

The Pilot Vocational Training Program Dispute Resolution Service: Practice Principles and Operating Guidelines

These Practice Principles and Operating Guidelines for the RANZCO Pilot Vocational Training Program (VTP) Dispute Resolution Service outline the purpose and scope of service and step out how it will operate. They have been drafted in alignment with the performance standards of the RANZCO VTP Mediator Service Provider Description and by benchmarking best practice within similar Australian and Asia-Pacific-based services operating within the performance standards and code of ethics of the International Ombuds Association (IOA).

These guidelines are intended for all who are involved in the Australian Networks of the VTP in any capacity to assist them in understanding how the service will operate and how they can access the service.

In September 2023 RANZCO received funding from the Commonwealth of Australia to establish a pilot dispute resolution service to address non-clinical issues or concerns related to the VTP. As such, the pilot service will be available in the Australian Networks of the VTP and will operate from January 2024 until 31 December 2025. Through an expression of interest process, RANZCO appointed an external contractor to facilitate the service commencing from September 2023. The facilitator's title is Vocational Training Program Mediator (VTPM).

The VTP Mediator is a **free, voluntary, informal, independent, neutral and confidential** resource for all who are involved in the Australian Networks of the VTP in any capacity (such as trainees, supervisors, clinical tutors, Network Education Committees, etc, hereafter denoted as AVTP participants) to support them to address their **non-clinical workplace and education issues or concerns**.

It is a safe place to talk where participants will be listened to with respect.

1. PURPOSE

The purpose of the role of the VTPM is to:

- in the first instance, provide an independent avenue of support for AVTP participants to informally address their non-clinical workplace and education issues and concerns, and secondly to support AVTP participants to navigate formal complaints and dispute resolution processes if such becomes necessary
- provide RANZCO with aggregated and de-identified information about the use of the service, systemic issues, and opportunities for improvement, with the aim of supporting RANZCO's mission to provide a safe, fair, positive and respectful VTP.
- support the work of RANZCO to prevent, respond to and better manage inappropriate workplace behaviours, including bullying, harassment, sexual harassment and discrimination within the VTP.

2. SCOPE OF SERVICES

The VTPM is accountable to RANZCO for the quality of service delivery and to facilitate monitoring of service quality, provides regular deidentified reports and data to the Head of Education.

2.1 For AVTP participants:

The VTPM is a confidential and informal avenue of support in making informed choices regarding concerns and options for non-clinical workplace and education issues or concerns. This may include:

- providing an independent and confidential avenue to clarify concerns;
- providing information about options available to address concerns, including self-management;
- providing access to relevant information, resources and tools;
- supporting the learning of new ways to address issues and concerns, including having difficult conversations;
- providing information about navigating existing internal and external complaints processes and pathways;
- with the agreement of all parties, including the VTPM, facilitating informal conversations between AVTP participants, independently and neutrally.

The VTPM complements, although does not replace the function of, the human resources department, employee relations, health wellbeing and safety, the employee assistance program, unions or other channels of support and complaint available to AVTP participants.

Further information about the services which the VTPM can and cannot provide is included below.

2.2 For RANZCO:

The VTPM will provide reports to RANZCO identifying systemic workplace issues or trends that may present opportunities to improve policies and procedures, complaints management processes, or the workplace environment and culture.

The VTPM may also contribute to the development of preventative, intervention or mitigation strategies and may develop informational, promotional, training or administrative material about the VTP Dispute Resolution Service.

The VTPM does not replace internal or external processes for dealing with complaints and other employment issues.

3. CODE OF ETHICS

The VTPM commits to conduct which conforms to the [IOA Code of Ethics](#):

- acting with honesty and integrity;
- fostering respect for all they serve;
- promoting procedural fairness;
- promoting individual empowerment, self-determination and collaborative problem-solving;
- acting consistently with the guiding principles of independence, neutrality, confidentiality and informality (explained further below).

4. GUIDING PRINCIPLES

The VTPM adheres to the following four guiding principles: Independence; Neutrality; Confidentiality and Informality.

4.1 Independence

The VTPM is independent of RANZCO management and of the management structures of any of the health services employing AVTP participants. As such, the VTPM **does not**:

- take part in formal processes or compliance functions of RANZCO or any health services;
- receive complaints on behalf of RANZCO or the relevant health services;
- undertake investigations of, or make findings relating to, complaints or allegations.

