



# Complaints Resolution Procedure

## Section 1 - Purpose and Objectives

(1) The purpose of this procedure is to set out in general terms CFA's approach to managing and resolving concerns, disclosures and complaints that it receives.

## Section 2 - Scope

(2) This procedure applies in relation to concerns raised and complaints made by a member of the public/community, CFA members, Labour hire contractors, in relation to CFA members or Labour hire contractors.

(3) However, this procedure does not apply to:

- a. disputes or grievances about employment entitlements under the National Employment Standards or Enterprise Agreements;
- b. reasonable management action and/or management decisions taken in a reasonable manner;
- c. complaints by members of the public about matters other than the behaviour of a CFA member or Labour hire contractor; and/or
- d. matters that are operational matters or any matters where CFA determines that there is a more appropriate process or procedure that should be applied, taking into account the subject matter of the issue or concern raised.

(4) This procedure is not an exhaustive statement of the CFA's process for handling concerns, complaints or other related matters. Please note that:

- a. it does not displace any other instruments that may apply in circumstances considered by this procedure, including the [Country Fire Authority Act 1958](#) (CFA Act), the [Country Fire Authority Regulations 2014](#) (CFA Regulations), other legislative instruments or Enterprise Agreements;
- b. if you have any concerns about the safety or welfare of a child who is involved with the CFA in any way, you should complete:
  - i. Complete a [Child Safety Incident Report Form](#) (online version) or download a [printable](#) version. If using the printable version, please email the completed form to [childsafetyofficer@cfa.vic.gov.au](mailto:childsafetyofficer@cfa.vic.gov.au)
  - ii. You can also email your concerns directly to [childsafetyofficer@cfa.vic.gov.au](mailto:childsafetyofficer@cfa.vic.gov.au)
  - iii. You can call the Child Safety Intake Line on (03) 9262 8370 between 8 am and 11 pm, 7 days per week.

## Section 3 - Procedure

### Making a complaint

(5) A complaint may be dealt with through an informal or formal process, for more information visit [Making a Complaint](#).

## How are complaints and concerns dealt with?

(6) The appropriate process adopted to address and resolve a concern or complaint will be a decision for CFA and will depend on the nature of the concern or complaint raised and all of the surrounding circumstances. The approach and process could involve:

- a. provision of advice to the complainant and no further action;
- b. further encouraging and supporting self-help;
- c. a facilitated informal resolution process to address the complaint;
- d. a formal investigation and resolution process to address the formal complaint.

(7) Where a concern or complaint is of the following nature, the concern or complaint will likely be resolved through the provision of advice, self-help and/or an informal resolution process:

- a. interpersonal disputes or personality clashes;
- b. differences of opinion or attitude;
- c. minor differences of views about performance and work ethic;
- d. tone of communications, such as being rude or condescending; or
- e. conduct that does not or is unlikely to constitute a serious breach of the [Behavioural Standards Policy](#), the law, or operational procedures, including the Chief Officer's directions or procedures.

(8) Where a complaint is of the following nature, the complaint will likely be resolved through the formal resolution process:

- a. conduct that could constitute a serious breach of the [Behavioural Standards Policy](#), including bullying or harassment, sexual harassment, prohibited discrimination or victimisation;
- b. conduct that could constitute a breach of the [conflicts of interest policy](#);
- c. conduct that could constitute a breach of the [Code of Conduct for Victorian Public Sector Employees](#) (employees only);
- d. conduct that could include misconduct under an applicable Enterprise Agreement (employees only);
- e. conduct that could constitute a breach of operational procedures, including the Chief Officer's directions and procedures or
- f. conduct that could otherwise constitute a breach of State or Federal law.

## Preliminary process to deal with a concern/complaint - self-help/advice and assisted resolution

(9) As set out above, initially a focus on self-help and the provision of information is generally encouraged.

### Self Help

(10) Self-help allows a person to bring a complaint to the attention of the other person (respondent) directly and attempt to resolve the issue themselves. The complainant should keep an open mind and focus on a positive outcome. Prior to attempting self-resolution, complainants can seek support and/or confidential advice from the supervisor/manager, Resolution Support Business Partner or People and Culture Business Partner to enable them to approach the matter with the other person or persons.

