

ACT Accreditation and Registration Council – Policy Document

Policy Title: DISPUTE MANAGEMENT**1. Rationale:**

In meeting its statutory responsibilities the ACT Accreditation and Registration Council (ARC), and its delegates, aim for best practice in the resolution of complaints, grievances and disputes that occur for its stakeholders in the ACT Vocational Education and Training (VET) System and non-university higher education. To achieve this aim, the Australian Standard “Dispute Management Systems AS 4608-2004” has been closely followed in establishing the ARC Dispute Management System. The benefits of the System include:

- **Improved communication** – more attention to dispute management leading to more open communication between stakeholders.
- **Stronger relationships** – improved communication improves the relationship between the parties.
- **Reduction of costs, risks and time** – costs are reduced if traditional court proceedings are avoided in the long run; risks of withdrawal or cancellation of RTOs are reduced if problems are addressed quickly and efficiently; a clear process results in greater efficiency in staff time
- **Encouragement of appropriate solutions** – problems and matters are identified and dealt with appropriately to find the most satisfactory outcome for stakeholders
- **Choice and control of process** – clients and stakeholders have greater choice of processes and greater control over disputes that affect them.
- **Corporate culture** – a flexible and solution-oriented corporate culture is encouraged for all people involved; management and staff take the responsibility for dealing positively with problems.
- **Addressing problems early** – early attention more readily identifies matters that left untreated could develop into costly and time-consuming disputes.
- **Stakeholder confidence** – consistent management of disputes will enhance stakeholder confidence and the reputation of VET in the community.

Using an effective Dispute Management System will also assist ARC staff to meet expectations set out in:

- *ACT Public Service Customer Service Standards (Chief Minister’s Department 1999)*
- *ACT Public Service Charter of Service (undated)*

2. Policy Statement:

The ARC Dispute Management System will better prevent, reduce, resolve and manage disputes between stakeholders in the VET System in the ACT, through the setting up of effective dispute management systems and processes. The purposes of having a Dispute Management System are, but not limited to:

- prevent a grievance or dispute, where possible, in the first instance
- resolve disputes as close as possible to their starting point
- ensure that grievances and disputes for stakeholders are managed in a transparent, effective and fair way for all involved
- ensure that a framework for managing disputes is easily accessible and available for every staff member handling or reporting stakeholder grievances and disputes
- satisfy legislative requirements for handling disputes
- reduce the cost and loss to the VET system by improving the management of our stakeholders’ disputes
- improve and maintain working environment
- give all stakeholders access to a timely, impartial and confidential process for having their complaints, grievances and disputes heard and dealt with in a fair manner

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- ensure that our staff and our stakeholders are educated in their rights and responsibilities
- establish work processes that can be evaluated

3. Definitions:

For the purposes of the ARC Dispute Management System the following definitions are used:

Stakeholder	Any person or organisation involved in Vocational Education and Training (VET) in the ACT.
• Clients	Includes a wide range of people including, trainees, apprentices, employers, employees and students
• Registered Training Organisations (RTOs)	includes a wide range of ACT RTOs
Dispute	An unresolved matter between one or more stakeholders brought to ARC for attention or resolution
Secretariat	Any staff member of ACT Accreditation and Registration Council Secretariat, within the ACT Department of Education and Training.
VET	Vocational Education and Training
The Act	Training and Tertiary Education Act 2003
ARC	ACT Accreditation and Registration Council

Difference Between “Complaint” and “Dispute”

Complaints and grievances by VET stakeholders fall into two types:

1. Complaints and grievances about ARC – complaints about ARC’s own products, the Secretariat, services, people, policies and procedures (*complaints*).
2. Complaints and grievances about the system or a person or body other than ARC – usually one of the stakeholders operating in the system (*disputes*).

Type 1 – “Complaint”

The first type of complaint or grievance is generally referred to within ARC as a *complaint*. The *Complaints Handling Australian Standard (AS4269 – 1995)* defines a “complaint” as “any expression of dissatisfaction with a product or service offered or provided” by the organisation. ARC can only address and resolve complaints about its own products, services or people, and it does so by following the “*Complaints Resolution Policy 2003*” written by the Department of Education and Training for use within the wide department. The Dispute Management System should not be used for this type of matter.

