



Managing Complaints and Grievances Policy

EFFECTIVE DATE: July 2019

ISSUED BY: CLAC Executive

AUTHORISED BY: Holger Phillip

Contents

1. **Overview**
 2. **Scope**
 3. **Principles**
 - 3.1. Procedural Fairness
 - 3.2. Support
 - 3.3. Timing
 - 3.4. Shared understanding
 - 3.5. Confidentiality
 - 3.6. All cases on their merits
 - 3.7. Records
 4. **Definitions**
 5. **Roles and Responsibilities**
 6. **Conduct and Behaviour Discussions**
 7. **Formal Disciplinary process**
 8. **Further Information**
 5. **Miscellaneous**
-



1. Overview

It is acknowledged that from time to time, members will have concerns about the behaviour, or decisions taken by others. Normally, these matters will be resolved directly or locally by members discussing these matters in an open, candid and constructive manner.

The purpose of these procedures is to provide guidance when raising, investigating and resolving complaints and grievances.

CLAC supports and is committed to the equitable and timely resolution of grievances. This procedure exists to safeguard rights, to ensure a positive relationship between all and to promote job satisfaction.

All members are encouraged to raise any concerns, problems or complaints with a committee member to ensure that the committee is made aware of their concerns and is given an opportunity to take corrective action.

2. Principles

The following principles must be adhered to in managing complaints or grievances:

Confidentiality - all matters must be treated confidentiality. It is important that all participants (including witnesses) maintain confidentiality. Participants may discuss the complaint or grievance in the course of seeking advice or support but those parties acting as the support person are requested to also maintain confidentiality.

Impartiality – where a complaint or grievance has been raised, it will be treated seriously. In some circumstances it will be necessary to investigate a grievance in a confidential and impartial manner. This may mean that you, the person or person complained about, and any witnesses will be interviewed. No findings will be made in relation to the complaints or grievances until the investigation is complete.

Sensitivity - All parties to a complaint will be treated fairly and afforded due process. All people handling the grievance must be sensitive to the needs of those directly involved, and also to others who may be indirectly affected by the grievance.

Timeliness - Each grievance will be dealt within a short a time as possible in the circumstances whilst giving regard to thoroughness.

3. Early Resolution Process

The underlying premise of this procedure is that in most cases it is more effective and relevant to clarify and resolve grievances as close the source as possible.

Managers and team leaders' general responsibilities include identifying, preventing and responding to inappropriate situations so as to create a healthy environment. CLAC may choose not to investigate a grievance or complaint if it is considered vexatious, frivolous, misconceived, lacking in substance or that another policy or procedure should be pursued.

Where a member brings an issue to the notice of the Committee even if not lodging a formal grievance, the Committee should clarify the issue and follow up to resolve the matter effectively.

Committee members are to be aware of potential inequalities arising from positional power, cultural and gender sensitivities and their overall need to maintain confidentiality and discretion in resolving grievances.

It is anticipated that effective local action focussed around conciliation will prevent the need for more formal processes to resolve grievances. It is acknowledged that in some cases the lack of effective conciliation may itself be the prompt for a formal review rather than the original grievance and this circumstance should be avoided.



4. Compliant or Grievance Resolution Options (Procedure)

Option 1 – Talk to the person responsible

If it is possible, talk to the people responsible; if you are able to discuss the issue with the person, you could follow these points:

- Choose a quiet confidential space
- Give the person some pre-warning about what you want to talk about, so they are not taken by surprise at the meeting and become defensive
- State what you want to achieve from the meeting – for example - 'I'd like to discuss how we communicate with each other'
- Try to stay calm and remain professional
- If the other person becomes aggressive thank them for their time and end the meeting
- Tell them their behaviour is having an impact on you
- Talk about what outcome you want rather than allocating blame

Option 2 – Talk to Executive committee member

If you are not comfortable with speaking with the person responsible, it is recommended that you speak with a Committee member. This person may be able to provide assistance so that you can approach the person responsible or on your behalf have a conversation with the alleged respondent.

Matters that are considered to be serious misconduct such as reports of discrimination, harassment and bullying will be treated seriously and investigated promptly, confidentiality and impartially.

