

Resolution Institute Complaints Procedure for Family Dispute Resolution Practitioners (FDRPs)

Executive Summary

This Complaints Procedure sets out how Resolution Institute (RI) manages complaints relating to Family Dispute Resolution Practitioners (FDRPs) accredited by the Attorney-General's Department with RI nominated as their complaints handling body. It is designed to ensure transparency, fairness, and compliance with the Family Law Act and Regulations.

It provides:

1. Clear scope covering practitioner obligations, confidentiality, conflicts of interest, and complaint categories.
2. Staged process from complaint receipt, preliminary assessment, notification, investigation, resolution attempt, and escalation to the Complaints Committee and RI Board.
3. Defined timelines for each stage.
4. Procedural fairness for both complainant and respondent FDRP.
5. Confidentiality safeguards balanced with reporting obligations to the Attorney-General's Department and AMDRAS.
6. Annual reporting and secure record keeping.

Supporting tools:

- Appendix A: Timelines and responsibilities table for quick reference.
- Appendix B: Flowchart of the complaint's procedure.

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1. Guiding Principles and Organisational Commitment

This procedure is underpinned by the following principles:

- **Fairness** – all complaints are managed impartially, with procedural fairness afforded to all parties.
- **Responsiveness** – complaints are acknowledged promptly and progressed in a timely manner.
- **Efficiency** – processes are proportionate to the seriousness and complexity of the issues raised.
- **Transparency** – parties are kept informed of the process, while respecting confidentiality obligations.
- **Integration** – complaint handling is part of Resolution Institute’s culture of accountability and continuous improvement.

Resolution Institute is committed to effective and credible complaint handling. The following responsibilities apply:

- **Board and CEO** – oversee complaint processes, support fair and timely resolution, and review systemic issues and reporting. The CEO is a designated escalation point for any issues raised by the Complaints Manager or Complaints Committee.
- **Complaints Committee** – consider escalated matters impartially and determine appropriate outcomes.
- **Complaint Manager** – manage complaints at first instance, communicate with parties, uphold procedural fairness, and escalate matters as required. Reporting the AGD.
- **All Personnel** – treat complainants and respondents with respect and support the integrity of the complaints process.

Managing Unreasonable Conduct

Resolution Institute recognises that while most complainants engage constructively, some behaviours may be unreasonable in nature or frequency and can impact health, safety, equity, or resourcing. In such cases, Resolution Institute may take proportionate steps to manage interactions appropriately while continuing to address the substance of the complaint.

2. Scope

This procedure applies when a complaint is made relating to a Family Dispute Resolution Practitioner accredited by the Attorney-General's Department in Australia and is a professional member of RI with RI being nominated as their certified complaints handling body.

When responding to complaints, personnel act in accordance with complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Personnel will ensure compliance with the Family Law Act and the regulations when responding to complaints and feedback.

Scope will include:

- a. Procedural actions when issuing a s60I certificate – not the certificate category listed on the certificate alone.
- b. Reasonable standards as per section 19 of the Regulations: That is that a FDRP will uphold reasonable professional standards and avoid conduct that could be seen to be influenced by conflicts of interest or be detrimental to the parties involved in family dispute resolution, including but not limited to:
 - i. demonstrated understanding of the legal framework under which an FDR practitioner operates, including obligations specified in the Regulations and Family Law Act
 - ii. neutrality
 - iii. appropriate communication
 - iv. honesty and transparency
 - v. setting reasonable timeframes
 - vi. considerations of issues regarding assessment for suitability as per section 20 of the Regulations
 - vii. information provided to clients as per section 21 of the Regulations
 - viii. details in writing (including contacting parties in writing)
 - ix. practitioner's obligations under the Act
- c. Confidentiality and disclosure obligations (including recognising and applying appropriate standards of confidentiality, transparency and disclosure)
 - i. admissibility
 - ii. mandatory reporting
 - iii. fees
 - iv. information about their complaint's mechanism
 - v. information about exclusions to FDR and potential court considerations towards awarding costs or particular orders based on the certificate category issued
 - vi. manner for conducting FDR as per section 22 of the Regulations
 - vii. mode of delivery
 - i. safety of parties
 - ii. venue suitability

- iii. ending an FDR session when requested by a party to the dispute as per section 23 of the Regulations
- iv. requirements for issuing certificates as per section 24 of the Regulations
- v. timeframes – within 12 months of last attended or attempted FDR
- vi. contacting parties, including reasonable choices of days and times for attendance
- vii. notice about the consequence of not attending FDR
- viii. correct usage of the certificate template
- ix. conflicts of interest as per section 25 of the Regulations
- x. record keeping and use of information as per section 26 of the Regulations
- xi. providing legal advice as per section 27 of the Regulations

3. Conflict of Interest

Conflicts of interest, whether actual or perceived, will be acknowledged and managed responsibly.

