

Wireless Institute of Australia Complaints Management Policy & Procedure

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Introduction

The Wireless Institute of Australia Complaints Management Policy establishes procedures that deliver a process through which all Customers, Members, Staff and Volunteers are able to express their views.

Complaint procedures apply to all Staff and Volunteers, regardless of classification and status of employment, including contractors, in relation to complaints and feedback about the delivery of the Wireless Institute of Australia's programs and services.

Acknowledgements

This policy is based on principles from:

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- 'Handling Privacy Complaints' Office of the Australian Information Commissioner (October 2016)
- Australian Charities and Not-For-Profit Commission "Complaint Handling by Charities and Not for Profits Model Policy"

Scope

This policy applies to direct Customers and Members of Wireless Institute of Australia.

The scope of a complaint is limited to services or products provided (or offered to be provided) to the customer or member.

People who are not members or customer of the organisations have no right of complaint under this process.

This policy does not apply to complaints made by employees that are solely employment related.

Audience

This policy is designed to provide guidance to Wireless Institute of Australia employees and volunteers on the procedures and practices required to ensure effective customer complaint handling.

This document, in its approved form, is to be made available for public review on the Wireless Institute of Australia website

Alterations to this policy

It is expected that over time this policy will be updated to reflect changes in consumer behaviour, business maturity and applicable government legislation.

If the policy, procedures and processes contained in this document are altered the following must be completed within 20 working days of the change being implemented operationally:

1. This document must be updated to reflect the change to complaint handling policy.
2. Wireless Institute of Australia's terms of trade and other operational document (in whatever form they exist from time to time) must be reviewed to ensure that they are consistent with the new complaint handling policy. If alterations are required they must be released using the provisions within the relevant document for notifying customers and members of these changes.
3. All Staff and Volunteers must be informed of the complaint handling policy changes and receive a copy of this document.
4. Should they exist, internal complaint handling training courses must be updated to reflect the changes to the complaint handling policy.

Purpose

The purpose of this policy is to:

- document the position of Wireless Institute of Australia in relation to complaints management
- provide a friendly and flexible avenue for communication, feedback and complaint handling
- ensure that complaints are dealt with in a fair, unbiased, timely and confidential manner
- enable Wireless Institute of Australia to use the data and information received to understand the needs of our Customers and Members, improve our service delivery and increase customer satisfaction.
- Clearly document the lifecycle of a customer complaint within Wireless Institute of Australia;
- Identify the different types of complaints that are received by Wireless Institute of Australia;
- Identify the parties involved in the complaint handling process;
- Ensure that Customers and Members are aware of the complaint handling process and their avenues of complaint both internal and external;
- Provide a framework for the consistent handling of customer complaints;
- Provide rapid resolution to customer complaints through the reduction of internal bureaucracy during the complaint resolution process;
- Provide a framework for determining the most appropriate course of action in resolving a dispute;
- Ensure that all complaints are recorded within an appropriately accessible complaint handling system;
- Manage customer expectations during complaint resolution by providing regular feedback on the complaint and it's anticipated resolution time;
- Reduce complaint escalation through concise, readable responses to Customers and Members that are supported by the facts and Wireless Institute of Australia's Terms and Conditions.
- Identify any fees and charges that may apply to complex complaint investigation; and
- Establish an environment of continuous improvement through the identification and rectification of the root causes of complaints.

Definitions

A **complaint** for the purposes of this policy and procedures is defined as the:

‘expression of dissatisfaction with our products, or the complaints management process itself, where a response or resolution is explicitly or implicitly expected’. (Standards Australia - AS/NZS 10002:2014 Customer satisfaction - Guidelines for complaints handling in organizations)

A **complaint** does not include expressions of dissatisfaction, concerns or complaints received from external Customers and Members in respect to:

- government policies and/or legislation outside the control of, and not the responsibility of, Wireless Institute of Australia
- matters that are the subject of current legal action in a court or tribunal
- decisions made by any Court of Law

Complainant means the person or organisation making the complaint.