Type 2 – “Dispute”

The second type of complaint or grievance is referred to within ARC as a *dispute*, to differentiate between the two. ARC, as the state registering and accrediting body, is the body that stakeholders turn to for resolution of problems between themselves and other stakeholders.

4. Guidelines

The ARC Dispute Management System will operate from the following principles:

- Complaints, grievances and disputes will be treated seriously, quickly, sensitively and as close as possible to their source having due regard to procedural fairness, confidentiality and the potential for victimisation
- Concerns should be raised as early as possible after an incident relating to the dispute has occurred
- Stakeholders should not instigate grievances or disputes that are frivolous or malicious
- ARC will receive and treat seriously all reports of disputes lodged in good faith by stakeholders
- All parties are required to participate in the dispute resolution process in good faith
- Disputes and information arising from the handling of disputes must be treated confidentially
- The principles of natural justice will be observed throughout. This means that before any decision can be made or action taken about a stakeholder, they have the right to be informed about the nature and content of the basis for the decision or action, have the right to be heard and the right of reply.

The ARC Dispute Management System requires of Council, ARC and the ACT Department of Education and Training:

At a structural level:

- o **Commitment** – active commitment to, and culture of, effective dispute management by people at all levels within the organisation, starting with ARC, Senior Management and Chief Executive
- o **Skills and Resources** – adequate skills and resources to effectively prevent, manage and resolve disputes, and to design, implement and maintain the system
- o **Management Responsibility** – all Managers should understand, promote and be responsible for dispute management
- o **Policy Communication** – a clear policy is communicated to and understood by all employees and stakeholders
- o **Continuous Improvement** – a philosophy of continuous improvement should be adopted. Information about disputes should be analysed in order to improve policy and procedures that foster a dispute management culture. Causes of disputes should also be investigated to enable rectification and to improve policy and procedures to prevent reoccurrence

At an operational level:

- o **Strategies** – clearly defined strategies for recognising and preventing disputes
- o **A process or procedure** – a clearly defined procedure for managing disputes, documented and implemented into daily operating procedures, and covering reporting requirements, identified authority, confidentiality and evaluation
- o **Record-keeping** – records must be kept of disputes, outcomes and the application of the system
- o **Analysis, identification and rectification** – records should be analysed to identify high risk or systemic problems. Disputes should be classified and investigated to determine their cause, enable rectification, to improve practices and to work towards prevention
- o **Reporting of serious and systemic data analysis** – internal reporting should ensure that all disputes are managed according to the system, and all systemic and recurring disputes are reported to the most senior level of management and Council

At a maintenance level:

- o **Education and training** – appropriate practical education and training of personnel as a part of corporate induction and ongoing training
- o **Visibility and communication** – our commitment to dispute management should be well publicised to staff and stakeholders. Regular communication is necessary to maintain awareness of dispute management issues and to encourage proactive management of disputes. The ARC website should include information on ARC's DMS including the diagram of the process
- o **Monitoring and review** – monitoring and review to ensure effectiveness and applicability
- o **Accountability** – appropriate reporting on the operation against relevant organisational performance standards

5. Authorisation

6. Version Control

Dept. Branch	TATE	Document Number	
Section/Owner	ARC Secretariat	Policy Status	Endorsed
Policy Authorisation	Manager	Last updated	29 May 2006
Contact for enquiries	Program Manager	Review date	November 2007
Public Access?	Yes	Version Number	2.0
Formal Delegation?		Revision Authorised	Manager

7. References

Related Documents/ Legislation/ Other Policies / Guidelines / Delegation	http://www.legislation.act.gov.au/a/2003-36/default.asp ACT Public Service Customer Service Standards ACT Public Service Code of Practice
Related Procedure	TAR Dispute Management Procedure DET Complaints Management Policy/Procedure (currently under review – see main DET website)