including analysing any underlying root causes.

9. Consequences of Determination

- 9.1 If a Member's membership has been suspended or cancelled by a Determination or an Appeals Determination, the Association may note such details on its website or register of Members, but will not record details of the Complaint or the reasons for the Sanction.
- 9.2 If a Member's membership has been cancelled as the result of a Determination or Appeals Determination, the Member will not be permitted to renew its membership at a later stage until permitted to do so pursuant to a resolution of the Board.

10. Related Documents

This policy is to be read in conjunction with the following policies, procedures, and guidelines of the Association:

- (a) *Constitution*
- (b) *Code of Conduct Policy*
- (c) *Member Policy*
- (d) *Animal Welfare Policy*
- (e) *Regional Species Planning and Management Policy*
- (f) *Accreditation Policy*
- (g) *Complaints Resolution Framework Procedure*

11. Definitions

In this policy, unless the context requires otherwise:

Appeal means an appeal against a Determination or Sanction

Applicable Person means a Member, Board Member, Committee member or Subscriber of the Association

Board means the board of management of the Association.

Board Member means a member of the Association's Board.

Code of Conduct means the Association's *Code of Conduct*, setting out the standards of ethical and professional practice and conduct for Applicable Persons.

Committee means a committee of the Board established in accordance with the Association's Constitution.

Complainant means an individual or organisation who gives Feedback or makes a Complaint to the Association

Complaint means an expression of dissatisfaction made to or about the Association or a Member, Board Member, Committee member or Subscriber of the Association in regard, but not limited to, services, staff, animal care, or the handling of a Dispute, where a response or resolution is explicitly or implicitly expected or legally required.

Complaints Resolution Framework means the Association Complaints Procedure document for resolving Complaints (separate document)

Conflict of Interest means a conflict of interest occurs when an individual's personal interests could compromise that person's judgment, decisions, or actions in relation to carrying out their duty

Constitution means the constitution of the Association, as amended from time to time.

Determination means a determination of a Complaint by the Executive Director or the FAR-Com / Board Complaints Sub Committee in accordance with the Association *Complaints Management Policy*.

Dispute means an unresolved escalated complaint.

Executive Director means the Executive Director of the Association.

FAR-Com means the Finance Audit and Risk Committee of the Association, and likely the Board Complaints management sub-committee.

Feedback means opinions, comments, suggestions, compliments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the Association or a Member, Board Member, Committee member or Subscriber of the Association about services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Member means a member of the Association, as defined in the Association's *Member Policy*, and may include an employee, officer or agent of a Member of the Association.

Natural Justice means a due process that provides fairness to all parties. It includes the right:

- to be heard
- of reply
- to be treated fairly;
- to independent, unbiased decision making;
- to be informed of allegation(s) being made; and
- to a decision based solely on the relevant evidence

Organisation means an unincorporated entity, or an entity incorporated under Commonwealth, State or Territory legislation.

Policy means a statement of instruction relating to how the Association will fulfil its vision, mission and goals.

Procedure means a statement or instruction that sets out how Association Policies will be implemented.

Risk Matrix means the Association's risk assessment tool that is used to assess the level of risk and assist the decision-making process. See Appendix 2

Sanction means a strong action given in response when a Subject Applicable Person is found to be non-compliant with Policy under the Association Complaints Management Policy.

Subject Applicable Person means an Applicable Person who is the subject of a Complaint.

Subscriber means a subscriber of the Association, as defined by the Association's Subscribers Policy.

Association means the Zoo and Aquarium Association Inc. (ABN 71 836 556 156).

12. Proviso

The intent of this policy is to provide a framework for the majority of activities undertaken by Association members/subscribers. Any issue/concern which arises that is not covered by this policy, but falls within the purpose of the policy, will be included and addressed by the Association Board, or their delegate, in the best interest of the Association and its membership.