If a complaint is raised about an internal complaints management staff member the complaint will be escalated to the Complaints Committee.

4. Confidentiality

Resolution Institute manages complaints with strict confidentiality, balanced by obligations of transparency and statutory reporting.

- **Needs-to-know basis** – Information about a complaint will only be shared with those directly involved in the complaints process, or as required by law.
- **Personal information** – Personal or identifying information about the complainant will not be disclosed to the respondent FDRP without permission.
- **Respondent rights** – The FDRP respondent will receive sufficient information to understand the nature of the complaint and to exercise their right of response and appeal.
- **Complainant rights** – Complainants will be informed of the process and outcome in summary form, but the specific details of any disciplinary measures imposed on the practitioner will remain confidential.
- **Board reporting** – The Board will be provided with sufficient information to make an informed determination.
- **External reporting** – Resolution Institute will notify the Attorney-General’s Department or AMDRAS where required under their frameworks.
- **Legal obligations** – Information may be subject to subpoena or disclosure in Family Law or other court proceedings.

- **Transparency of process** – Both complainant and FDRP respondent will be kept informed of the process, while ensuring confidentiality is maintained in line with privacy and professional obligations.

5. Initial Complaint Review

Receipt and Preliminary Assessment:

The Complaint Manager will:

- Receive the complaint in different formats such as email or phone.
- Acknowledge receipt of the complaint within 3 working days.
- Confirm that the complaint has been raised directly with the practitioner and any outcome from that.
- Determine whether the complaint is lodged within a reasonable time frame, that is no more than 12 months from the service being provided by the practitioner.
- Conduct a preliminary assessment to ensure the complaint falls within Resolution Institute's remit as per section 1, relates to FDR services and identifies the issues to be considered including any safety concerns.
- If not within the remit of Resolution Institutes scope, advise the complainant as soon as practicable.
- Confirm the scope of the complaint with the complainant.
- Assign a case identifier and document all relevant details.
- Provide the complainant with an Information Sheet outlining procedural fairness, the process that will be undertaken and further relevant information.
- Explain the meaning of and limits to confidentiality as per section 3.
- Consider suitable options for early resolution. These options may include but are not limited to:
 - Dismissing the complaint
 - Acknowledgement and apology
 - Education
 - Supervision
 - Training
 - Coaching
 - Mediation or facilitated discussion
 - Referral to external body

- t. The Complaints Manager will explain the role of the complaints handling body and discuss suitable options for resolution with the complainant.
- u. Explain and define obligations for confidentiality but also explain the need for transparency of process, reporting obligations and any requirement for disclosure.
- v. Provide an estimate of the time needed for the complaints processes including if it is to be escalated to the complaints committee and the right of appeal.
- w. Complete this preliminary stage of the process within no more than 4 weeks depending on the circumstances of the complaint.

Decision to Proceed:

- a. The Complaint Manager will then determine if the complaint can be resolved at this stage or requires escalation to the Complaints Committee. The Complaints Manager will determine whether the complaint can be answered without reference to the FDRP respondent.
- b. The Complaints Manager will assess the complaint and give appropriate priority in accordance with the issues raised in terms of criteria such as:
 - i. Severity
 - ii. Health and safety implications
 - iii. Complexity
 - iv. Impact on the individual, the parties or the general public
 - v. Potential to escalate
 - vi. The need and possibility of immediate action such as any current or pending court proceedings
 - vii. Jurisdiction, if applicable
 - viii. Outcomes sought by the applicant
 - ix. Whether other organisations need to be involved.

6. Complaint Management by Complaint Manager

Notification to the Parties:

FDRP Notification: The Complaint Manager will inform the FDRP in writing, including:

- a. Details of the complaint.
- b. Supporting evidence.
- c. Outline of their rights and responsibilities, including the opportunity to respond.

- d. Provide an Information Sheet explaining the process that will be applied including procedural fairness, and other relevant information.
- e. Explain confidentiality as per section 3, and the potential need to report to AGD.
- f. Explain the range of potential outcomes to be determined by the process.