Option 3 – Lodge a complaint

If the person does not stop the unwelcoming conduct or behaviour towards you after you have asked them to stop doing so (or if you are uncomfortable raising the issue with the person directly), you may lodge an informal or formal complaint.

An **informal** complaint typically may not require a full investigation into the circumstances of your complaint and could include someone discreetly approaching the person in order to discuss your concerns and seek to prevent the behaviour or conduct from continuing. You should be aware that if the matter is serious, a decision may be required to act on your complaint even if this is not requested for this to occur.

A **formal** complaint will usually require you to set out your complaint in detail in writing. Complaints may be made to:

- By email to cranbourne@lavic.com.au or;
- By post to the Centre's address published on the contact page of the Centre's website.

The formal complaint should include the name and contact details of the person lodging the complaint, the specifics relating to the complaint or grievance and any evidence or other supporting information or comments. The Executive Committee will decide whether to investigate a complaint. Not all complaints are appropriate for investigation.



5. Conducting an Investigation

The main objective of any investigation is to find out what happened, who was involved and whether it has happened before. Investigation principles include:

- **Non victimisation of person who reports** - it is important to ensure that anyone who raises an issue of discrimination, harassment, bullying has the allegations taken seriously and is not victimised for coming forward.
- **Support for both parties** - a range of support systems may be made available as necessary to the complainant. The person who has allegations made against them should also be informed of opportunities for support
- **Neutrality** - the person in charge of the investigation to maintain neutrality and impartiality towards all parties throughout the investigation process.
- **Communication of process** – All parties need to be informed of the process, how long it will take, and what they can expect from the process
- **Confidentiality** - The investigation will be conducted in a confidential manner
- **Documentation** - The investigation will be documented
- **Findings** - The finding will be based on the current case only and not on the respondent's track record

6. Natural Justice

The principles of natural justice will be followed in all formal investigations to protect all parties. The person who is alleged to have committed the behaviour or misconduct should be treated as innocent unless the allegations are proved to be true.

- All allegations need to be put in full to the person who is alleged to have committed the behaviour or misconduct.
- The person alleged to have committed the behaviour or misconduct must be given a chance to explain his or her version of events.

7. After the investigation

Following the completion of the investigation, the investigating officer will put their report and recommendations to the rest of the Executive Committee, for consideration. The Executive committee will then determine whether the complaint can be substantiated.

8. Where the allegation is substantiated (proven)

Where allegations can be substantiated, the person at fault will be asked to discuss the misconduct. After this interview, the investigator and relevant member should meet to discuss the recommended strategy for resolution. Any disciplinary action that is to be taken needs to commensurate with the seriousness of the matter. Mitigating factors will be taken into account when assessing what form of discipline will be implemented. Any disciplinary action must conform to our Managing Conduct and Performance Policy.

The complainant will be notified of the outcome and informed of the options or process to resolve the issue. The person or persons who have been affected by the behaviour need to be satisfied that their concerns have been dealt with appropriately. An Executive Committee member will liaise with the person and as necessary discuss the matter with the complainant in order to resolve the situation.

9. Where the allegation is not substantiated (not proven)

A complaint may not be substantiated because of lack of evidence or witness. However, there may still be a problem. Options in these circumstances include;

- Providing further opportunities for the complainant to seek support
- Assessing if there is a need for specific training in that work section such as verbal tactics, aggression management, and communication skills
- Closely monitoring the situation for a period of time

10. Vexatious complaints



If the complaint is not substantiated, the member who made the complaint will not be penalised or disadvantaged as a result of raising concerns if these were raised in good faith, however disciplinary action may be taken against anyone found to be making a false, dishonest or vexatious allegation or accusation against another member.

11. Notification of investigation findings

Irrespective of the findings of an investigation, the decision will be communicated to the relevant parties.

12. Further information

For further information or advice regarding this policy, please contact an Executive Committee member representative.

13. Miscellaneous

CLAC may amend any of its policies at any time at its absolute discretion. These policies will be updated and available on the relevant sites. Members must ensure that they regularly familiarise themselves with any changes to policies from time to time.