

Complaints and Disputes Toolkit



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

Introduction

A good system for handling complaints and disputes helps you effectively manage issues, making your station stronger and more resilient, and saving your station time and stress.

This Toolkit is designed to help stations put in place a simple and transparent system that suits your station and is accessible for people who want to make a complaint.

If any boxes are unchecked for your station, this Toolkit can help. It contains:

- tips on best practice for managing complaints and disputes;
- guidance on how to meet your legal and regulatory obligations; and
- a suite of templates to help your station put your system into practice, including:
 1. Complaints and Disputes policy template
 2. Complaints and Disputes procedure template
 3. Complaints Form
 4. Written response from the Complaints Officer template
 5. Complaints and Disputes Register
 6. Complaints Officer Report to Board template

Review your station against the Complaints and Disputes Checklist

- It is easy to find out how to make a complaint to our station.
- We have a complaints and disputes policy. (Page 2 of the accompanying templates.)
- We have a complaints and disputes procedure. (Page 6 of the accompanying templates.)
- Our complaints and disputes policy is available to the public.
- Our workers understand our complaints and disputes policy and procedure.
- We have appointed and trained a Complaints Officer or Officers.
- All workers know who our Complaints Officer/s are.
- We support our Complaints Officer/s and care for their wellbeing.
- We keep records of complaints, outcomes and actions for at least 2 years.
- We keep records of any programs that are the subject of a complaint for 60 days.
- We review our register of complaints and disputes to ensure we have implemented remedies where possible.



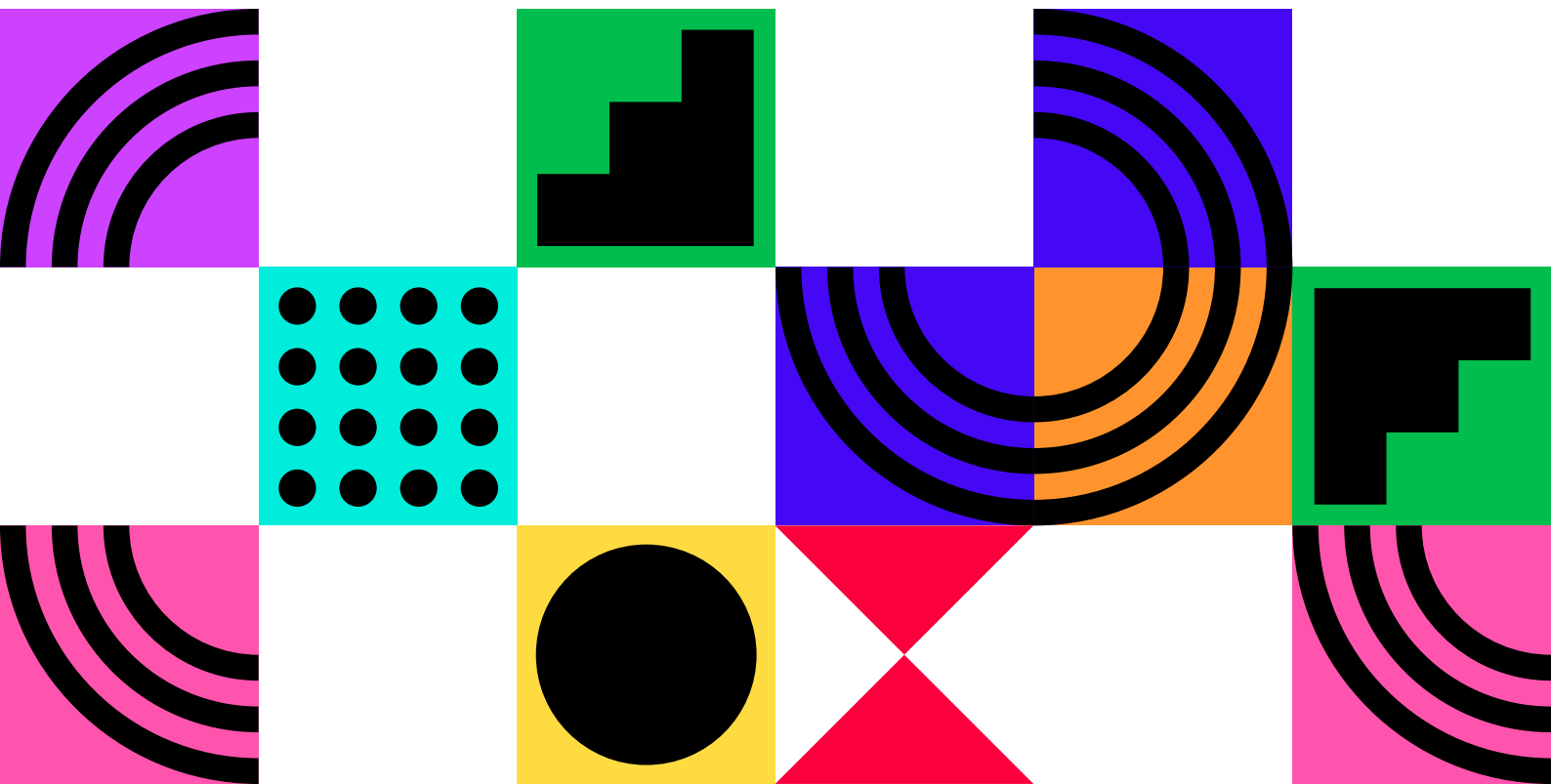
Why is it important to handle complaints and disputes well?