Client/customer/ means a person or organisation receiving a service or a product from Wireless Institute of Australia, or engaging in a business relationship with Wireless Institute of Australia.

Code of Conduct means any standard of behaviour that is endorsed from time to time by the board, whether written by the WIA or not. This includes but is not limited to the WIA Code of Ethics.

Dispute means a client’s formal disagreement which leads to some type of internal or external review or determination by Wireless Institute of Australia.

Commitment

Wireless Institute of Australia is committed to:

- recognising a customer or member’s right to make complaints, comments or suggestions about the standard and quality of services and products provided
- providing an efficient, fair and accessible mechanism for resolving complaints
- ensuring that all complaints are heard and equitably resolved as soon as possible
- monitoring complaints to improve the quality of services
- providing clients with information about the complaint management process
- promoting a positive attitude towards resolving complaints
- providing assistance to complainants who may be disadvantaged in any way and require additional assistance i.e. regional or remote location, language or other impairment, children and young persons.

Principles

Wireless Institute of Australia will demonstrate its commitment to providing an effective complaint management system by adopting the following principles for good practice:

Customer focus – Wireless Institute of Australia is committed to effective complaint management and values feedback through complaints.

Visibility – information about how and where to complain is well publicised to Customers, Members, Staff and Volunteers and other interested parties. We will do this by providing a direct link to ‘complaints’ on the home page of our website www.wia.org.au.

Accessibility – the process for making a complaint is easy to access and use and assistance is provided when needed.

Responsiveness – receipt of complaints is acknowledged to the complainant within three working days and the complainant is kept informed throughout the process.

Objectivity and fairness – complaints are dealt with in an equitable, objective and unbiased manner applying the principles of natural justice.

Confidentiality – personal information collected in relation to a complaint is confidential and only used for the purposes of addressing the complaint and any follow up actions.

Remedy – if a complaint is upheld, Wireless Institute of Australia will provide a remedy.

Review - there are opportunities for an internal or external review of Wireless Institute of Australia’s response to the complaint, and complainants are informed about these avenues.

Accountability – complaint management processes are clearly established and complaints and responses to them are recorded, monitored and reported to management.

Continuous Improvement – complaint data will be analysed to identify and address recurring or systemic issues and used to improve service and product satisfaction and performance.

Procedural Fairness – In all complaints relating to people or their performance the burden of proof rests with the complainant. In a complaint relating to the performance of a person each party has the right to know who the other party is

Resources

Wireless Institute of Australia will ensure:

- all Staff and Volunteers comply with any Code of Conduct.
- all Staff and Volunteers are instructed in Wireless Institute of Australia's Complaint Management Policy and Procedures through the induction process and information sessions
- Staff and Volunteers handling complaints will be supported by management and should receive effective supervision, guidance and feedback on their work
- continuous training and development of skills in the areas of customer service, telephone skills, writing skills and dealing with difficult Customers and Members will be made available to Staff and Volunteers dealing with complaints.

Complaint Recording

Wireless Institute of Australia's Office Workflow System will maintain a facility for recording details of all customer contacts.

All records of customer complaint and dispute must be recorded as "Complaints" using the customer contact management system.

When a complaint or dispute has been resolved the complaint or dispute must be flagged as such in the office workflow system.

This process will regular reporting to clearly identify those complaints that require addressing and allow the Board to address them in a proactive manner and will ensure that statutory complaint reporting obligations can be readily fulfilled.

Complaint Types and Lodgement Requirements

The process of complaint and dispute resolution is greatly assisted if there is sufficient information available about the complaint or dispute.

Even before a complaint is formally lodged it is necessary to know the type of complaint that a customer is proposing to make since lodgement procedures and information requirements varies on this basis and must be advised to them.