This means that, if an AVTP participant wants to notify RANZCO or the health service of an issue, make a complaint or assert or preserve their rights, they will need to follow the processes prescribed in relevant policies, agreements and legislation that apply at RANZCO or the employing health service.

The VTPM can, however, help to identify and navigate the avenues that may be available to raise an issue formally with RANZCO or the employing health service.

The VTPM holds no other role within RANZCO or the health service that might compromise their independence.

Within the scope of the role, and subject to any mandatory reporting obligations, the VTPM exercises discretion over whether and how to provide support to individuals or report systemic issues.

4.2 Neutrality

The VTPM plays a neutral role and does not take sides in any issue, conflict, or dispute. This neutrality includes situations where the VTPM only meets with one party. The VTPM considers, with neutrality, the interests and concerns of all parties, with the aim being to support AVTP participants to explore options that are fair, equitable and consistent with the law and the values and behaviours expected AVTP participants.

As a neutral facilitator, the VTPM **does not**:

- provide legal advice, legal representation or investigation, and
- does not advocate on behalf of any AVTP participant with RANZCO or any employing health service.

The VTPM avoids involvement in matters which may present a conflict of interest. Should such a situation arise, the VTPM will take appropriate steps to manage any conflict of interest.

4.3 Confidentiality

Accessing the VTPM will occur via a dedicated, secure and confidential email and phone service that operates independently of RANZCO and any employing health services. Nobody at RANZCO or the employing health service will be aware, or informed, that contact with the VTPM has been made.

Subject to the limited exceptions set out below, communications with the VTPM are always strictly confidential. At the commencement of the service the VTPM will inform each individual in attendance of the matters that are exempt from confidentiality.

An individual attending the service may give their voluntary consent to the VTPM for certain matters to be disclosed to other parties if they so desire.

In all other cases, the VTPM will only disclose matters raised with them in circumstances where:

- there is a serious risk to an individual's health and safety; or
- the VTPM is obliged or authorised by law to notify external parties, such as law enforcement agencies, emergency services and other regulatory bodies (for example, because of mandatory reporting obligations).

The VTPM will exercise their professional judgment and take the safety of all concerned (including their own) into consideration when assessing whether they inform the individual that information will be disclosed. The VTPM will exercise discretion about if, when, how and to whom information will be disclosed (subject to any mandatory reporting obligations).

The VTPM records only the minimum amount of information necessary to function effectively in fulfilling the purpose of the service and to enable high level analysis and reporting on issues and trends in a way that, to the extent possible, safeguards the identity of any users of the service. Records are stored in a secure environment.

4.4 Informality

The VTPM operates informally by listening, providing and receiving information, identifying and reframing issues, helping the AVTP participant to develop and explore a range of options that may be available to them, including having difficult conversations, and learning new ways to address issues and concerns themselves.

Accessing the VTPM is voluntary and no one is required to visit the VTPM as a step in any grievance procedure or other resolution process.

In keeping with the principle of informality, the VTPM **does not**:

- receive complaints, conduct investigations, adjudicate, arbitrate or appear as witness in any administrative or legal proceedings, except when legally required to do so;

- undertake, or participate in, performance management or dismissal processes;
- become involved in any formal process already commenced;
- have power to make, change or set aside management decisions or policy of RANZCO or an employing health service.

5. AUTHORITY OF THE VTP MEDIATOR AND LIMITS TO AUTHORITY

5.1 Authority of The VTP Mediator

a. Access to relevant information

The VTPM may request relevant information from RANZCO or the employing health service. Such requests may be made for understanding issues or relevant context, to support participants to navigate the options available to them, and to support systemic reporting to senior management. When making a request for information informally, the VTPM will maintain confidentiality.

b. Discussions with enquirers

The VTPM has the authority to provide support to AVTP participants by listening, helping to clarify concerns, providing access to information, discussing options (including internal and external pathways), providing support to navigate pathways to meet their needs, and supporting them to learn new ways to address issues and concerns themselves, including having difficult conversations.