(11) In attempting to resolve a concern or complaint themselves, the complainant should:

- a. Be respectful;
- b. Explain the conduct/issue that has caused the problem and why they feel concerned or upset

- c. Ask the other person(s) to stop the behaviour that has caused the complaint;
- d. Provide the other person(s) with an opportunity to respond;
- e. Listen to and try to understand the other person's point of view;
- f. Explore options for resolution with the other person(s); and
- g. Attempt to mutually agree a resolution to the complaint with the respondent.

### **Assisted resolution and options**

(12) Where a supervisor/manager receives a concern or complaint, they may discuss the complaint with the Resolution Support Business Partner for advice as to how to respond and try to resolve the complaint.

(13) If a concern or complaint has not been readily resolved at a local level or through seeking and obtaining advice, then the complainant or their supervisor/manager are encouraged to contact the Resolution Support Business Partner, if they have not already done so. That may be done verbally or in writing.

(14) The Resolution Support Business Partner or relevant supervisor/manager as appropriate will contact the complainant, acknowledging their continued concern/complaint and may:

- a. further assist the CFA member or Labour hire contractor to try to resolve the concern without the need for a formal complaint to be made (for example, through direct or facilitated discussions), particularly if self-help options or attempts at local(informal) resolution have not occurred;
- b. provide information and advice to the CFA member or labour hire contractors about their options; and
- c. assist the CFA member or labour hire contractor to identify whether the concern raised would warrant a formal complaint being made and if so, how it should be addressed under the processes outlined below.

### **Complaint Resolution Process**

(15) If a complaint has been referred to or received by the Resolution Support Team, then:

- a. if it has not been considered by the relevant local management, then unless it is inappropriate to do so, it will be referred back to the relevant local management to discuss and seek to resolve through assisted resolution, with assistance from the Resolution Support Business Partner or People and Culture Business Partner as required;
- b. if it is considered by the Resolution Support Team to be an appropriate matter for mediation/facilitated discussion or to be addressed through some other informal resolution process the Resolution Support Business Partner will organise the mediation/facilitated discussion for the relevant parties or adopt another informal process. Outcomes from that mediation/facilitated discussion or other informal resolution process may include:
  - i. acknowledgment and commitment to improve behaviours;
  - ii. apologies and counselling or training;
  - iii. an agreed set of actions as between the parties concerned; and/or
  - iv. a directed set of actions as ordered by someone with delegated authority to issue directions, such as a Commanding Officer or supervisor/manager.

(16) If the complaint has not been resolved through local or informal resolution processes or those processes are not appropriate (eg it is considered to be a serious/complex matter), then the complaint may be progressed as a complaint under a formal complaint resolution process.

(17) If the matter involves child safety matters, it will be referred to the CFA Child Safety team for case management.

## Formal Resolution Process

(18) Where a concern or complaint has not been resolved informally and a formal complaint is made, or where the Complaints Resolution Support Team has identified that an informal resolution process and/or mediation/facilitated discussion is not appropriate for a particular complaint, the matter will be considered through the formal resolution process.

### Making or documenting a formal complaint

(19) A complaint to be progressed under the formal resolution process will be made or captured in writing using the [CFA Complaint Form](#), in writing via the CFA Resolution Support inbox at [resolutionsupport@cfa.vic.gov.au](mailto:resolutionsupport@cfa.vic.gov.au) or via the Third Party Hotline on 1300 933 977. You can find more information and relevant contact details [here](#).

(20) Complainants must provide an honest and detailed account of their complaint and, where available, provide any relevant supporting documentation and identification of the outcome sought. Any additional information received from the complainant after submitting the complaint will be considered together with the details and information submitted with the original complaint.

(21) Consistent with the principles of confidentiality and to avoid appearing vexatious, complainants, when submitting written complaints, are not to copy or blind copy any other person to the lodgement of the complaint under the formal resolution process (other than their supervisor/manager should they wish to do so). To the extent the complainant feels it necessary that other persons be copied into the complaint, they are encouraged to identify this in the CFA Complaint Form or the body of the email and outline the reasons why.

