

Resolution of Complaints

Purpose

An authorised nominating authority, Australian Solutions Centre, must have policies and procedures about the resolution of complaints made by adjudicators, claimants and respondents, including complaints made by persons acting on behalf of claimants and respondents,

Objective

To provide a fair, timely and confidential complaint resolution process that considers the views of all parties.

Policy

- Australian Solutions Centre must specify the types of complaints and internal disputes that are covered and not covered by the policy.

Must also clearly outline the process for the resolution of a complaint or an internal dispute, including:

- (a) The process for making a complaint or an internal dispute, and
- (b) The steps involved in each stage of the complaint or internal dispute, and
- (c) The expected actions and deadline for completing each stage of the process, including requirements to notify the complainant, and
- (d) Measures to ensure the privacy of complainants is maintained, and
- (e) A requirement to notify the complainant of the outcome of the complaint or internal dispute, including the reasons for the outcome.

- Australian Solutions Centre must give written notice to the Secretary of a complaint or internal dispute within 10 business days of receiving the complaint or dispute.

The notice must include:

- (a) The name and contact details of the complainant and the person to whom the complaint or dispute relates, and
- (b) Details of the complaint or internal dispute.

- Australian Solutions Centre must notify the Secretary of the outcome of the complaint or internal dispute within 5 business days of the determination of the complaint or internal dispute.

- Australian Solutions Centre, must keep a record of the following information about complaints and internal disputes received by the authority:
 - (a) Details of each complaint or internal dispute, including the name and contact details of each complainant and the complainant's representative, if any, and the date the complaint or dispute was made.
 - (b) Details of action taken and decisions made in response to each complaint or internal dispute, including:
 - (i) The date the action was taken or the decision was made, and
 - (ii) The date the complainant or the complainant's representative was notified of the decision.
 - (c) The reasons for action taken or decisions made in response to each complaint or internal dispute
 - (d) The outcome of each complaint or internal dispute

The record must be kept for a period of 5 years from the date the complaint or internal dispute was made.

- Australian Solutions Centre, must at the request of the Secretary, give the Secretary a copy of a record made under clause Section 18 of the Building and Construction Industry Security of Payment – Authorised Nominating Authorities (Code of Practice) Order 2020

Procedure

ASC recognises that there may be complaints by parties, and others having a legitimate interest in the services offered by ASC and its adjudicators.

This procedure outlines the process to be used to address complaints.

Complaints must be made in writing and must include the name and contact details of the complainant, the person to whom the complaint or dispute relates and addressing the allegations along with any supporting documents. ASC will consider the allegations addressed and if appropriate will refer to the Complaints Panel.

Complaints Considered

Complaints considered by ASC are purely based on concerns made in relation to the services offered by Australian Solutions centre or its staff when acting in its role as an Authorised Nominating Authority (ANA).

Adjudicator determinations are final and Australian Solutions Centre cannot consider complaints made in relation to the adjudicator's findings in his/her determination.

Complaints must be made within 30 days of the completion of the adjudication process or will not be accepted.



Complaints Panel

ASC has established a 'Complaints Panel' to investigate all written complaints against ASC and/or its adjudicators.

The Complaints Panel consists of the ASC Manager, two senior adjudicator panel members and where necessary a practicing lawyer appointed by ASC.

Adjudicator Complaints

If a written complaint is received by ASC in relation to an adjudicator the complaint will be allocated into one of two categories:

Category One: The complaint is one of an ethical or fraudulent nature. The adjudicator is advised, the matter is referred to the 'Complaints Panel' and no further adjudication appointments are made until the matter is resolved.

Category Two: The complaint is of a factual, process or service nature. The adjudicator is advised and the matter is referred to the 'Complaints Panel'.

A 'Complaints Panel' consisting of the ASC director and one complaints panel member will address an adjudicator complaint.

The Department of Commerce will be notified of all written complaints received including any investigation and outcome.

ASC Complaints

If a written complaint is received by ASC in relation to ASC the complaint will be allocated into one of two categories:

Category One: The complaint is one of an ethical or fraudulent nature. The matter is referred to the 'Complaints Panel' consisting of the ASC director, two senior panel members and an independent practising lawyer appointed by ASC.

Category Two: The complaint is of a factual, process or service nature. The matter is referred to the 'Complaints Panel' consisting of the ASC director and two complaints panel members.

The Department of Commerce will be notified of all written complaints received including any investigation and outcome.

Adjudicator and ASC complaints process

The panel will address every complaint on its merits, but in general the process includes:

- Providing a copy of the complaint to the person(s) involved and requesting a written response within 10 business days.

- Assess the complaint and response and determine if more information is required.
- The panel adjudicates on the complaint and decides if any disciplinary action is necessary.
- Provide a copy of the complaint to the relevant State authority.

Upon reviewing the complaint, the panel will consider:

- The requirements of the Act, Regulation, Ministerial Guidelines and Conditions of Authorisation.
- Any breach of process.
- The fairness, impartiality, cost effectiveness and transparency issues associated with any proposed process/service changes that may result from the complaint.
- If there is any legal precedent or court decision that provides a solution or remedy to the matter.
- Whether there has been any unreasonable delay in raising the complaint.
- Any other circumstances including a breach of the ASC Code of Conduct.

The panel advises the parties and the relevant State authority of the decision reached.

The types of action that may be required could be counselling, further training, disciplinary action and/or de-registration.

Process and or Service complaints process

The Panel will address every complaint on its merits, but in general the process includes:

- Considering the requirements of the Act, the Regulations, the Ministerial Guidelines and the Conditions of Authorisation.
- Considering any breach of the ASC normal processes.
- Considering the fairness, impartiality, expeditiousness, cost effectiveness and transparency issues associated with any proposed process / service changes that may result from the complaint.

Where the nature of the complaint is in relation to an adjudicator or an ASC staff member the types of action that may be required could be counselling, further training, disciplinary action and/or employment termination.

Where the nature of the complaint is in relation to a process and or service issue the type of action that may be required is a change to that process and or service issue. Careful consideration would need to be given to the above 'dot points' prior to the implementation of changes.

The Department of Commerce will be notified of all written complaints received including any investigation and outcome.



Privacy and Confidentiality

All members of the complaints panel will take reasonable steps to ensure that the personal information collected regarding the complaint is handled appropriately. Any documents or records kept will be stored in a secure environment protected from unauthorised access and all documents relating to the complaint will be kept for a period of twelve months and at which time will be destroyed.