Complaints received by Wireless Institute of Australia fall broadly into one of four 'complaint types'. These are:

1. Financial disputes;
2. Operational complaints (including privacy complaints);
3. Complaints regarding performance of ACMA statutory functions; and
4. Complaints about complaint handling.

When Customers and Members contact us about making a complaint they will be instructed, based upon the 'complaint type':

- how to lodge the complaint
- what information they need to supply when they lodge their complaint

as described in the following sections.

Financial Disputes

Financial disputes are to be lodged in writing to accounts@wia.org.au. Customers and Members who wish to lodge a financial dispute must provide the following information:

- A description of the dispute (including their customer/member number);
- The period(s) over which the dispute arises;
- The basis on which the customer believes Wireless Institute of Australia should resolve this dispute in favour of the customer;
- Copies of any supporting evidence that will facilitate a rapid resolution in favour of the customer; and
- The outcome that the customer believes is a fair and reasonable resolution to the dispute.

Operational/Statutory Function Complaints

Operational performance complaints may be lodged in writing to complaints@wia.org.au. Operational complaints must be submitted on the current version of the complaints form and the acknowledgment signed

The customer or member must provide the following information in support of their complaint:

- **Nature of complaint**
explain what went wrong, what policy, rule, code of conduct, provision of the deed etc has been breached
- **The timing of complaint**
When, precisely did the event that gave rise to the complaint take place - if required please include a chronology
- **Details of respondent**
Who is the individual who should respond to this complaint (If a group of individuals, please advise the group and the person who should respond by role)
- **Proposed remedy/resolution**
what in your view is an appropriate remedy/resolution that would satisfy the complaint.
- **Evidence**
Provide documentary evidence to support the complaint. Evidence must demonstrate that the events that gave rise to the complaint occurred when they occurred and that the named respondent has, therefore, a case to answer. This could include emails, URLs, web links, statutory declarations etc.

For complaints regarding the delivery of services, customers and members must be made aware that unless Wireless Institute of Australia has accepted the order, in writing, the complaint will be found in favour of Wireless Institute of Australia.

Complaints about Complaint Handling

See the Avenues of Last Resort section.

Complaint Reporting Process and Responsibilities

Many complaints are mishandled because they were incorrectly reported in the first place. This results in unnecessary customer frustration. To prevent this, an accurate and consistent reporting framework has been put in place which is detailed below.

Advising a Customer/Member about Making a Complaint

Any Wireless Institute of Australia Staff or Volunteers who becomes aware that a customer or member wishes to lodge a complaint will:

1. Identify the 'complaint type' that is the focus of the customer's dissatisfaction;
2. Advise the customer, in writing of:
 - a. the complaint reporting process that applies in their case, given the complaint type identified in Step 1;
 - b. if requested by the customer, their 'Avenues of Last Resort' in the event that their complaint remains unresolved or unheard. For further information see the sections "Avenues of Last Resort" and "Complaint Types and Lodgement Requirements".
3. Forward a copy of this written advice to the Secretary.

Initial Communication with a Complainant

The WIA will allocate a "Case Manager" to deal with a complaint within 5 working days of the complaint being received.

The Case Manager may be any member of Staff and Volunteers that the WIA believes is well positioned to resolve the matter in an amicable manner with the haste that such matters deserve.

The WIA must provide an email introduction for the nominated case manager and the complainant. This introduction must contain:

1. The name of the Complainant, their normal business hours contact details
2. The name of the case manager and their normal business hours contact details.
3. A history of the complaint including the facts as they have been presented by the complainant and as gathered by Wireless Institute of Australia Staff and Volunteers (this may include copies of emails, internal notes, etc).

Ongoing Communication with a Complainant

The Case Manager must communicate with the complainant, in writing, no less than once every 5 working days until the complaint has been resolved.

The complaints officer must ensure that this level of customer contact is maintained by proactively pursuing all case managers for updates no less than once every 3 working days.