### Initial assessment

(22) Upon receipt of the complaint, the Resolution Support Team will contact the complainant to acknowledge receipt. Where the Resolution Support Team acknowledge receipt of a complaint, the acknowledgement will also include confirmation of the Case Manager's details (Resolution Support Business Partner) to whom the matter has been referred for resolution.

(23) The Case Manager will contact the complainant within two (2) business days to confirm that they are progressing with an initial assessment of the complaint and to enquire as to whether, at this stage, there is any additional information the Complainant may wish to provide, and to confirm when the Case Manager will provide a further update on the complaint.

(24) The Case Manager will undertake an initial assessment of the complaint. An initial assessment may include:

- a. an assessment of whether the complaint is frivolous or vexatious, in which case it will not be considered a proper complaint and it will not be further considered;
- b. an assessment of the terms of the complaint, including whether it is sufficiently detailed and clear or whether any further information or supporting documentation is required to be provided by the complainant. Further information may then be sought from the complainant before the assessment can be completed;
- a. an assessment of the content of the complaint, including:
  - i. whether the complaint relates to alleged conduct that should properly be the subject of the formal resolution process and whether the complaint should be referred back to the appropriate supervisor/manager, Commander or other person in the order of command for informal resolution and/or the complainant advised that no further action will be taken;
- b. considering whether the complaint needs to be referred to or dealt with under another process or referred to another body. For example:
  - i. if the complaint alleges criminal conduct (eg, sexual assault), CFA may refer the matter to the Police or other relevant external body or encourage the Complainant to make such referral;

ii. if it involves a complaint in respect of the conduct of an FRV Seconded, the complaint may be referred to the Fire Rescue Commissioner for consideration and action.

c. determining the appropriate next steps to be taken in the circumstances, including what type of approach and outcome may be appropriate.

(25) The Case Manager will communicate the outcome of that initial assessment, including any next steps to be taken, to the complainant and will capture this communication in writing.

(26) If the Case Manager determines that a formal resolution process should proceed in relation to the complaint, the actual process to be undertaken will be determined by CFA and will depend on the nature of the complaint, whether any other instruments including the CFA Act, CFA Regulations, other legislation or any Enterprise Agreements apply, and any other relevant circumstances.

(27) A formal resolution process will be conducted in accordance with principles of procedural fairness and may (but is not required to) include:

- a. a preliminary inquiries or allegations process to potentially obtain an early response and potentially dispose of the matter and/or to help inform CFA of whether any further action is required or appropriate. Such process may:
  - i. include seeking and obtaining a response to the issues or allegations raised in the formal complaint; and
  - ii. may also be used to help inform CFA whether any further action is required, including whether formal investigation under the Regulations or an Enterprise Agreement is necessary or appropriate; and/or
- b. a formal investigation under the CFA Regulations or the relevant Enterprise Agreement, where applicable.

### **When is an investigation appropriate?**

(28) In certain circumstances, it may be appropriate for a formal investigation to be conducted into the subject matter(s) of the complaint if there is sufficient evidence or a likelihood of sufficient evidence being obtained during an investigation.

(29) Further, even if there is not a complaint, where CFA becomes aware of or observes unacceptable behaviour or conduct, including conduct in breach of the [Behavioural Standards Policy](#), CFA may decide that an investigation and potential disciplinary process should be undertaken.

(30) The process for investigation may be affected by who is involved in the complaint and any allegations specifically:

### **CFA Volunteers**

(31) If a complaint is assessed as raising allegations about volunteer conduct that may amount to an offence under the [Country Fire Authority Regulations 2014](#), the Chief Officer may cause an investigation to be conducted into the circumstances giving rise to the allegations under those Regulations. The Process to be followed thereafter as well as the potential outcomes will be in accordance with the [Country Fire Authority Regulations 2014](#).