Complaints and disputes show that your listeners, members and workers are deeply engaged with your station. Handled well, complaints and disputes can be an opportunity to build relationships and loyalty.

Issues that are mismanaged can become stressful and time consuming, diverting resources from station operations. Unresolved complaints may damage your station's reputation and affect the loyalty of your members and sponsors, especially if picked up by the media. If legal issues are not addressed, the station may end up incurring costs and penalties. Unsatisfied complaints may escalate to the Australian Media and Communications Authority ("ACMA"), which has the power to investigate and impose penalties.

A good complaints and disputes handling system means:

- your community can give feedback on your station's programming and operations, contributing to improved services; and
- station workers feel empowered to deal with or quickly escalate complaints to the right person, helping prevent complaints or disputes from becoming larger and more time-consuming.



What does a good complaints and disputes handling system look like?

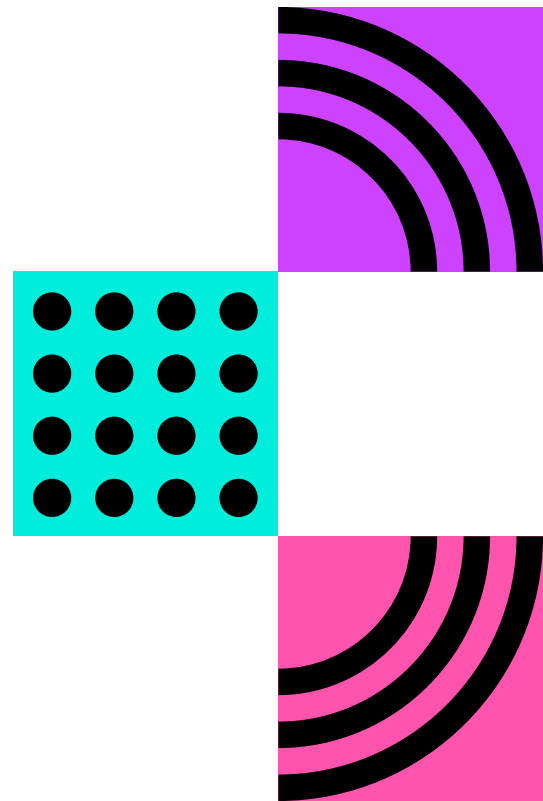
Code 7 of the Community Radio Broadcasting Codes of Practice (the “Codes”) sets out the main requirements for complaints handling.

More broadly, under a good complaints and disputes handling system:

- it’s easy for any person to raise a complaint with your station, whether online or by phone;
- your station helps people who have trouble with language or technology by directing them to an interpreting service or encouraging them to find a representative to help them;
- your workers are clear on who is responsible for managing or helping resolve the complaint, ideally a nominated Complaints Officer;
- you let complainants know you are working on their issue, inform them of progress while your station is deciding how to respond and, if possible, involve them so they feel heard;
- the station properly reviews the issues until it understands the facts;
- you clearly explain the station’s findings and proposed action and inform people of their rights, including review by the ACMA - [Code 7.3\(d\)](#).

Not every complaint needs to be addressed. Under [Code 7.2](#), stations are not required to deal with complaints that are frivolous, without sufficient grounds or not made good faith. However it is important to keep a record of such complaints and the decision not to respond. The ACMA will only investigate unsatisfied complaints that cover Codes of Practice or licence issues.

As part of your system, your Board and management should regularly review your station’s complaints and disputes, so the station understands underlying causes and takes up opportunities to improve.