The VTPM can neutrally and informally facilitate discussions between AVTP participants, with their agreement, although cannot adjudicate matters and cannot make binding decisions.

c. Ending involvement in matters

The VTPM may exercise discretion to withdraw from or decline to see an individual if involvement would, for any reason, be determined as inappropriate by the VTP. Reasons for withdrawal could include, although are not limited to, if the VTPM forms the view that providing assistance would be improper, constitute a conflict of interest, be a misuse of their role, or otherwise be inconsistent with these Operating Principles. In such instances, the VTPM will explain the reason to individual and refer them to alternative avenues of support which are available to them.

d. Reporting to RANZCO

The VTPM will provide reports to RANZCO identifying specific problems, or wider systemic workplace issues or trends that may present opportunities for health services to improve policies and procedures, complaints management processes, or the workplace environment and culture.

The VTPM has no authority to impose remedies or sanctions, or to enforce or change any policy, business rule or procedure.

The VTPM will provide half-yearly reports to RANZCO which will include de-identified data indicating the types of concerns raised by enquirers, the support provided by the VTPM, and any systemic issues identified (if applicable).

e. Access to legal counsel

The VTPM can access legal advice independently of RANZCO, for example in the event of being asked to disclose information or provide evidence in legal proceedings or another formal process arising from activities of the VTPM.

5.2 Limits to Authority of The VTPM

a. No involvement in formal processes

Contacting the VTPM does not initiate a formal process within RANZCO or the employing health service. The VTPM does not receive complaints on behalf of RANZCO or the employing health service. This includes circumstances in which allegations are made that may be perceived as breaches of laws, regulations or policies (e.g. discrimination or bullying).

As indicated above, where a AVTP participant wishes to initiate a formal process (e.g. lodge a formal complaint), they will need to follow the processes prescribed by relevant agreements, policies, procedures and legislation that apply at RANZCO or the employing health service. For this purpose, the VTPM will refer them to the appropriate officer at RANZCO or the employing health service, or other relevant external pathway, depending on the nature of the concern.

The VTPM is not able to receive protected disclosures (whistleblowing). For this purpose, the VTPM will refer the enquirer to the appropriate officer at RANZCO or the employing health service.

b. No formal processes and investigations

The VTPM does not conduct investigations of any kind. The VTPM also does not participate in any formal dispute processes on behalf of any person or organisation.

c. No advocacy for individuals or organisations

The VTPM does not advocate for any party or anyone who may contact them.

6. RECORD-KEEPING AND NON-IDENTIFIABLE REPORTING

The VTPM records only the minimum amount of information necessary to manage individual cases, and to enable high-level, non-identifying analysis and reporting on issues and trends. Records created by the VTPM do not become part of official personnel files. The records are stored, physically and/or electronically, in a secure environment.

7. CONTINUITY OF SERVICES DURING INDEPENDENT FACILITATOR'S ABSENCE

In the event of absence due to leave, professional development activity or any unforeseen circumstances, the VTPM will advise RANZCO through the appropriate channels. If a delegate is engaged to provide coverage of the service during this time, the delegate will also be bound by the VTPM principles of practice.

8. HOW THE VTPM OPERATES

a. Hours of business

The VTPM works Monday to Friday, generally 'by appointment' between the hours of 9am – 5pm, although can work flexibly by arrangement. On reasonable notice, the VTPM is available to meet with individuals outside these hours should circumstances require this. A standard business hours appointment is 60 minutes and an afterhours appointment is 45 minutes. Missed appointments and those cancelled or postponed within one business day, will be considered as a service delivery.

b. Responding to inquiries

The VTPM makes all reasonable effort to respond to inquiries and requests within one business day of initial contact.

c. Security and confidentiality

Access to the VTPM's voicemail, email and computer files are password protected.

d. Calendar entries

To protect confidentiality, no person employed at RANZCO or VTP employing health service has access to, or visibility of, the VTPM's electronic calendar.

e. Records of contact

The VTPM makes a record of each contact with AVTP participants. Records include non-identifying data about participants for high level analysis and reporting purposes. These records will be retained until December 2027 (being two years after the completion of the pilot program) and include:

- Date and case number
- Demographic data including: gender, VTP role type, health service, employee group, if provided
- Method of contact or referral
- Nature of concern (based on [the International Ombudsman Association reporting categories](#))
- Amount of time engaged with enquirers
- Outcome of contact
- Analysis, follow-up actions or recommendations.

If the VTPM intends to disclose information in accordance with one of the exceptions to confidentiality listed above, the VTPM may need to collect more information to manage a serious risk to a person's health and safety or comply with mandatory reporting obligations.

f. Electronic information provided by enquirers

Recorded incoming messages will be deleted as soon as they have been accessed from the voicemail system.