Complainant Notification: The Complaints Manager will actively manage the expectations of complainants. This includes advising complainants about:

- g. The complaints process.
- h. The expected timeframes for its actions.
- i. Their likely involvement in the process.
- j. The possible or likely outcome of their complaint, where practicable.

FDRP's Right to Respond: The FDRP has 2 weeks to submit a written response, providing relevant information or context.

7. Resolution Attempt by Complaint Manager

Investigation and Information Gathering:

1. The Complaint Manager will gather relevant documents, review the FDRP's response, and collect additional information if necessary.
2. Maintain appropriate confidentiality.
3. Complete investigation and information gathering within 6 weeks.
4. On occasion, respond with urgency, for example to meet court dates or in consideration of family violence concerns.

Resolution Efforts:

5. Work with the FDRP and complainant to reach a resolution if possible.
6. Inform both parties of the outcome when resolved.
7. Explore options for early resolution with respondent FDRP.
8. Unless there are exceptional circumstances, this stage of the process will take no more than 3 months.

8. Escalation to the Complaints Committee

If the Complaint Manager determines that the complaint cannot be resolved or requires further review due to its seriousness or repeated nature, it will be escalated to the Complaints Committee.

The Complaints Manager will provide the relevant documents to the Chair Complaints Committee and the Administrative Assistant.

At times a complaint may be referred to Resolution Institute directly by the AGD with a direction to submit directly to the complaints committee.

Criteria for Escalation:

1. **Severity of Allegations:** Significant misconduct, ethical violations, or breaches of the Family Law Act or FDR Regulations.
2. **Repeated Complaints:** Multiple similar complaints within a set timeframe.
3. **Impact on Stakeholders:** Significant effect on RI's or the FDRP's professional standing.
4. **Complexity:** Cases with complex facts or legal implications.
5. **Failure of Initial Resolution:** Unsuccessful informal resolution efforts or contested findings.
6. **Potential Disciplinary Action:** Cases potentially leading to suspension or removal of accreditation.

For the purpose of escalation, the term “significant” may refer to allegations, impacts, or effects that:

- a. **Misconduct or breaches** – involve serious departures from professional or ethical standards, including but not limited to:
 - i. Breaches of confidentiality, neutrality, or statutory obligations under the Family Law Act or FDR Regulations.
 - ii. Conduct raising questions about the practitioner's fitness to practise.
 - iii. Behaviour that may cause harm, disadvantage, or risk to parties (e.g., ignoring safety concerns, inappropriate communications).
- b. **Impact on stakeholders** – have the potential to:
 - i. Undermine confidence in Resolution Institute's complaints process or professional standing.
 - ii. Damage the reputation or accreditation status of the practitioner.
 - iii. Create systemic risks if not addressed (e.g., repeated patterns of practice concern).

- c. **Legal/disciplinary implications** – are of a type that could reasonably result in:
- i. Suspension, conditions on practice, or removal of accreditation.
 - ii. A requirement to undertake further professional training, coaching, or continuing professional development (CPD).
 - iii. A requirement for ongoing professional supervision or mentoring to ensure safe and competent practice.
 - iv. Referral to external regulatory or statutory authorities.
 - v. Legal liability for the practitioner.

9. Convening the Committee Panel

The Complaints Committee will meet regularly every six weeks to discuss current complaints and monitor progress of complaints handling processes.

On receiving each complaint, the Chair Complaints Committee will assign the complaint to a rotating panel of Complaints Committee members.

The Committee's panel will include:

1. Two or three committee members that do not have a conflict of interest.
2. The panel of two or three committee members will include at least one senior accredited FDRP. Where possible, the FDRP will reside in a different state to the respondent FDRP.
3. Independent experts will be invited to join a panel as needed.
4. One member of the Panel will be nominated by the chair to draft the findings and the letter to the respondent FDRP.

Scheduling: A panel meeting will be held within 2 weeks following escalation.

10. Committee Deliberation

Review of Information:

- a. The Committee panel will assess all submissions impartially and request additional information if needed.
- b. The Committee Panel will finalise their deliberations within 6 weeks of receiving the complaint.
- c. If the Committee Panel cannot meet the stated timelines they will refer to the CEO for further staff or consultancy assistance.
- d. The Complaints Committee will review the draft findings of the committee panel.