Appointing a Complaints Officer

It's good practice to appoint one or more Complaints Officers at your station to ensure that all workers know where to direct complainants and prevent complaints falling through the cracks.

The Complaints Officer's role is to guide and help the person raising the complaint or dispute at each stage of the process. They are not the complainant's advocate, but can work with them to understand the issue and get information needed to deal with the complaint. They oversee the evaluation and resolution, keep records and delegate or escalate as appropriate.

A Complaints Officer can be a Board member, station manager or worker. The station must give them training so they are confident with the station's complaints policy and procedure, know how to access resources, and are empowered to help complainants feel heard. Having a single point of contact for complaints and disputes protects the station from problems caused by missed or mishandled complaints and can enhance relationships with your community. If the complaint is about the Complaints Officer, the station must provide an alternative point of contact.

Fast and responsive replies save you time and grief

As a rule, stations should acknowledge all complaints when received, and respond to the substance of the complaint as soon as possible after that. Where complaints relate to compliance with the Community Radio Broadcasting Codes of Practice or station's licence, [Code 7.3\(c\)](#) requires a reply within 60 days. However, for the benefit of both the station and the complainant, 60 days is generally too long to wait to reply.

The best scenario is to resolve the complaint or dispute informally on first contact with the person making the complaint, especially those needing an urgent retraction, correction or apology. You don't always need to have all the answers on first contact: the important thing is to give the person the chance for someone to listen to their problem and preferred solution. If they want to pursue their complaint, you can give them assurance by letting them know the station's processes and timeframe to resolve it.



Meet your legal and regulatory requirements

Your station should have a complaints and disputes policy and procedure, which sets out the different ways to deal with:

- Code complaints
- Internal Complaints and disputes; and
- Complaints that are about a breach of a station's licence conditions or the Broadcasting Services Act 1992 (BSA).

Clarify first if it is one of the above complaints or just general feedback. This may be something like comments on choice of music, which doesn't involve a potential breach of the Codes of Practice, licence conditions, the BSA or a station's constitution or policies. Your station can decide how it prefers to deal with general feedback, as there is no obligation in the Codes to provide a written response.

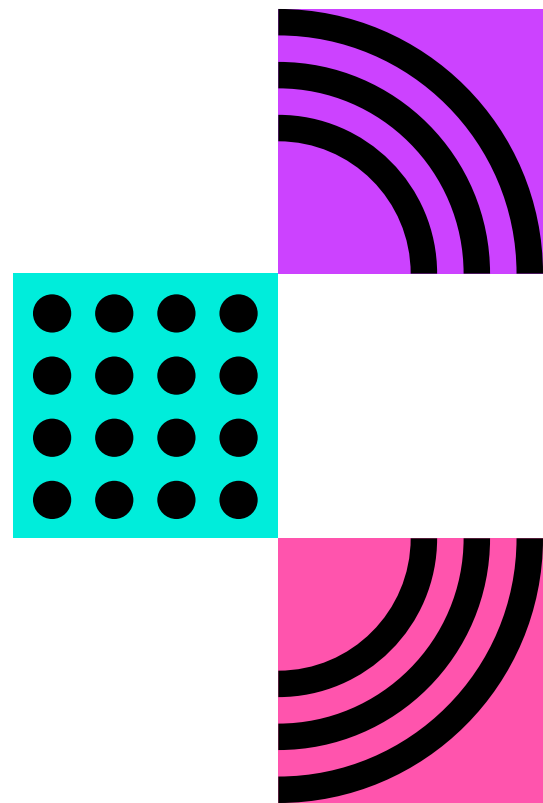
It is a good idea for stations to make their process clear on their websites, inviting feedback and advising that they will only provide a written response to specified complaints, as outlined above. This enables stations to collect valuable listener feedback while avoiding the onerous work of doing written replies to general opinions and feedback.

When can someone complain to the ACMA?