Emails that contain information about concerns, along with any attachments, are kept in a secure email folder. Note: the use of email in communicating with the VTPM regarding sensitive or confidential matters is generally discouraged.

Other electronic data received by the VTPM, including text messages, notes and calendar entries, are handled in a similar way to voicemail messages and email.

g. Administrative records (non-case-related)

The VTPM maintains their own administrative records including those relating to the VTPM resources, training and presentations and internal marketing.

h. Service user surveys

Individuals that contact the VTPM are encouraged to respond to a short, anonymous and confidential survey about their use and experience of the service. Surveys will be sent on a quarterly basis and participation is strongly encouraged to inform and improve services provided by the VTPM, and to provide guidance for future service development.

9. PARTICIPANT PROTOCOLS

a. Meetings with The VTPM

The VTPM can meet with AVTP participants by videoconferencing using Zoom or by telephone. As AVTP participants can be located anywhere within Australia and there is only one VTPM, in person consultations will not be possible.

b. Verbal consent

At the start of each meeting and before discussing the enquirer's concerns, the VTPM will ensure the enquirer understands and provides verbal consent using the Service Information Sheet before proceeding.

The VTPM shall disclose as early as possible any actual or potential conflict of interest that may arise.

c. Audio recording

The VTPM does not audio-record or video-record meetings or conversations and does not consent to be recorded in any format by anyone.

d. Interpretation services and support of culturally and linguistically participants

If the AVTP participant needs the assistance of an interpreter, they can bring one to the meeting (including a friend or family member). The VTPM can also arrange an interpreter. The VTPM will ask the interpreter to agree to confidentiality of all matters discussed in the meeting.

e. Accessibility

The AVTP participant should inform the VTPM if they have any specific needs to enable the VTPM to make appropriate arrangements, so they can access the service.

f. Support persons

The AVTP participant can bring a support person to a meeting with the VTPM if they wish. The VTPM will ask the support person to agree to confidentiality of all matters discussed in the meeting.

g. Anonymity

Participants may choose not to provide their name to the VTPM. Although the VTPM will request the name of the health service at which they work. This information will assist the VTPM to explore the options available to the participant.

If the VTPM intends to disclose information in accordance with one of the exceptions to confidentiality outlined in section 4.3, the VTPM may need to disclose information that may identify the enquirer.

h. Meeting with the VTPM

Starting the conversation: At the start of the initial meeting and before discussing the participant's concerns, the VTPM will explain the scope of the role, and limits to confidentiality, and ask participants to verbally confirm they understand and are happy to proceed.

Listening: The VTPM will ask why the participant has come and will discuss their concerns. The VTPM will listen carefully and help clarify concerns by identifying and reframing issues.

Providing information: The VTPM can also give information about the options available and how to use them, including referring to existing policies and procedures and providing referrals to, or contact details of, external regulatory bodies and agencies. The VTPM will also provide information about other avenues for support.

Navigating existing informal and formal pathways: The VTPM will talk about the informal and formal processes that are available to assist individuals to help resolve their concern (e.g. talking with a colleague or using formal grievance or complaints process). The VTPM takes an informal and neutral coaching approach to assist the exploration of concerns and to explore available options. This may include support to learn new ways to address concerns themselves, such as preparing for, or participating in, difficult conversations.

Follow-up contact: Sometimes one appointment with the VTPM may be all that is required or desired. However, participants can choose to contact the VTPM more than once, while deciding how to address their concerns. This could be to continue to address an issue or to raise a new concern. Further contact with the VTPM and AVTP participant may be agreed during the initial meeting or anytime afterward. Any follow-up contact by the VTPM is conducted as discreetly as possible.

i. Complaints (and compliments) about the VTPM

Based upon the principle of lowest-level resolution, complaints about the VTPM should be made directly to the VTPM in the first instance. If the matter is not able to be resolved directly, then the VTPM will provide details of their registered complaints handling service for an independent review.

If the complainant wishes to remain anonymous, they may submit their concerns via the post-service user survey on the understanding that anonymity will likely mean that a direct response or remedy will not be possible. Anonymous complaints may instead be utilised to inform and improve services in a more generalised approach.

Compliments, and constructive feedback, are very welcome as they can inform and improve services provided by the VTPM and will provide guidance for future service development.