Decision-Making:

- e. Determine whether the complaint is substantiated.
- f. Ensure decisions are documented and based on clear reasoning.
- g. Notify the complainant and/or respondent, where appropriate, of the outcome with a summary report within 2 months of the Committee receiving the complaint unless there are exceptional circumstances.

11. Submission to the Board

Recommendation Submission: The Committee will submit its recommendations to the CEO and Board for final review should disciplinary action be recommended.

If no disciplinary action is recommended, the Committee will submit the outcome directly to the CEO for appropriate action(s) and closure.

Board Review: The Board will determine the final outcome and any necessary disciplinary or remedial actions.

If the Board requires further information from, or deliberation by the Committee, the Committee shall meet and respond within 4 weeks.

The Complaints Committee process and decision by the Board will take no more than 4 months unless there are exceptional circumstances.

12. Outcome and Communication

Decision Notification:

- a. Notify the FDRP and complainant with a summary of the decision within 10 working days, including:
 - i. The outcome (substantiated, partially substantiated, unsubstantiated).
 - ii. Brief summary of the reasons for the decision.
 - iii. Any disciplinary actions required.

Right to Appeal: Inform the respondent FDRP of their right to request a review or appeal to the relevant body if applicable.

13. Record Keeping and Reporting

Maintain detailed records of the complaint, investigation, and outcome securely for at least 7 years.

Summary reports will be provided quarterly to the RI Board and, if applicable, the AGD.

14. Notification to the Attorney Generals Department

The following will be notified to the Attorney General's Department

1. If it deemed necessary that the practitioner undertake supervision, further training or professional development.
2. If the practitioner is considered unsuitable to continue as an FDRP.
3. If there are ongoing complaints about the same FDRP.
4. If the FDRP does not attend recommended courses, coaching or supervision or other measures as recommended.
5. If there is any other reason the complaints handling body thinks the AGD should be made aware of the complaint.
6. If the original complaint is referred to RI by the AGD directly.

15. Continuous Improvement

Resolution Institute uses complaints as an opportunity for improvement and to facilitate professional development for members.

Resolution Institute has systems and processes in place to collect and act on feedback about complaints. This includes systems that minimise the possibility of complaints escalating into ongoing disputes, risk management policies and whistle-blower policies.

Specifically:

- a. Complaint data will be analysed regularly to identify trends, systemic issues, and risks.
- b. Findings will be reported annually to the Board and, where required, to the Attorney-General's Department and AMDRAS.
- c. System improvements will be implemented where analysis identifies opportunities to strengthen practice, training, or policy.
- d. Trends are used to shape training and ongoing professional development designed to improve the overall practice of RI members.
- e. Identified risks will be reported to the Finance Audit and Risk Committee for ongoing management and mitigation.

This procedure will be reviewed every second year by the Complaints Committee, or sooner if warranted by internal or external events or changes. Changes to the Policy will be submitted to the Board for approval.

Approval and Review	Details
Approval Authority	Board
Responsible Person	Amber Williams, CEO
Original Approval Date	24 September 2025
Scheduled Review Date	September 2027
Version	1

Appendix A: Complaints Procedure Timelines and Responsibilities

Stage	Responsible	Action	Timeframe
Initial Complaint Review	Complaint Manager	Receive complaint, confirm scope, acknowledge, assign case ID, provide info sheet	Within 3 working days (acknowledgment); 4 weeks for assessment
Notification to Parties	Complaint Manager	Notify FDRP of complaint and rights; notify complainant of process	Within 2 weeks for FDRP response
Initial Investigation	Complaint Manager	Gather documents, review response, interview witnesses if needed	Within 6 weeks
Resolution Attempt	Complaint Manager	Work with parties to reach resolution, update both parties	Up to 2 months
Escalation	Complaint Manager → Complaints Committee	Escalate serious/complex/repeated matters with document pack	As required, within 2 weeks of escalation
Committee Deliberation	Complaints Committee Panel	Review evidence, deliberate, finalise findings	Within 6 weeks of escalation
Board Review	Board	Review recommendations, determine final outcome and disciplinary actions	Within 4 months total (exceptional circumstances allowed)
Outcome Notification	Complaint Manager	Notify FDRP and complainant of decision	Within 10 working days of decision
AGD Notification	Complaint Manager	Notify AGD if practitioner unsuitable, ongoing issues, or training/supervision required	As required

Appendix B: Complaints Procedure Flowchart