In the event that a Case Manager leaves Wireless Institute of Australia or is absent for any reason the responsibility to resolve the complaint falls to the complaints officer.

Privacy

The WIA 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 as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

In the event that a complaint is related to the conduct of a member, staff or volunteer the principles of procedural fairness dictate that the individual concerned has a right of reply. In these instances, complainants must assume that their identity will become known to the individual against whom the complaint is directed.

Whistleblower Protection

The WIA recognises that from time to time volunteers or staff may be in possession of information that demonstrates conduct that should be the subject of a complaint but for fear of retribution or self-incrimination feels unable to report the matter.

In this instance a complaint may be made directly to the board (board@wia.org.au) or to any board member, or to the WIA auditor. The complainant must state in the body of the complaint that they are a whistleblower and are requesting protection under the WIA whistleblower protection policy.

These protections are in addition to those provided under the Corporations Act.

Am I A Whistleblower ?

In order to be deemed a whistleblower and be afforded protection under this policy you must:

- Be a current member of a committee or group within the WIA that performs a function on behalf of the WIA; or
- Be a contractor to the WIA with a current contract; or
- Be a current member of staff; and
- Have reasonable grounds to suspect that the information you are disclosing in your complaint indicates that the WIA Staff or volunteers may have breached any Code of Conduct or other law in carrying out their duties as a WIA representative; and
- Have made your disclosure to the Board of Directors, Secretary or WIA auditor; and
- Have made your disclosure in good faith. (For avoidance of doubt, any disclosure that is incomplete or is made for a reason other than protecting the WIA is not made in good faith and these protections will not apply)

Whistleblower Protections

To the extent legally possible, protections available to whistleblowers under the Corporations Act will apply.

Complaint Resolution Timeframes

Wireless Institute of Australia is committed to resolving complaints and disputes in the following time frames from the date a case manager is appointed:

- Financial disputes – 10 working days
- Operational/Statutory Function complaints – 40 working days
- Complaints regarding Complaint Management – 80 working days

If, for any reason, Wireless Institute of Australia is not in a position to offer a complainant a decision within the above time frame, the case manager must provide the complainant with a date by which a decision will be made.

This decision date must be no more than 90 working days after the complaint was originally reported, unless:

1. The complainant is not contactable using the mechanisms provided on 3 or more separate occasions during the original dispute resolution time above; or
2. The complaint or dispute requires additional analysis that is outside the normal complaint handling policy (see “Additional Analysis” below); and
 1. The complainant has not approved this analysis to be undertaken; or
 2. The analysis, by its nature, requires an extended amount of time to derive data that is of value.

If Wireless Institute of Australia fails to meet its obligations with respect to complaint resolution time frames the dispute must be escalated to the Board of Directors.

Complaint Resolution Process

Wireless Institute of Australia is committed to resolving complaints and disputes rapidly and in an amicable manner.

The following resolution framework is to be used as a guide to allow a complaint to be rapidly qualified and resolved.

Stage 1 – Analysis

The facts must be gathered from Wireless Institute of Australia's systems and from the customer and compared.

If data is for some reason unavailable from Wireless Institute of Australia's systems then the customer or members account must be held as fact.

If data is for some reason unavailable from the customer or member then Wireless Institute of Australia's account must be held as fact.

The facts will initially be compared with Wireless Institute of Australia's service delivery and financial responsibilities contained in:

1. Any relevant terms of trade documents.
2. The Constitution;
3. Statutory Declarations from customers or members.
4. Evidence provided by the parties to the complaint.

From time to time resolution of a complaint or dispute will require data, or analysis of data that is beyond the capability of Staff and Volunteers to provide. For the policy in this area refer to the section Additional Analysis.