(32) A CFA volunteer may be suspended from duty in accordance with [2.07 Suspension of Membership SOP](#) and [Country Fire Authority Regulations 2014](#) at any time before, during or after an investigation has been initiated.

### **CFA Employees**

(33) If a complaint is assessed as raising allegations of misconduct against a CFA employee(s), CFA will cause the allegations to be investigated in accordance with the provisions of the relevant Enterprise Agreement and [Fair Work Act 2009](#), unless the employee admits the allegations. The Process to be followed thereafter as well as the potential

outcomes will be in accordance with the relevant Enterprise Agreement and [Fair Work Act 2009](#).

(34) A CFA employee who is covered by the PTA Agreement may be suspended with pay at any point after having been advised of the allegations and until the Formal Resolution Process is completed.

### **FRV Secondees**

(35) If a complaint is assessed as raising allegations about the conduct of a FRV Secondee, then the complaint will be referred by CFA to the Fire Rescue Commissioner for consideration and action via the FRV Workplace Relations and Ethical Standards Unit.

### **Labour Hire Contractor**

(36) A labour hire contractor's services may be suspended or terminated in accordance with the relevant contract

### **Outcomes**

(37) Outcomes from the Formal Resolution Process may include, without limitation:

- a. acknowledgment and commitment to improve behaviours;
- b. apologies and counselling and/or training;
- c. an agreed set of actions as between the parties concerned;
- d. a directed set of actions as ordered by someone with delegated authority to issue directions, such as a commanding Officer or supervisor/manager;
- e. amendments to or introduction of policies, procedures, or orders;
- f. the imposition of penalties under Regulation 45 (volunteers);
- g. cancellation of enrolment or registration (volunteers); and/or
- h. action under an applicable Enterprise Agreement.

(38) CFA will inform the complainant and respondent(s) in writing of the outcome of the Formal Resolution process and the complaint will be closed.

(39) A record of the outcome will be held by CFA.

### **Supports**

(40) CFA acknowledges that being involved in a complaint may be difficult and stressful.

(41) Throughout the informal and formal resolution processes, complainants and respondents, and any other person involved in the complaint, are entitled to the assistance of a support person as chosen by them. A support person may provide emotional support, assistance and help with clarifying matters and may take notes. A support person's role is not to speak for the person they are supporting or to be an advocate.

(42) CFA also provides support to all CFA members and labour hire contractors and their immediate family, which is available 24 hours per day, 7 days per week. If you or a member of your family require Wellbeing Support, please contact 1800 959 232 for access to the Member Assistance Program, Organisational Wellbeing team, Peers or Chaplaincy Program. These services are confidential and free of charge.

(43) CFA volunteers can also contact Volunteer Fire Brigade Victoria (VFBV) for assistance and support, as well as providing guidance with clarifying the disciplinary process under the CFA Regulation.

## Further Information

(44) If CFA members or labour hire contractors require further information about raising a grievance or complaint, you will find the relevant details and contact information [here](#).

## Section 4 - Definitions

(45) Commonly defined terms are located in the CFA [centralised glossary](#). Document-specific definitions are listed below.

(46) "Enterprise Agreement" means an enterprise agreement made under the [Fair Work Act 2009](#) and includes the [Country Fire Authority Professional, Technical and Administrative Agreement 2021](#) and the [Country Fire Authority District Mechanical Officers and Tower Overseers Agreement 2022](#) (DMO/TO Agreement), and any replacement agreements;

(47) "supervisor/manager" means the person to whom a CFA member or labour hire contractor reports; and

(48) "respondent" means a person or persons against whom a complaint is made.

## Section 5 - Related Documents

(49) [Behavioural Standards Policy](#)

(50) [Complaints Resolution Policy](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	5th July 2024
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## Glossary Terms and Definitions

**"CFA member"** - Refers to all CFA volunteers, volunteer auxiliary workers, officers, employees and secondees.

**"FRV Secondee"** - An officer or employee of Fire Rescue Victoria made available to CFA under section 25B of the FRV Act.

**"Labour hire contractor"** - Personnel provided by a staffing agency for a fee. These personnel are employees of the agency and not CFA.