13. Approval and Review Details

Approval History	Details
Approval Authority	Association Board
Relevant Committee and/or Stakeholders	
Original Approval Date	11/03/2022
Last Review Date	11/03/2022
Next review date	11/03/2027

This document should be reviewed within five (5) years of the date of approval or last review.

Amendment History	Authority	Date	Description / Notes
Approved / Amended / Rescinded / Reviewed			

Appendix 1 – Complaint Form

Allegation of a breach of the Code of Conduct, the Constitution or other related policies of the Zoo and Aquarium Association Inc.

Details of the Complainant

Name

Address

Email

Phone

Member Organisation
(if applicable)

Details of the Applicable Person the subject of the Complaint

Name

Address

Email

Phone

Member Organisation
(if applicable)

Nature of the Complaint

Identify sections of the Code of Conduct, the Constitution or other related policies of the Zoo and Aquarium Association Inc. that you allege have been breached by the person or organisation who is the subject of the Complaint. Please attach any evidence or submissions which support your Complaint.

Date(s) of the conduct that is the subject of the complaint: _____

Attempted Resolution of the Complaint

Outline efforts you have made to resolve the Complaint directly with the person or organisation, prior to lodging this Complaint.

I authorise the copying of the Complaint and any supporting evidence and submissions and its distribution to the person or organisation who is the subject of the Complaint, and such directors, members and support staff of the Zoo and Aquarium Association Inc. as may be involved in processing the Complaint.

Signature

Date

Please mark CONFIDENTIAL and return this completed form and supporting documents to:

**THE EXECUTIVE DIRECTOR
Zoo and Aquarium Association Inc.
P.O. Box 538
Mosman NSW 2088
AUSTRALIA**

OR

Email admin@zooaquarium.org.au

Appendix 2 – Risk Matrix

RISK ASSESSMENT MATRIX KEY					
RISK RATING KEY		LOW	MEDIUM	HIGH	EXTREME
		ACCEPTABLE Limited impact on Membership Limited impact on Community perception No foreseen financial / revenue risk No impact on 3rd party relationships	ALARP (as low as reasonably practicable) Some impact on broader Membership Some impact on Community perception Limited financial / revenue risk Some impact on 3rd party relationships	GENERALLY UNACCEPTABLE Clear impact on broader Membership Clear impact on Community perception Financial / revenue risk Impact on 3rd party relationships	INTOLERABLE High impact on broader Membership High impact on Community perception Serious financial / revenue risk Potential to break 3rd party relationships
		OFFICE OPERATIONS Limited impact on Staff health & safety Limited financial risk to Association	OFFICE OPERATIONS Some impact on staff health and safety Some financial risk to Association	OFFICE OPERATIONS Clear impact on staff health and safety Clear financial risk to Association	OFFICE OPERATIONS High / intolerable impact on staff health and safety High / intolerable financial risk to Association
		OK TO PROCEED	TAKE MITIGATION EFFORTS (ZAA Internal Risk Process)	SEEK SUPPORT (Create Board Task Force)	URGENT ACTION (FARC, President, ED)
SEVERITY					
		ACCEPTABLE	TOLERABLE	UNDESIRABLE	INTOLERABLE
		LITTLE TO NO EFFECT TO ASSOCIATION BUSINESS	EFFECTS ARE FELT, BUT NOT CRITICAL TO ASSOCIATION BUSINESS	SERIOUS IMPACT TO ASSOCIATION BUSINESS AND STRATEGIC OUTCOMES	COULD RESULT IN DISASTER
LIKELIHOOD	IMPROBABLE	LOW	MEDIUM	MEDIUM	HIGH
	RISK IS UNLIKELY TO OCCUR	– 1 –	– 4 –	– 6 –	– 10 –
	POSSIBLE	LOW	MEDIUM	HIGH	EXTREME
	RISK WILL LIKELY OCCUR	– 2 –	– 5 –	– 8 –	– 11 –
	PROBABLE	MEDIUM	HIGH	HIGH	EXTREME
	RISK WILL OCCUR	– 3 –	– 7 –	– 9 –	– 12 –