Stage 2 – Communication of Outcomes

Dismissed Complaints

A complaint will be dismissed if the complaint

1. Relates to a matter where it is determined that Wireless Institute of Australia has clearly honoured its obligations with regards to operational delivery and billing; or
2. relates to a criminal matter (the complainant must be directed to report the matter to the relevant authorities); or
3. is bought by an entity that is not a member or customer of the WIA; or
4. relates to a product or service that has not been obtained from the WIA; or
5. Is not supplied with substantiating evidence that is relevant to the complaint (for avoidance of doubt, the WIA complaints process does not require a case manager to find evidence on behalf of the complainant to support the complaints case); or
6. relates to an interpersonal dispute between members unless one of the members is also a volunteer and the complaint relates to the conduct of the volunteer in carrying out their function; or
7. the complaint relates to an affiliated club or other entity for which the WIA is not responsible; or
8. the complainant is deemed vexatious.

If a complaint is dismissed the complainant must receive written communication of the reasons why the complaint was dismissed including:

1. Wireless Institute of Australia's operational delivery and billing responsibilities (with reference to the documents identified above);
2. Wireless Institute of Australia's actual operational and billing delivery (with reference to the facts);
3. Wireless Institute of Australia's analysis and conclusions; and
4. Any documents, emails or internal comments that are referenced in the analysis or conclusions.

Accepted Complaints

If it is determined that Wireless Institute of Australia has not honoured its obligations with regards to service delivery and billing the complaint must be accepted.

If Wireless Institute of Australia cannot clearly prove that it has honoured its obligations with regards to service delivery and billing the complaint must be accepted.

If Wireless Institute of Australia determines that the cost to dispute a complaint exceeds the cost of the complainants preferred resolution Wireless Institute of Australia may, at its option, accept the complaint.

If a complaint is accepted the complainant must receive written communication of the fact that the complaint has been accepted. This communication must include:

1. The fact that the complaint has been accepted; and
2. The date by which the customer should expect an offer of settlement.

Stage 3 – Determination of Settlement

In determining settlement, a minimum of two possible outcomes must be considered:

1. The complainants preferred settlement option;
2. An alternative settlement option;

Wireless Institute of Australia's alternative settlement offer may include one of more of the following mechanisms of resolving the complaint:

- variations to product or services to be delivered (including changes to fees that are charged); or
- notice of intent to withdraw a product or service from the complainant; or
- action plan for resolving the root cause of the complaint (that is no more than 60 working days in duration); or
- credit to the complainants account; or
- refund of monies paid by the complainant; or
- any other reasonable measure that may be used to secure an amicable resolution.

In costing the settlement option the following must be considered:

- Lost revenue;
- Legal fees;
- Any additional charges should the complaint be escalated;
- Cost of analysis to date;
- Personnel costs.

If the costs of the complainant's settlement option and Wireless Institute of Australia's alternative option are within 10% it is Wireless Institute of Australia's preference to settle a dispute in the manner preferred by the complainant. When considering "costs" care must be taken to consider cost to reputation (both positive and negative) as well as monetary costs.

Once a settlement offer has been determined it must be approved internally by the Complaints Officer or Board

The settlement offer must be communicated, in writing, to the complainant.

The settlement offer must contain a statement that if a settlement cannot be reached the complainant may escalate the complaint or dispute to the Board (see Avenues of Last Resort above)

The complainant must accept or reject the offer in writing within 5 working days of receiving the offer of settlement.

If no response is received within 5 working days Wireless Institute of Australia will assume the complainant's tacit acceptance of the offer and will execute the offer forthwith.

Remedies and Avenues of Last Resort

Last resort complaints occur when the customer or member is of the belief that they have exhausted all avenues for complaint resolution within the standard framework for handling customer complaints.

If staff or volunteers becomes aware of a customer who believes they have exhausted all options for complaint resolution they should be advised that complaints may be escalated to the Board

This avenue is fully explained in the sections that follow.