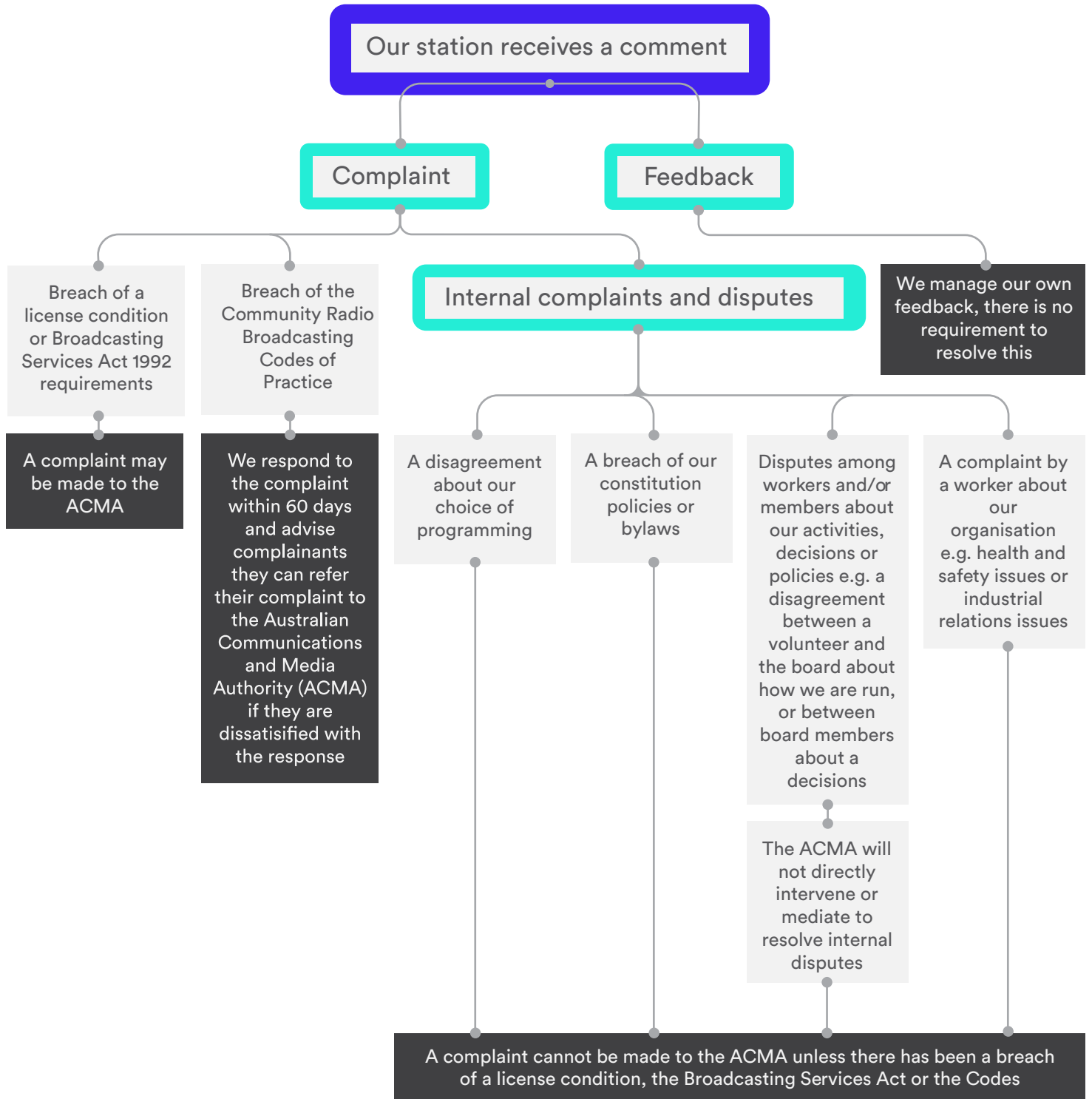
Under [Code 7](#), broadcasters are responsible for responding to Codes and licence complaints sent to them.

For Codes complaints, the complaint must go to your station first and you must answer within 60 days (but the sooner the better), provide a copy of the Codes and advise them of their right to escalate to the ACMA for investigation. Complainants can only go to the ACMA if they have complained to you first.

For complaints about a licence condition or an issue under the Broadcasting Services Act, the complainant can go straight to the ACMA, which will notify the station and give it the opportunity to respond to the issues raised.



Complaints and Feedback Workflow



How can the Community Broadcasting Association of Australia help?

The Community Broadcasting Association of Australia (CBAA) doesn't have an official role in handling complaints about community broadcasters. We don't enforce or monitor compliance with the Community Radio Broadcasting Codes of Practice, licence conditions or the Broadcasting Services Act.

However, the CBAA's Member Services Team can help our members with:

- setting up your complaints processes;
- answering questions about this Toolkit, the Codes or the Broadcasting Services Act;
- helping you identify when a complaint can be made to the ACMA; and
- accessing dispute resolution services.

If you are dealing with a complex or challenging complaint, you may want to consider an external review process e.g an independent mediator. The CBAA's Member Services team can help you understand your options, depending on the issue.

Call us on 02 9310 2999 or email us at support@cbaa.org.au and we'll do our best to assist.