The Constitution of the WIA supports a last resort remedy of expulsion of a member from the organisation at the boards discretion. If a case manager determines that this course of action is reasonable a brief must be prepared for the board containing the precise reasons for requesting this remedy.

For this course of action to be considered by the board in response to a complaint the member who is subject to the request for expulsion must have been:

- convicted by a competent court of a crime against the organisation; or
- convicted by a competent court of a violent crime; or
- disqualified from holding a radio operators licence of any type in any jurisdiction; or
- identified as being vexatious towards the organisation (see vexatious complaints).

The process and remedies relating to this course of action are described in the Constitution, however, in the absence of any information in the constitution to the contrary the following will apply:

- A full brief of evidence must be supplied to the member who is subject to expulsion proceedings when notified of the intent to begin expulsion proceedings
- The member will have 20 working days to respond to the brief of evidence.

The process described above is not intended to dilute the ability of the board to begin expulsion proceedings for any reason permitted by the Constitution.

Vexatious Complaints

A complainant will be deemed to be vexatious if they have had 3 or more complaints dismissed within a 24 month period.

Board Escalation

A complaint may be lodged with the executive management team by addressing the said complaint to board@wia.org.au.

The email should contain:

- full contact details of the complainant (including email address and phone number)
- customer/member numbers if appropriate
- description of the complaint
- avenues that have been explored in an effort to resolve the complaint

Having lodged a written complaint with the board, the customer will be contacted by a member of the board within 10 working days.

The assigned board member must inform the customer, in writing, of the complaint resolution process outlined below.

The assigned board member will determine if the correct complaint resolution process has been followed.

If it has not, the board member will direct the complaint to the case manager to be dealt with in accordance with this policy.

If the complaint has followed the processes outlined in this policy the assigned board member will consider the complaint on its merits with a view to directly negotiating a resolution with the customer.

In making a decision the assigned executive manager must consider:

- the substance of the complaint;
- impact on the complainant;
- terms of trade and in particular any applicable service level agreements;
- potential damage to reputation and brand should the complaint remain unresolved.

A decision must be made by the assigned board member and communicated to the complainant within 5 working days of making their first contact with the complainant.

If a decision is made in the complainants favour the assigned board member will present a settlement offer to the customer or member.

If the complaint relates to the statutory functions that the board performs the settlement offer must contain a statement informing the customer or member that should a settlement not be reached they may contact the ACMA as a last resort.

For further details regarding settlement offer and acceptance requirements see the section Stage 3 – Determination of Settlement.

Additional Analysis

From time to time resolution of a complaint or dispute will require data, or analysis of data that is beyond the capability of Staff and Volunteers to provide.

Specific examples include, but are not limited to:

- Analysis of historical information
- Recovery of information from third parties
- Engagement of counsel
- Travel

Once the desirability of undertaking such work has been established, the complainant must be informed of the fee required to complete the work. They must agree to pay this fee before the work can be carried out.

If the complainant chooses not to pay the fee then the dispute will be found in Wireless Institute of Australia's favour. If the complainant chooses to pay the fee and the resulting data capture and analysis determines that the basis of the complainant's complaint has been upheld then the amount of the fee will be refunded to the complainant in full.

The raw data, analysis and conclusions reached that result from any data collection and analysis work undertaken on a fee for service basis for the complainant will be made available to the complainant at the completion of the work.

Accountability and learning

Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis by management and the governing body of Directors. We will run regular reports on:

- 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. Reports and their analysis will be provided to our members and to our governing body for review, at least annually.

Monitoring of the complaint management system

We will continually monitor our complaint management system to:

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

Continuous improvement

We are committed to improving the way our organisation operates, including our management of 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 and volunteers
- regularly review the complaint management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

This policy (and associated internal procedures) will be reviewed continuously, and at least annually, to ensure it meets the needs of the Wireless Institute of Australia and our Customers and Members.

Accountability

Accountability for this policy is the responsibility of the Wireless Institute of Australia governing Board.